

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**January 22, 2024**

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The Clewiston City Commission held its Regular Commission meeting in the City Hall Commission Chambers Monday, January 22, 2024. The meeting was called to order at 5:00 p.m. by Mayor James Pittman. Mayor Pittman gave the invocation and the audience joined in reciting the Pledge of Allegiance.

**Commissioners Present:** Mayor James Pittman, Vice Mayor Greg Thompson, Commissioner Barbara Edmonds, Commissioner Mali Gardner and Commissioner Hillary Hyslope.

**Personnel Present:** City Manager Randy Martin, Finance Director Shari Howell, Police Chief Thomas Lewis, Director of Operations Danny Williams, IT Administrator Justin Lucas and Consulting Engineer David Trouteaud. City Attorney Dylan Brandenburg attended via telephone.

**Visitors Present:** Stephanie Busin, Nannette Badger, Jerry Cochrane, Gloria Rosen, Jeff Reuber and Paula Loeb.

**Additions/Deletions/Changes and Approval of the Agenda** – There were no additions/deletions or changes to the agenda.

**Public Comments** – Ms. Stephanie Busin of 429 Royal Palm expressed her concern about her neighbor's dog. She described incidents she has had with the dog in her yard and her conversations with Police Chief Lewis and the City's animal control officer. She wants the dog to be deemed dangerous and feels three sworn statements attesting to that is sufficient per the City's ordinance. Based on her public records request, she believed some of the evidence was not given to the City Attorney for the investigation. She agreed to email the packet with all information to the commission. Chief Lewis stated that if Ms. Busin will include him on any additional information or what she feels is inaccurate, he will put it together with everything that was already sent to the city attorney and send it all to him and ask him to review it again. He then explained how the department has to look at the specific criteria; it is not their personal feeling of what is aggressive or dangerous. In order for them to take away someone's property, that burden of proof has to be met. Commissioner Gardner stated that she hoped the information would be reviewed again because we do not want to see someone shoot the dog as Ms. Busin was told she had the right to do to protect herself or her family. Chief Lewis clarified that what was conveyed to Ms. Busin is that if you have to protect yourself from a dog that is attacking you or your family, you can take whatever means necessary to protect your wellbeing. Commissioner Hyslope added that the people we hire should do their job. Chief Lewis reiterated that a legal burden has to be met in order to take someone's property. Commissioner Hyslope asked that this case be looked at closely and reminded the Commission about the child that was attacked on Christmas Day and did not survive. Commissioner Gardner stated that we need to make sure Attorney Brandenburg receives everything because she does not want the City liable for not making the right decision.

Nannette Badger, who advised that she lives across the street from Ms. Busin, stated the same dog chased her son on his bike and he is now terrified to leave the house. She also stated that she has a video of the dog chasing her into the house and described an incident where someone walked the dog on a leash into her yard and the dog was growling, barking and lunging at her. Mayor Pittman stated that the Commission takes this very serious. He further commented that the matter will be further investigated again.

**1. Consent Agenda**

- A. *City Commission Workshop Minutes – June 19, 2023*
- B. *City Commission Meeting Minutes – December 18, 2023*
- C. *Event Application – Hendry County Fair – February 7-11, 2024*
- D. *Event Application – HRMC Health Fair – February 10, 2024*
- E. *Resolution No. 2024-004 – approves purchase of materials from Lakeside Equipment Corporation for emergency repair at Wastewater Treatment Plant*
- F. *Resolution No. 2024-005 – approves purchase of pipe cleaning jetter from Texas Underground*
- G. *Resolution No. 2024-006 – Declaration of Unit No. 35 as surplus*

**Commissioner Hyslope made a motion, seconded by Commissioner Gardner, to approve the Consent Agenda. Vote 5 yeas, 0 nays**

