

CITY OF LABELLE
REGULAR COMMISSION MEETING

Mayor Lyons called the meeting to order at 6:18 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 with the exception of Commissioner Zimmerly.

CONSENT AGENDA

1. Consider approval of April 2019 Vouchers and paid bills.
2. Minutes from the February 14, 2019 Workshop/Special Meeting and L.P.A. Meeting
Commissioner Wilkins made a motion to approve the Consent Agenda. Commissioner Akin seconded the motion. Motion carried 4-0.

PUBLIC HEARINGS, RESOLUTIONS, ORDINANCES AND CITIZENS CONCERNS

1. Mayor Lyons called on Phil Cosby with the Glades County F.F.A. for a presentation entitled “Slow the Flow”. The members were Kerri Hines, representing the Sugar Farmers, Camden Rimes representing the Lee County Residents, Rosemary Rubio representing the Tourism and Business aspects of Lee County, Hanna Moss with the Environmental and Conservationist aspects, and Bryant Williams representing South Florida Water Management District. They read from a prepared script and was very professional and informative.

Mayor Lyons recessed the Regular Commission meeting and called the L.P.A. Meeting to order.

After adjourning the L.P.A. meeting, Mayor Lyons called back to order the City Commission meeting.

2. The Special Event Request from the LaBelle Downtown Redevelopment Corp. was heard next. Kelly Boone addressed the Board. She thanked the City for allowing them to hold the Easter event which was a great success. She had some adjustments to the already approved Red, White and Tunes event that she asked the Board to approve. The first was to change the parade route to the route they used for the Christmas parade. Then they added a fun run that would start at the Captain Hendry House and go to Barron Park.

Next, she brought the Board's attention to the America's Great Loop Cruisers' Association and asked that the City sponsor at the Lieutenant Benefit Level at a cost of \$597.00 per year. It was designed to attract boaters that follow the Great Loop. Commissioner Wilkins told the Board that the Great Loop was a trip around Florida on the waterways. The City of LaBelle is on that loop. **Commissioner Wilkins made a motion to approve the request for the Lieutenant Sponsorship with the \$597.00 fee for the Great Loop. Commissioner Akin seconded the motion. Motion carried 3-1 with Commissioner T.A. Smith voting No. Commissioner Wilkins made a motion to approve the road closures for the parade route and the fun run for the 4th of July event. Commissioner Akin seconded the motion. Motion carried 4-0.**

Ms. Boone then asked the Board to consider allow them to install a donation/comment box at the dock for boaters who appreciate the free docking. She would maintain it and use the funds for miscellaneous expenses at the dock. There was a brief discussion on the matter and **Commissioner T.A. Smith made a motion to approve the request. Commissioner Wilkins seconded the motion. Motion carried 4-0.**

3. Mayor Lyons called on Charlie Davis to address the Board concerning the Veterans Memorial Park. He told the Board that Commissioner Akin had been helping recently and they came up with an idea to place a 6 foot bronze monument on a granite stand of a machine gunner in memory of a local resident, Nicholas T. Cutinha a Medal of Honor recipient. That medal is currently on display at the American Legion Post for anyone who would like to see it. The estimated cost for the monument would be between \$25,000 and \$30,000. They were reaching out to organizations within the community to help with the funding and asked the Board to consider a \$6,000 donation. **Commissioner Wilkins made a motion to approve the request for the \$6,000 donation. Commissioner T.A. Smith seconded the motion. Motion carried 3-0. Commissioner Akin abstained from voting as he was helping with**

the monument.

4. Mayor Lyons opened the Public Hearing on proposed Ordinance No. 2019-11 City Initiated Future Land Use Element. City Planner; Alexis Crespo addressed the Board. She reminded the Board that this had come before them at the March commission meeting. It would amend the Future Land Use Element policies relating to the Outlying Mixed Use and Commercial future land use categories and also create an objective and policies relating to neighborhood protection and compatibility. She reviewed and discussed the changes being made to the Outlying Mixed Use and the Commercial Land Use Categories. She told the Board that the amendment had been transmitted to the Department of Economic Opportunity after the March 14th City Commission transmittal hearing. The D. E.O. and reviewing state agencies had no objections or recommended changes to the amendments. She concluded by telling the Board that Staff was recommending approval. Commissioner Akin expressed his concerns about some of the sliding scale of densities. There was some discussion on that issue. **Commissioner Wilkins made a motion to approve Ordinance No. 2019-11. Commissioner T.A. Smith seconded the motion. Motion carried 4-0.**

