

March 14, 2013

CITY OF LABELLE
REGULAR COMMISSION MEETING

The City Commission of the City of LaBelle met in Regular Session on Thursday, March 14, 2013. Acting Mayor Lyons called the meeting to order at 7:00 p.m. Reverend Bill Maddox led the opening prayer, followed by the pledge of allegiance. A roll call was taken. All Commissioners were present.

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

- 1.) February 2013 vouchers and paid bills
- 2.) Minutes from the February 14, 2013 L.P.A. and Regular Commission Meeting.

Commissioner Bone seconded the Motion. Motion carried 5-0.

PUBLIC HEARINGS, RESOLUTIONS, ORDINANCES AND CITIZENS CONCERNS.

1. Mr. Kenny Kinny addressed the Board concerning the Pinewood Englewood Terrace area of the City. He told the Board that he had worked with the Code Review Board several years ago when they addressed that area. He recalled the intention was to restrict the replacement of the mobile homes currently there with another mobile home. He discussed how certain upgrades applied to a mobile home could change the status to a modular home. There was discussion on the matter, and he asked the Board to revisit the issue.

2. Final Public Hearing 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. City Planner, Shellie Johnson, addressed the Board and reminded them that the annexation request was heard by the Local Planning agency, who was recommending approval along with Staff. There was a brief discussion. **Commissioner Bone made a motion to adopt Ordinance No. 2013-02. Commissioner Akin seconded the motion. Motion carried 5-0.**

3. Final Public Hearing 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. City Planner, Shellie Johnson told the Board that the Local Planning Agency had heard the request at a February 14th meeting and was recommending approval, as was Staff. **Commissioner Smith made a motion to adopt Ordinance No. 2013-04. Commissioner Bone seconded the motion. Motion carried 5-0.**

4. Final Public Hearing 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, FLORIDA; AMENDING THE 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. City Planner, Shellie Johnson advised the Board that the Local Planning Agency had heard the request and was recommending approval, along with Staff. **Commissioner Akin made a motion to adopt Ordinance No. 2013-03. Commissioner Zimmerman seconded the motion. Motion carried 5-0.**

5. First reading on proposed Ordinance No. 2013- 05. The Deputy Clerk read by title proposed Ordinance No. 2013-05. AN ORDINANCE OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF LABELLE, FLORIDA; AMENDING PART II OF THE LABELLE CODE OF ORDINANCES CHAPTER 2 ADMINISTRATION ARTICLE I. IN GENERAL SECTION 2-1, CITATION PROCEDURES AND ALTERNATIVE CODE ENFORCEMENT PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. Attorney Luckey discussed this matter. As it was a first reading, no further action was necessary.

6. The Deputy Clerk read by title proposed Resolution No. 2013-04 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LABELLE, HENDRY COUNTY FLORIDA, CHANGING THE NAME OF DR. MARTIN LUTHER KING, JR. STREET TO DR. MARTIN LUTHER KING, JR. BOULEVARD, PROVIDING FOR AN EFFECTIVE DATE. Superintendent Boyle explained the need for the resolution. **Commissioner Bone made a motion to adopt Resolution No. 2013-04. Commissioner Akin seconded the motion. Motion carried 5-0.**

7. The Deputy Clerk read by title proposed Resolution No. 2013-05 A RESOLUTION OF THE CITY OF LABELLE, FLORIDA, RELATING TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, RURAL BUSINESS ENTERPRISE GRANT PROGRAM; AUTHORIZING THE APPLICATION; AUTHORIZING THE AMOUNT; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES AND PROVIDING FOR AN EFFECTIVE DATE. Superintendent Boyle discussed the matter briefly. **Commissioner Bone made a motion to adopt Resolution No. 2013-05. Commissioner Zimmerman seconded the motion. Motion carried 5-0.**

8. The Deputy Clerk read by title proposed Resolution No. 2013-06 A RESOLUTION OF THE CITY OF LABELLE, FLORIDA, RELATING TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, RURAL BUSINESS ENTERPRISE GRANT PROGRAM; PROVIDING ASSURANCES RELATED TO JOBS AND EMPLOYMENT; PROVIDING ASSURANCES RELATED TO PROJECT NEED AND PROVIDING FOR AN EFFECTIVE DATE. Superintendent Boyle again elaborated on the purpose of the resolution. **Commissioner Zimmerman made a motion to adopt Resolution No. 2013-06. Commissioner Bone seconded the motion. Motion carried 5-0.**

Mayor Lyons called on Mike Zimmerman to address the Board. Mr. Zimmerman asked the Board to consider making a special exception to allow for a golf cart to be operated on City streets while picking up trash. The State of Florida currently does not allow for golf cart to be driven on the street. There was a lengthy discussion on the matter. It was decided that Attorney Luckey would draft an ordinance to address the issue.

