

CITY OF LABELLE
REGULAR COMMISSION MEETING

Mayor Lyons called the meeting to order at 7:14 p.m. Finance Director Ron Zimmerly led the opening prayer followed by the Pledge of Allegiance. A roll call was taken and all Commissioners were present.

CONSENT AGENDA

1. Consider approval of the January 2019 vouchers and paid bills
2. Minutes from the December 13, 2018 L.P.A. and Commission Meetings. **Commissioner Zimmerly made a motion to approve the Consent Agenda. Commissioner Akin seconded the motion. Motion carried 5-0.**

PUBLIC HEARINGS, RESOLUTIONS, ORDINANCES AND CITIZENS CONCERNS

1. American Legion Auxiliary Unit 130 was presented a Proclamation by Mayor Lyons recognizing and supporting February 15-16, 2019 as Poppies days in the City of LaBelle.
2. Mr. Charlie Davis with the DAV Chapter 144 addressed the Board. He read a prepared letter from the DAV recommending that the developing Veterans Park in LaBelle be named for Nicholas T. Cutinha, who was awarded the Congressional Medal of Honor for his heroism that cost him his life while serving his country in Viet Nam. Mayor Lyons told the Board that he would recommend maybe a statue with a plaque honoring and recognizing Mr. Cutinha that would be seen by more people. Commissioner Akin agreed. After a brief discussion, **Commissioner T.A. Smith made a motion that there be a monument or plaque honoring Nicholas T. Cutinha. Commissioner Wilkins seconded the motion. Motion carried 5-0.**
3. First Reading of proposed Ordinance No. 2019-01 was next. Attorney Rooney read the ordinance by title. AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF LABELLE ZONING MAP FOR PROPERTY LOCATED AT 597 W. HICKPOCHEE AVENUE AND 560 1ST AVENUE, CITY OF LABELLE, HENDRY COUNTY, FLORIDA; AMENDING THE ZONING DESIGNATION FROM BUSINESS GENERAL (B-2) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. As this was a first reading, no further action was necessary. Attorney Rooney advised it would come back before the Board in April.
4. Mayor Lyons called for the First Reading and Public Hearing of proposed Ordinance No. 2019-02 City Initiated Future land Use Element Land Use Category. This item was continued to the March meeting.
5. Next was the First Reading and Public Hearing on proposed Ordinance No, 2019-03 City Initiated Design Standards for Developments with Frontage on State Road 80. As it was a first reading, no further action was required. Attorney Rooney read by title proposed ORDINANCE No. 2019-03 AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA; AMENDING CHAPTER 4, ARTICLE V, SECTION 4-82 OF THE CITY OF LABELLE LAND DEVELOPMENT CODE, CREATING THE STATE ROAD 80 OVERLAY DISTRICT; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. Mayor Lyons called for any comments or questions from the Board or the public. Commissioner Akin asked about pawn shops listed under permitted uses. There was a brief discussion about that. **Commissioner Akin made a motion to recommend adoption of Ordinance No. 2019-03 with pawn shops moved from prohibited use to special exception. Commissioner Wilkins seconded the motion. Motion carried 4-1. Commissioner T.A. Smith voting against.**
6. Mayor Lyons opened the Public Hearing on proposed Ordinance No. 2019-04 Broward Avenue

LLC, PUD (City Village) Rezone. This item was continued to the March meeting.

7. Next was the First Reading on proposed Ordinance No. 2019-05, 84 Hall Street Rezone. Attorney Rooney read by title proposed ORDINANCE NO. 2019-05 84 HALL STREET REZONE. AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF LABELLE ZONING MAP FOR PROPERTY LOCATED AT 84 HALL STREET, CITY OF LABELLE, HENDRY COUNTY, FLORIDA; AMENDING THE ZONING DESIGNATION FROM SINGLE-FAMILY MEDIUM DENSITY (R-1) TO BUSINESS PROFESSIONAL (B-1); PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. Attorney Rooney advised that it would come back before the Board as a public hearing in March. There was a brief discussion with the property owner, Scott Pratt.

