

January 10, 2013

CITY OF LABELLE
REGULAR COMMISSION MEETING

The City Commission of the City of LaBelle met in Regular Session on Thursday, January 10, 2013. Acting Mayor Lyons called the meeting to order at 7:00 p.m. Finance Director; Ron Zimmerly led the opening prayer, followed by the pledge of allegiance. A roll call was taken. All Commissioners were present.

Commissioner Bone made a motion to approve the consent agenda containing:

- 1.) December 2012 vouchers and paid bills
 - 2.) Minutes from the December 13, 2012 Regular Meeting
- Commissioner Akin seconded the Motion. Motion carried 5-0.**

PUBLIC HEARINGS, RESOLUTIONS, ORDINANCES AND CITIZENS CONCERNS.

1. First Public Hearing on proposed Ordinance No. 2013-01 Flood Hazard. Superintendent Boyle explained the ordinance was necessary to be in compliance with FEMA and the Florida Building Code. The Deputy Clerk read by title proposed ORDINANCE NO. 2013-01 Flood Hazard. AN ORDINANCE BY THE LaBelle City Commission AMENDING THE City of LaBelle CODE OF ORDINANCES TO REPEAL Chapter 7/ SEC7-1 thru 7-40 TO ADOPT A NEW Chapter 7 TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS AND LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE PERTAINING TO THE DESIGN AND CONSTRUCTION OF BUILDINGS AND STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE. As this was a first reading, no further action was necessary.

2. First Public Hearing on Resolution No. 2013-01 Amending Water Utility Rates and Charges. The Deputy Clerk read by title RESOLUTION NO. 2013-01. A RESOLUTION OF THE CITY OF LABELLE, FLORIDA, AMENDING WATER UTILITY RATES AND CHARGES; PROVIDING FOR REPEAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. Superintendent Boyle reminded everyone that the increase was part of the requirements for getting the grant and loan from USDA. There was a brief discussion on the matter with Finance Director, Ron Zimmerly reviewing a water and wastewater monthly bill comparison for surrounding utility providers. Superintendent Boyle discussed it further.

Commissioner Zimmerly made a motion to approve the increased rates on Resolution No. 2013-01. Commissioner Bone seconded the motion. Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

1. Susan Mercedes brought to the Board's attention the matter of the LaBelle Trading Post. She told the Board that her business is on the street behind the Trading Post building, and she sees illegal activity there on a regular basis, activity such as public urination, prostitution, and drugs. She provided many photos of the unsightly condition of the building and asked if it was even safe. She told the Board that she and other business owners in the area routinely have to clean up the garbage left behind by the tenants of that building and asked for some help with this matter. A lengthy discussion took place. Attorney Luckey advised that it could be declared a public nuisance if it met all of the criteria. Chief Nelson of the Hendry County Sheriff's Office provided the Board with statistics on calls made to that location and predicted that calls would increase due to

loitering, open container violations and unwanted patrons. The Board directed Attorney Luckey to investigate further the possibility of declaring a public nuisance.

Acting-Mayor Lyons brought to the Board's attention the Special Magistrate issue. He advised that the process is cumbersome and not effective and put the matter out for discussion. He asked Attorney Luckey if the matter could be returned to the county court system and how this could be resolved. Attorney Luckey advised that the ordinance could be amended to include both options, the Hendry County Court and the Special Magistrate. There was discussion on the matter. Attorney Luckey was directed to work on amending that ordinance.

Under Staff Reports:

Fire Chief, Ray Pittman was not present.

H.S.C.O. – Chief Nelson had no additional report.

City Engineer – AIM Engineering – David Whidden was not present.

City Engineer – ATM Engineering – Tim Taylor reported that the plan was to issue the Notice to Proceed to the contractors on Monday. The permits already issued will need to be transferred to the City once the closing on the property occurs.

City Attorney – Jimmy Luckey reported that the Paul Family has asked that they be given a contribution credit for the portion of property conveyed to the City. Attorney Luckey suggested that it be done in resolution form. The Deputy Clerk read by title RESOLUTION NO. 2013-02 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF LABELLE, FLORIDA, MOMORIALIZING THE CONTRIBUTION OF THE HELM'S ROAD EXTENSION PROPERTY BY: BOB PAUL, INC. BRYAN W. PAUL FAMILY LIMITED LIABILITY LIMITED PARTNERSHIP, THE J.R. PAUL, JR. FAMILY LIMITED PARTNERSHIP, JACK PAUL PROPERTIES AND J.R. PAUL PROPERTIES, INC. **Commissioner Bone made a motion to adopt Resolution No. 2013-02. Commissioner Smith seconded the motion. Motion carried 5-0.**

Superintendent of Public Works, Michael A. Boyle told the Board that a list of code enforcement issues for the prior month was included in their books. He asked the Board to consider having staff send a letter to D.O.T. stating the City's position of support for the P.D.& E. Report. It was discussed briefly. **Commissioner Smith made a motion to accept alternative No. 5 of the report and direct staff to send a letter in support of that option. Commissioner Akin seconded the motion. Motion carried 5-0.**

City Planner – Shellie Johnson had no report

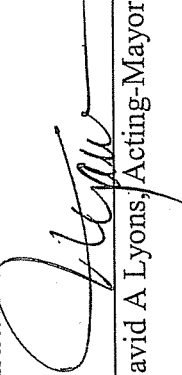
Finance Director, Ron Zimmerly gave an update on the wharf project. It was discussed briefly. He also advised that the Swamp Cabbage Breakfast was to be in house again this year.

Under Business by Commissioners:

Commissioner Zimmerly reported a streetlight out.

As there was no further business, the meeting was adjourned.

APPROVED:


David A Lyons, Acting-Mayor

Attest:


Mary Jo Wilson, Deputy Clerk