

February 14, 2013

CITY OF LABELLE  
REGULAR COMMISSION MEETING

The City Commission of the City of LaBelle met in Regular Session on Thursday, February 14, 2013. Acting Mayor Lyons called the meeting to order at 7:17 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.) January 2013 vouchers and paid bills
- 2.) Minutes from the January 10, 2013 Regular Meeting
- 3.) 2013 Poppies Days Proclamation

**Commissioner Zimmerly seconded the Motion. Motion carried 5-0.**

Acting-Mayor Lyons read the Poppies Days Proclamation and presented it to Linda Teasley of the American Legion Auxiliary Unit 130.

PUBLIC HEARINGS, RESOLUTIONS, ORDINANCES AND CITIZENS CONCERNS.

1. Final 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. **Commissioner Bone made a motion to adopt Ordinance NO. 2013-01. Commissioner Akin seconded the motion. Motion carried 5-0.**
2. Final 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. Faye King, President of the Aqua Isles Homeowners Association addressed the Board. She asked the Board to consider a reasonable monthly minimum rate to be set for seasonal residents using no water, sewer or any other services and that the rate would not be subject to increase. She provided a petition signed by the residents of Aqua Isles. Superintendent Boyle reminded everyone that the increase was part of the requirements for getting the grant and loan from USDA. There was a lengthy discussion on the matter. **Commissioner Smith made a motion to adopt Resolution No. 2013-01. Commissioner Bone seconded the motion. Motion carried 5-0.**
3. First reading on proposed Ordinance No. 2013-02 Nelda Cuellar Annexation. The Deputy Clerk read by title ORDINANCE NO. 2013-02. AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, VOLUNTARILY ANNEXING CERTAIN LANDS LYING CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF LABELLE AS INITIATED BY THE OWNERS OF THE SUBJECT PROPERTY REDEFINING THE BOUNDARY LINES OF THE CITY TO INCLUDE PROPERTY IN PINE CREST SUBDIVISION LOTS 96 TO 98, ALL LYING AND BEING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 29 EAST; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE. As this was a first reading, no further action was necessary.

4. First reading on proposed Ordinance No. 2013-03. The Deputy Clerk read by title proposed ORDINANCE NO. 2013-03. AN ORDINANCE AMENDING THE CITY OF LABELLE, FLORIDA ZONING MAP, FOR PROPERTY IDENTIFIED AS PINE CREST SUBDIVISION LOTS 96 TO 98; COMPRISED OF APPROXIMATELY .42 ACRES IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 29 EAST, CITY OF LABELLE, HENDRY COUNTY, FLORIDA; AMENDING THE ZONING DESIGNATION FROM HENDRY COUNTY DESIGNATION OF COMMERCIAL-1 ZONE TO BUSINESS GENERAL (B-2) ZONE; PROVIDING FOR THE IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. As this was a first reading, no further action was necessary.
5. First reading on proposed Ordinance No. 2013-04. The Deputy Clerk read by title proposed ORDINANCE NO. 2013-04. AN ORDINANCE AMENDING THE CITY OF LABELLE COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR PROPERTY IDENTIFIED AS PINE CREST SUBDIVISION LOTS 96 TO 98; COMPRISED OF APPROXIMATELY .42 ACRES IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 29 EAST, CITY OF LABELLE, HENDRY COUNTY, FLORIDA; AMENDING THE FUTURE LAND USE MAP DESIGNATION FROM A HENDRY COUNTY DESIGNATION OF RESIDENTIAL/HIGH DENSITY TO CITY OF LABELLE DESIGNATION COMMERCIAL; PROVIDING FOR THE IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. As this was a first reading, no further action was necessary.
6. Resolution No. 2013-03 Utility Installation/Relocation Agreement was heard next. The Deputy Clerk read by title proposed RESOLUTION NO. 2013-03. UTILITY INSTALLATION/RELOCATION AGREEMENT HENDRY COUNTY, FLORIDA DEPARTMENT OF TRANSPORTATION. Superintendent Boyle explained the purpose of the resolution and asked the Board to consider adoption. **Commissioner Bone made a motion to adopt Resolution No. 2013-03. Commissioner Akin seconded the motion. Motion carried 5-0.**
7. South LaBelle Village Time Extension was up next. City Planner, Shellie Johnson explained to the Board that the South LaBelle Village P.U.D. falls under the extension that was declared by the Governor in 2012. This allows for the DRI deadline to be extended to May 21, 2027 and is being provided to the City as a courtesy notice.

OLD BUSINESS

NEW BUSINESS

Under Correspondence Requesting Action

1. Invitation from Senator Dwight Bullard to attend his Pre-Session Town Hall Meeting on Monday, February 25, 2013 from 6:00 p.m. to 8:30 p.m., at the Miami Dade College-Wolfson Campus, Miami, Fl. Finance Director, Ron Zimmerly advised that the County was trying to set up a live stream link for the event and would let him know when it was available for the City Commissioners participation.
2. TECO Peoples Gas Franchise Agreement was addressed next. Acting-Mayor Lyons called on Leroy Sullivan, Jr., regional Manager for TECO Peoples Gas. He told the Board that he had submitted a request for a franchise agreement for the use of the City's rights of way to bring natural gas to commercial and residential customers. He advised that he would be glad to answer any questions. There was discussion on the matter with Attorney Luckey expressing his concerns on a couple of issues in the agreement. Hugh Mc Farland, Regional Operations Manager for the company discussed the company's plans to provide natural gas service to the City of LaBelle. There was additional discussion. It was decided that the matter would be revisited at the March meeting.