8. Resolution No. 2019-01 was addressed next. Attorney Rooney advised of one change in the document. The property owner named in both the Resolution and the Occupation Agreement will be changed to LaBelle Landing LLC. He asked the Board to approve Resolution 2019-01 with LaBelle Landing, LLC. **Commissioner Wilkins made a motion to adopt Resolution No. 2019-01. Commissioner T.A. Smith seconded the motion. Motion carried 5-0.**

9. Resolution No. 2019-02 SCOP Agreement was then discussed by Superintendent of Public Works, James Maddox. He told the Board that the agreement would provide funds in the amount of \$90,053.00 for paving City street as outlined in Exhibit "A" of the agreement. **Commissioner Akin made a motion to approve Resolution No. 2019-02. and authorize the Mayor to execute the documents necessary. Commissioner Wilkins seconded the motion. Motion carried 5-0.**

10. Resolution No. 2019-03 USDA Loan Resolution for the Civic Center. Finance Director, Ron Zimmerly told the Board this was one of the requirements for the grant funds of \$250,000.00 for improvements to the Civic Center. He further advised that a closing date was scheduled for March 12th. **Commissioner T.A. Smith made a motion to adopt Resolution No. 2019-02. Commissioner Zimmerly seconded the motion. Motion carried 5-0.**

OLD BUSINESS

NEW BUSINESS

1. A request was received for a 4 way stop at the intersection of Missouri and Washington Avenues.

However, Commissioner Akin asked that the Board's attention be turned to the matter of a gate that was installed on a City right-of-way. There was some discussion on the matter and the Board was advised that the gate is always locked. It was decided that the issue should be placed on the agenda for March and some action should be taken. Attorney Rooney discussed how to avoid this kind of problem going forward. There was a lengthy discussion on the matter.

Attention went back to *New Business* and the request for a 4 way stop at Missouri and Washington. Commissioner Wilkins told the Board that the request came from neighbors of the Missouri Street apartment complex. She advised that she was told when there is parking along the street, it blocks the visibility at the intersection. A 4 way stop would solve the problem. She further advised that she spoke with Derek Beck, the owner of the apartment complex and he had no problem with making it a 4 way stop. The other properties around the intersection are vacant. Superintendent Maddox told the Board that he went by the area and observed how the intersection became something of a visual hazard when the on street parking was occurring. Commissioner Zimmerly spoke about how often she sees 4 way stops not being observed by drivers. **Commissioner Wilkins made a motion to install a 4 way stop at the intersection of Missouri and Washington. Commissioner Akin seconded the motion. Motion carried 5-0.**

Commissioner Zimmerly asked if it might not be a good idea to place a 4 way stop on Belmont and either 4th or 5th in order to slow traffic. It was discussed briefly.

STAFF REPORTS

Fire Chief – Josh Rimes was not available. David White brought the report and told the Board that the department ran 90 calls for January and they are adding 4 firefights to the roster, with 3 of the 4 already

being certified. There would be a burn day at the training facility on March 16th.

Hendry County Sheriff's Office-Lt. Shawn Reed was not available.

Attorney Rooney – told the Board that he had received mandatory mediation request with regards to the Shady Oaks Development denial. It would be an attempt to resolve the issue outside of the courts. He discussed the process and how it could play out if not resolved. He estimated the process would cost the City between \$10,000 and \$20,000. Attorney Rooney discussed it in some detail even further.

Superintendent of Public Works – James Maddox brought the Board's attention to the D.O.T Tentative 5 Year Work Plan. He discussed the right of way acquisition funding that would effect the City. There was some discussion on the bridge design as well.

Turning to a *Request to Speak* form, Mayor Lyons called on Melissa Music. Ms. Music came representing the Swamp Cabbage Festival Committee. She told the Board that she wanted to just be sure everything was ready to go for the Night on the Town event.

City Planner - Alexis Crespo had no additional report.