**ANNUAL SECURIAN PENSION PLAN UPDATE (October 1, 2022 – September 30, 2023)** – Gloria Rosen, Pension Advisor; Jeff Reuber, Managed Assets Investment Manager; and Paula Loeb, Senior Relationship Manager – Ms. Rosen reviewed the 10 year retirement plan activity from August 21, 2013 to September 30, 2023 and noted the investment gain was \$10,969,768.14 as of September 30, 2023 and \$13,988,360 as of January 18, 2024. She stated the recommended contribution was \$109,120 compared to \$61,911 last year. Jeff Reuber then commented on how they stayed the course and were able to rebound from the 2022 market conditions and have a nice return. He stated that during their tenure, they have managed the pension plan pretty well in terms of the investment gain and will continue to make changes as needed to strategies if things come up. Next, Paula Loeb commented on the change from Securian as the provider to provision of these services by The Standard. She stated that the plan will formally transition from the Securian website and platform over to The Standard over a weekend in May. She further stated that the team, investments and fees are not changing. Impacted city employees will start receiving communications about the transition in April and will need to register on The Standard website beginning May 20, 2024. Members of the Commission and Manager Martin thanked Ms. Rosen, Mr. Reuber and Ms. Loeb for the presentation.

## **ORDINANCES**

2. **Ordinance No. 2024-01 – First Reading** – Ordinance No. 2024-01 amends the Clewiston Code of Ordinances, Chapter 62, Streets, Sidewalks, and Certain Public Places, creating Article IV - Public Parks.

Mayor Pittman read Ordinance No. 2024-01 by title and asked for comments. No public comments were made.

**Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to approve Ordinance No. 2024-02 on first reading and set the public hearing for February 19, 2024. Commissioner Gardner amended her original motion and Commissioner Hyslope amended her original second, to approve Ordinance No. 2024-01 on first reading and set the public hearing for February 19, 2024. Vote 5 yeas, 0 nays.**

3. **Ordinance No. 2024-02 – First Reading** – Ordinance No. 2024-02 amends the Clewiston Code of Ordinances, Chapter 62, Streets, Sidewalks, and Certain Public Places, creating Article V – Trespassing.

Mayor Pittman read Ordinance No. 2024-02 by title and asked for comments. No public comments were made.

**Commissioner Edmonds made a motion, seconded by Vice Mayor Thompson, to approve Ordinance No. 2024-02 on first reading and set the public hearing for February 19, 2024. Vote 5 yeas, 0 nays**

4. **Ordinance No. 2024-03 – First Reading** – Ordinance No. 2024-03 amends the Clewiston Code of Ordinances, § 50-7, Storage on Private Property.

Mayor Pittman read Ordinance No. 2024-03 by title and asked for comments. He stated that this ordinance will remove the requirement that a recreational vehicle now has to be stored 60 feet from the front property line and 10 feet from all other property lines and will allow RVs to be placed anywhere on the property as long as they are not over the front property line. Mr. Jerry Cochrane, 219 Ridgewood Avenue, expressed his disappointment in the commission for considering this ordinance after the workshop discussions on this matter. He feels it is unsightly for them to be parked in the front or on the driveway. Commissioner Gardner stated this ordinance will also require the display of the current vehicle registration sticker and tag to make it easier for the code enforcement officer to make sure that it is a registered vehicle. Commissioner Edmonds stated that she too thinks it is frustrating that people will be able to park their RVs all over their property. Commissioner Hyslope acknowledged that there are so few that if we left the code there we should be able to enforce

it. The problem for her is that we do not treat them the same as all recreational vessels such as boats and other things. Not everyone has back yard or side yard space to get those things to the back yard. She understands that Mr. Cochrane is frustrated but he has come to previous meetings related to his concerns and said that if the City is not going to enforce the ordinance, take it off the books. Commissioner Gardner stated that she feels it would be an undue burden to the residents to have to store their RVs or other things on other property. She said it is not perfect to change it but if issues come up, the City will have to reassess it. She agreed with Commissioner Hyslope that we should treat all recreational units and similar property items the same. Mayor Pittman stated that they discussed other options and it may be that they need to look at the size of the RV. He suggested the P&Z Board also take a look at these regulations to get some other ideas and opinions.