5. Mayor Lyons opened the Public Hearing on proposed Ordinance No. 2019-01 J.A.B. Plaza P.U.D. Rezone. City Planner; Alexis Crespo told the Board that the applicant is requesting approval to rezone the .85 acre property from Business General (B-2) to Planned Unit Development (PUD) to allow for the development of a mixed-use project consisting of a maximum of four (4) residential dwelling units and 8,600 +/- square feet of commercial uses. She reviewed her prepared Staff Report and told the Board that Staff was recommending approval of Ordinance No. 2019-01 with the 14 conditions included. **Commissioner Wilkins made a motion to approve Ordinance No. 2019-01 with a change in the text from “Superintendent of Public Works” to “Building Official”. Commissioner Akin seconded the motion. Motion carried 4-0.**

6. Up next was the Hall Street rezone proposed Ordinance No. 2019-08. As the L.P.A. had already heard the matter on April 11, 2019 and recommended adoption to the commission, Mayor Lyons called for any comments or questions from the Board or the public. Commissioner Wilkins explained situation briefly. **Commissioner T.A. Smith made a motion to approve Ordinance No. 2019-08. Commissioner Wilkins seconded the motion. Motion carried 4-0.**

7. Mayor Lyons opened the Public Hearing on proposed Ordinance No. 2019-07. City Planner; Alexis Crespo told the Board that the bulk of the document was moving definitions currently scattered throughout the code to section 2-4. She told the Board that after meeting with Commissioner Wilkins and thoroughly reviewing the document, they determined that some of the issues needed to be pulled out and possibly work-shopped. She asked the Board to consider adopting just the moving of the definitions along with the Significant Oak Tree Protection. The balance to be worked on and presented back at a later time. After a brief discussion, **Commissioner Akin made a motion to approve Ordinance No. 2019-07. Commissioner Wilkins seconded the motion. Motion carried 4-0.**

8. Mayor Lyons announced the First Reading of proposed Ordinance No. 2019-09 LaBelle Storage Planned Unit Development. The Deputy Clerk read by title proposed ORDINANCE NO. 2019-09 LABELLE STORAGE, LLC PLANNED UNIT DEVELOPMENT PUD AMENDMENT AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING ORDINANCE 2015-19 FOR THE LABELLE STORAGE PLANNED UNIT DEVELOPMENT LOCATED NORTH OF COWBOY WAY, EAST OF SPRATT BOULEVARD, SOUTH OF GRAND AVENUE, WEST OF HICKORY STREET, CITY OF LABELLE, HENDRY COUNTY FLORIDA; AMENDING CONDITION 3 TO ADD CARETAKER/SECURITY QUARTERS TO THE SCHEDULE OF USES; AMENDING CONDITION 11 RELATING TO FOOD VENDOR VEHICLES; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. As this was a first reading, no further action was necessary.

9. Mayor Lyons called for the First Reading of proposed Ordinance No. 2019-10 Temporary Uses. That was continued to the June 13th meeting.

10. Resolution No. 2019-07 Revised Schedule of Fees was heard next. City Planner; Alexis Crespo told the Board that some of the items listed on page three of the resolution should not have been included. The other fee adjustments were made to cover the cost of Attorney Rooney and herself reviewing the applications before bringing them to the Board. She told the Board that they had reviewed the fees charged by surrounding areas before preparing these adjustments. Hendry County's fees are slightly less than what would be charged by the City. Commissioner Wilkins questioned the

Significant Tree Removal/Replacement fees. Given the fact that the new ordinance just adopted regulates that issue. The issue was discussed at some length. It was decided the matter should be further researched and brought back to the Board for consideration.

AGENDA ADDITIONS

From a Request to Speak form, Mayor Lyons called on Linda Corbett. Ms. Corbett told the Board that she was proposing a City/County initiative to grow the west side of Hendry County. She brought a presentation depicting a development that would provide jobs and also activities for local children.

Next, also from a Request to Speak form, Mayor Lyons called on Mr. Joseph Mobley Jr. Mr. Mobley told the Board that he was representing the Sunset Park Community. He talked about the need for equipment in the parks and maintenance of the restrooms. He advised that he was going to be holding the 2nd Annual Joe Mobley Day as part of the Black Heritage Festival. The intention was to raise funds to purchase equipment for a summer youth program. He asked the Board to consider making a donation for that cause. He was directed to contact the Rec Board concerning the parks as they were responsible for their maintenance.

OLD BUSINESS

NEW BUSINESS

1. Tree Removal Application was brought for the Board's review. Commissioner Wilkins suggested that maybe a shorter version could be used as the one being presented appears like a zoning application. She was advised that a one page application is also available.

STAFF REPORTS

Fire Chief – Josh Rimes told the Board that the department ran 86 calls in April. They are currently waiting on the engineering report to complete the state funding grant.

Attorney Rooney – reminded the Board that at their direction he sent a letter to the residents at 620 Fort Thompson regarding the fence and gate. The letter gave them 60 days to come into compliance and he has not heard back from them yet. He also advised that he and the City Planner should continue to work on the City's applications. He reported that the Shady Oaks project was still in mediation but might have some possible resolutions coming. He advised that he hoped to have a settlement agreement at the next meeting.