Finance Director - Ron Zimmerly – told the Board that with the retirement of Superintendent Boyle, there needs to be someone designated to represent the City with PRM, the City's Insurance Agency. Lisa Smith is currently the alternate. **Commissioner Wilkins made a motion to make Lisa Smith the City's representative and Ron Zimmerly as the alternate. Commissioner Zimmerly seconded the motion. Motion carried 5-0.**

His next item was to ask the Board to approve making a donation toward the repair work done on the clock at the Historic County Courthouse. He told the Board that there were funds in the budget for contingency that could be used for that. He suggested a \$5,000 donation from the City. **Commissioner Wilkins made a motion to make that donation. Commissioner Zimmerly seconded the motion. Motion carried 5-0.**

Mr. Zimmerly then turned his attention to the D.O.T. Lighting application and told the Board that he recently resubmitted an application for lighting along State Road 80 west from near MLK to Wal-Mart. It was a time sensitive matter that come up before the February meeting. He asked the Board to ratify approval of the applications submittal. **Commissioner Akin made that motion. Commissioner Wilkins seconded the motion. Motion carried 5-0.**

Next, Mr. Zimmerly told the Board that he had heard from both Senator Passidoma's office and Representative Donald's office that the City's projects have been submitted. He reminded the Board of the priorities on the list of projects.

Next he gave a brief update on the Civic Center Renovation Project. He told them that he had been assured the main portion of the building would be usable for the Cattlewomen's dance but, he suggested that a staff member be present during the event to be sure that the unfinished areas are not accessed. He further advised that he had received a change order that he wasn't happy with. He explained that the cost in the bid by the architect for the plumbing, electrical and mechanical was about \$15,000 less than the actual cost. This puts the overage for that line item at \$17,410.26. He asked the Board to approve the change order with the additional funds coming out of the \$17,000.00 contingency. However, there will be another change order coming, the amount is unknown as of now. It will be for connecting the new concrete roof to the other structure. **Commissioner T.A. Smith made a motion to approve the change order in the amount of \$17,410.26. Commissioner Zimmerly seconded the motion. Motion carried 5-0.**

Mr. Zimmerly then brought up the RFB #2018-06 for the Hurricane Irma Captain Hendry House Repairs. He told the Board that one bid was received but, the engineer on the project is recommending that it be rejected because the correct materials were not being used. Additionally, a potential new supplier for the materials has been found who would custom make the shingle to match what is already there. He asked the Board to consider purchasing the materials direct at a cost of \$60,000.00. That would require the Board to waive the Procurement Policy **Commissioner Zimmerly made a motion to reject the one bid received for RFB #2018-06. Commissioner Akin seconded the motion. Motion carried 5-0. Commissioner Wilkins made a motion to authorize the Mayor to move**

forward with purchasing the custom materials if affordable and to waive the Procurement Policy. Commissioner Akin seconded the motion. Motion carried 5-0. There was a brief discussion on getting the new shingles installed. And on how the cost for the repairs will be paid.

The next item for discussion was the James Singleton Building and the Veteran's Park swap and Interlocal Agreement Modification. He told the Board that the Rec Board had approached the Mayor and offered to exchange the scheduling and interior maintenance of the James Singleton Building for the care and maintenance of the Veterans Park. The Rec Board has since met and approved the swap. There was some discussion on the matter. The Daniels School was also discussed. It was decided that the City did not want to make that exchange.

Mr. Zimmerly advised that the City has a table at the Old Timers Dinner for any of the Commissioners who want to attend. It was briefly discussed. He also advised that he had tickets available for the Chamber of Commerce Dinner on March 9th.

Mr. Zimmerly told the Board that WSI had requested a rate increase. A representative of WSI was in the meeting and told the Board that the 6% increase was for commercial customers only and was due to an increase by Lee County at the transfer station. It was determined the increase would only effect commercial dumpsters. **Commissioner Akin made a motion to approve the requested increase as long as it would effect only commercial dumpsters. Commissioner Wilkins seconded the motion. Motion carried 5-0.**

CORRESPONDENCE REQUESTING ACTION

CORRESPONDENCE NOT REQUESTING ACTION

BUSINESS BY COMMISSIONERS

Commissioner Zimmerly told the Board that there was some concern about visibility at the corner of Forrey Dr. and Cowboy Way. Superintendent Maddox advised that he would reach out to D.O.T to see if something could be done to correct that situation.

Mayor Lyons suggested that the Daniels school could be demolished and something like a nice gazebo put in it's place that could be used by the community.

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

APPROVED:

David A. Lyons, Mayor-Commissioner

Attest:

Thomas A. Smith, Clerk-Commissioner