**Commissioner Hyslope made a motion, seconded by Commissioner Gardner, to approve Ordinance No. 2024-03 on first reading and set the public hearing for February 19, 2024. Vote 4 yeas, 1 nay (Vice Mayor Thompson voted nay.)**

## **RESOLUTIONS**

5. **Resolution No. 2024-007** – Resolution No. 2024-007 approves the Modification to Subgrant Agreement (Contract No. H0878, Project Number 4337-004-Pag), between the State of Florida, Division of Emergency Management and the City of Clewiston, reinstating and extending the terms of the agreement for the Phase 2 FDEM Watershed Planning Grant Project.

Mayor Pittman read Resolution No. 2024-007 by title. Manager Martin stated that this modification allows more time for the FAU graduate students to complete the grant study.

**Commissioner Gardner made a motion, seconded by Vice Mayor Thompson, to approve Resolution No. 2024-007. Vote 5 yeas, 0 nays**

6. **Resolution No. 2024-008** – Resolution No. 2024-008 approves the agreement for the emergency repair of the San Pedro culvert crossing between the City and Ridgill & Son, Inc. and authorizes the Mayor and City Manager to enter into an agreement with the selected vendor.

Mayor Pittman read Resolution No. 2024-008 by title. Manager Martin explained that because this is an emergency repair, we were not able to follow our typical procurement requirements. This process identified by staff, the engineer and attorney satisfies action of the Commission to award this contract so that we can expedite construction to do the repair. Director Williams reported that they are going to try to acquire future funding, utilizing the results of the watershed planning project, to replace the rest of the culverts needing attention. He is also going to reach out to the trucking companies that are pounding the roads causing damage to the crossings to advise them of the routes allowed for truck access on city streets. Mayor Pittman stated that we need to provide notice that no person shall operate anything over nine tons except for delivery on those certain streets where such use is restricted.

**Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to approve Resolution No. 2024-008. Vote 5 yeas, 0 nays**

Mayor Pittman mentioned that he feels these repairs are partly the responsibility of Clewiston Drainage District as it is their canals and culverts. He stated the drainage district can add to their assessment to help us pay for the repairs. Manager Martin noted that the drainage district's past and current position is that the District does not need the pipe at a crossing. Commissioner Gardner remembered that the drainage district said it was not their responsibility. Mayor Pittman mentioned the drainage district may have grant opportunities. Manager Martin stated that we are going to pursue the grant and will engage the drainage district in the conversation because they have a role in the process. He also stated that with the engineer's help, we are trying to build the crossings back better than they were; the new culverts will utilize aluminum piping as an example. Engineer Trouteaud then commented further on the new design.

**MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

7. **Old Business** – Manager Martin confirmed that he continued to work on the personnel policy manual update next steps. Mayor Pittman suggested possibly setting a schedule to complete the update.
8. **Departmental Monthly Activity Reports** – There were no comments regarding the departmental monthly activity reports.
9. **Comments from City Manager** – There were no comments from Manager Martin.
10. **Comments from City Attorney** – There were no comments from Attorney Brandenburg.
11. **Comments from the City Commission** – Commissioner Gardner, after thinking a little more about the RV ordinance, suggested that staff look at a possible requirement for all recreational units to be 20 to 30 feet from the road. She then asked Manager Martin to find out when the Commission would receive the EDC’s final retail report for Hendry County, Clewiston and LaBelle. She also said she hopes to have continued discussions about the CRA at the next workshop.

In another suggestion, Mayor Pittman commented about considering limiting the number or size of recreational units in the front of the house. He then asked for an update on the Ventura street project. Engineer Trouteaud reported that concepts for the roundabout had been sent to Tetra Tech and they are putting together a change to their contract to design the roundabout. Mayor Pittman then mentioned that according to Fire Chief Reese, the Fire Department is not able to talk to the Police Department. Chief Lewis agreed to follow up on that matter.

Mr. Jerry Cochrane asked for information regarding the pension plan. Manager Martin agreed to request staff get the information for Mr. Cochrane.

It was noted that the next regular commission meeting was scheduled for February 19, 2024 and another workshop was tentatively scheduled for February 26, 2024 at 3:00 p.m.

**Adjournment**

**Commissioner Hyslope made a motion, seconded by Commissioner Gardner, to adjourn the meeting at 6:10 p.m. Vote 5 yeas, 0 nays**

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James Pittman, Mayor

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Mary K. Combass, City Clerk