Commissioner Wilkins asked if it was necessary to make some text changes where the City Charter calls the Superintendent of Public Works as the Building Official. Attorney Rooney advised that if those changes were going to be made, there were many others that should be corrected at the same time.

Mayor Lyons called on Mr. John Yung who wanted to address the Board. Mr. Yung spoke about the Shady Oaks project and the current mediation process. He told the Board that he had a real problem with the way it was being done.

Attorney Rooney addressed the issue telling the Board that after the denial by the City, the applicant elected to utilize a State mandated process which the City was required to participate in. A mutually selected mediator was required to be chosen, with the cost being split, and the process begun. The first stage being a mediation between the property owners and the City. If a mediated solution cannot be achieved, then a Special Magistrate process would begin which would allow for the neighbors to be heard as well. Attorney Rooney explained the entire process in great detail.

Mr. Yung told the Board that the City Staff came back with the same project that the City Commission had already turned down. Attorney Rooney advised that every issue raised by the private property owners was discussed in mediation and had proposed settlements. He further advised that City Staff was asked by the Attorney representing the neighbors, to leave the room so that discussion could take place. City Staff complied with the request. Attorney Rooney told the Board that the mediation process was not finished. If a resolution can be reached, it would be brought back to the Board for Public Hearings. He elaborated on that further.

Superintendent of Public Works - Gary Hull brought traffic control issues on Bryan Avenue. He also touched on the need to upgrade all of the traffic signs and the continuing problem of road erosion on Lincoln Ave. He further advised that some of the reporting procedures need to be better organized. He concluded by telling the Board that there were a lot of good people who work for the City. And, a lot of good systems in place that the Board should be proud of.

When asked by Mrs. Lynda Smith if it were possible to scrub down all of the stop signs, Streets Department Supervisor; Terry Woods advised that his department was in the process of changing out some of those signs.

City Planner - Alexis Crespo told the Board that she would be submitting the Technical Assistant's Grant for \$35,000.00 to D.E.O. the next day. This would help with the Code and Comp Plan updates.

Hendry County Sheriff's Office - Lt. Shawn Reed reviewed and discussed the monthly report.

Finance Director - Ron Zimmerly – apologized to Mr. Yung for following the instructions of the attorney representing his group, and leaving the room as requested. Mr. Yung told Mr. Zimmerly that he left the room because he had already decided in favor of the developers.

Mr. Zimmerly directed the Board's attention to Resolution No. 2019-08 the State Wide Mutual Aid Agreement sent by the State of Florida Division of Emergency Management. He asked the Board to consider adopting that agreement. **Commissioner Wilkins made a motion to adopt Resolution No. 2019-08. Commissioner Akin seconded the motion. Motion carried 4-0.**

Next, Mr. Zimmerly asked the Board to consider the Interlocal Agreement with Hendry County relating to the services of the Building Official. He advised the Attorney Rooney had reviewed and approved the agreement. **Commissioner T.A. Smith made a motion to approve the agreement. Commissioner Akin seconded the motion. Motion carried 4-0.**

Code Enforcement Officer – Doug Bostick told the Board that on May 2nd he went to the Community Traffic Safety Meeting. One of the concerns expressed there involved the speed bumps on Bryan Ave. There were speed bumps on that street at one time but, they had been removed and never replaced. They were asking that they be put back to help with the speeding problem on that street. Terry Woods added that he would like to move the stop sign from Cypress Street to Elm and Bryan. **Commissioner Wilkins made a motion to approve both of those requests.** During discussion, Commissioner Akin brought back the possibility of making Broward and Bryan Avenues one way streets. There was a brief discussion on the matter. After which, **Commissioner Wilkins amended her motion to just include the stop sign. Commissioner Akin seconded the motion. Motion carried 4-0.**

Attorney Rooney advised that at a policy level the roads that need to be looked at for change should be done by the Superintendent of Public Works and the Sheriff's Office for resolving safety issues. It need not be brought to the Board for consideration as it should be done at a staff level.

Code Enforcement Officer; Bostick told the Board that another issue brought up was the 3 way stop at Elm and Bennet. While there needs to be a stop at Bennet, no one understands the need for the stop at Elm. The Sheriff's Department receives complaints about people running the stop sign going north and south on Elm. Following the advice of Attorney Rooney, Commissioner Wilkins suggested that the matter be deferred to staff.

CORRESPONDENCE REQUESTING ACTION

CORRESPONDENCE NOT REQUESTING ACTION

BUSINESS BY COMMISSIONERS

Commissioner Wilkins commented that she appreciated all the back-up material coming with their books.

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

APPROVED:

David A. Lyons, Mayor-Commissioner

Attest:

Thomas A. Smith, Clerk-Commissioner