OLD BUSINESS

Attorney Luckey advised the Board that counsel for TECO Peoples Gas had agreed to all of the changes he had requested. The Deputy Clerk read by title proposed Resolution No. 2013-08. A RESOLUTION GRANTING TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-

EXCLUSIVE NATURAL GAS FRANCHISE AGREEMENT TO USE THE PUBLIC RIGHTS OF WAY OF THE CITY OF LABELLE, FLORIDA, AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE; AND REPEALING PRIOR RESOLUTION. **Commissioner Bone made a motion to adopt Resolution No. 2013-08. Commissioner Akin seconded the motion. Motion carried 5-0.**

NEW BUSINESS

Under Staff Reports:

Fire Chief, Ray Pittman was not present.

H.S.C.O. – no one was present. .

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

City Engineer – ATM Engineering – Tim Taylor gave an update on the new water treatment plant project. He advised that he had provided the documentation, as requested by the Board, for the grant application being prepared for submission.

City Attorney – Jimmy Luckey gave a brief update on the Trading Post issue. He told the Board that the documentation had been prepared and submitted to the Department of Alcohol, Beverage and Tobacco. The agent in charge had returned it and suggested that the matter was one that could be handled locally through law enforcement. He advised the Board that the complaint could be filed the next day. There was discussion on the matter.

Superintendent of Public Works, Michael A. Boyle showed slides of one of the tanks at the City sewer plant being cleaned out by City employees. He advised that an outside contractor had estimated the cost to clean out the tank to be more than \$40,000. Instead, they were able to rent the crane at the water treatment plant site from the contractor, and move the City equipment into and out of the tank. The clean out took City workers 4 to 5 hours and the cost for the crane rental was approximately \$5,000. There was some additional discussion on the matter.

Attorney Luckey turned the attention back to the Trading Post issue and told the Board that since the property was not being used as permitted in the PUD zoning, the City had the right to re-examine that issue and revert the property back to the old zoning category.

Superintendent Boyle advised the he had met with the owner and discussed the incredibly poor condition of the entire building. He

City Planner – Shellie Johnson had no report

Finance Director, Ron Zimmerly was not present.

Correspondence Requesting Action

Correspondence Not Requesting Action

Under Agenda Additions was Resolution No. 2013-07. Superintendent Boyle explained the purpose of the resolution. The Deputy Clerk read by title proposed RESOLUTION NO. 2013-07 A RESOLUTION OF THE CITY OF LABELLE, FLORIDA RELATING CERTAIN TERMINOLOGY CONTAINED IN THE UTILITY BILLING FEE SCHEDULE, CORRECTING THE TERMINOLOGY, REDUCING THE VIOLATION FEE AND PROVIDING AN EFFECTIVE DATE. **Commissioner Akin made a motion to adopt Resolution No. 2013-07. Commissioner Zimmerly seconded the motion. Motion carried 5-0.**

Business by Commissioners:

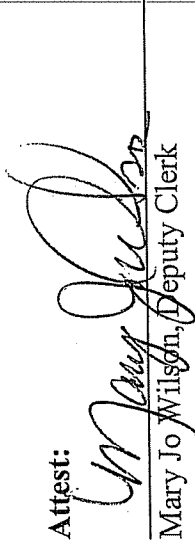
Commissioner Zimmerly asked Superintendent Boyle what was going in a building being constructed on Highway 29. Superintendent Boyle advised it was an office building and shop for a company that does directional boring.

Commissioner Bone suggested that something better should be done during Swamp Cabbage to keep the trash picked up. Superintendent Boyle added that normally the Sheriff's Department brings work crews to help with the clean up but, not this year. He was unaware as to why.

Commissioner Akin suggested it was time for repaving of some City streets. Superintendent Boyle asked for direction on where to begin the repaving as funds were very limited.

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

Attest:


Mary Jo Wilson, Deputy Clerk

APPROVED:


David A Lyons, Acting Mayor