3. Acting-Mayor Lyons called on Mr. Paul Puletti. Mr. Puletti came representing the Swamp Cabbage Festival Committee and asked the Board to consider closing Park Avenue earlier this year to allow for vendor set up. **Commissioner Smith made a motion to allow for the closing of Park Ave. as necessary the week prior to the Swamp Cabbage Festival. Commissioner Zimmerly seconded the motion. Motion carried 5-0.**

Under Staff Reports:

Fire Chief, Ray Pittman reported an increase in calls recently. All firefighters have now completed the third level of Haz Mat training. He advised that the department will be undergoing some additional training to deal with natural and propane gas fires with the possibility of natural gas lines coming through LaBelle. He announced that with the funeral services for Kelly Timm taking place on Saturday, the LaBelle Fire Department will be closed and calls will be covered by Clewiston during that time.

H.S.C.O. – no one was present. .

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

City Engineer – ATM Engineering – Tim Taylor reported that the culvert was in and the entrance to the water plant site would be opening in about a week. Also coming in the next week would be the tower holding the drill for the deep well injection site. He continued to give the Board an update on all the activity at the construction site. Mr. Taylor told the Board that the 1<sup>st</sup> pay request was being put together and was nearing completion.

City Attorney – Jimmy Luckey presented the Board with a rough draft of an ordinance that would allow for an alternative code enforcement procedure. This would allow for code enforcement issues to go to the Special Magistrate or through the County court system. As no Public Hearing had been advertised, no further action was necessary.

Superintendent of Public Works, Michael A. Boyle told the Board that Gary Hull was the onsite inspector at the new water treatment plant project. He along with Gail Murry and some others have all been approved by USDA and will be doing the onsite inspection.

He asked the Board to consider adopting a resolution that would correct the one previously adopted renaming Gulf Atlantic Ave. to Dr. Martin Luther King, Jr. Street. The street signs and maps all indicate the name to be Dr. Martin Luther King, Jr. Boulevard. The new resolution would make the necessary correction and prevent the changing of all street signs. The Board agreed.

He told the Board that he had gone to the Housing Authority to request permission to put the new City water lines through their unimproved property. The current plans call for the lines to run along S.R. 29. It was recently learned that FDOT has plans to expand along SR 29 and when completed, the City water lines would be under the new road and could create a conflict. However, he told the Board that the change order from the contractor amounted to \$112,696.27 and he would not recommend it. He discussed it further.

He told the Board that there has been some recent interest in property by Aqua Isles for commercial use. The pump station for that area is quite old and needs to be updated. He asked the Board to allow him to pursue grant funding to make the necessary upgrades to that pump station. He estimated the cost in connection with that pursuit to be near \$20,000. **Commissioner Zimmerly made a motion to authorize staff to spend up to \$20,000 in search of grant funds to upgrade the old pump station, and to authorize the Mayor to execute the necessary documents. Commissioner Bone seconded the motion. Motion carried 5-0.**

He asked the Board to consider naming the drive-way entrance road to the new water treatment plant. There was a brief discussion.

City Planner – Shellie Johnson had no report

Finance Director, Ron Zimmerly told the Board that the Wharf Project is out for bids and due by March 5<sup>th</sup>. He also advised that he may have found a bus in the Orland area that could be purchased by the Rec. Board and maintained by the City. It would be used by the Rec. Board for some of their summer projects and for such things as the Big “O” Birding Festival. He told the Board that the City made a \$500.00 donation to the Big “O” Birding Festival last year and asked if they could do the same again. **Commissioner Akin made a motion to make a \$500.00 donation to the Big “O” Birding Festival. Commissioner Bone seconded the motion. Motion carried 5-0.**

Susan Mercedes asked for an update on the trading Post issue. Attorney Lucky advised that steps were being taken to end the problems there. A more detailed report would be coming at the next meeting.

Under Business by Commissioners :

Commissioner Zimmerly asked if the Burn Ban was still in effect. She was advised that yes it was. She told the Board that it was suggested to her that before putting speed bumps on Belmont, why no try posting some speed limit signs. The Board agreed.

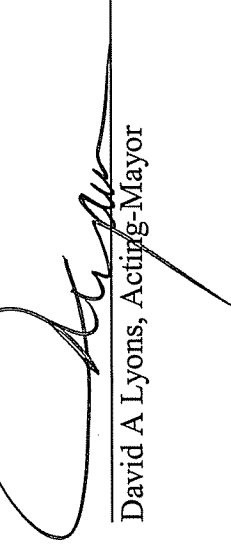
Commissioner Akin asked if the City had received any quotes on sidewalk repairs. He also brought up the poor road conditions in parts of the City. There was discussion on the matter. The issue of some poorly maintained buildings in the City was also discussed.

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

Attest:

  
Mary Jo Wilson, Deputy Clerk

APPROVED:

  
David A Lyons, Acting-Mayor