

CITY OF LABELLE
REGULAR COMMISSION MEETING

Mayor Lyons called the meeting to order at 6:20 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 May 2019 Vouchers and paid bills.
2. Minutes from the February 14, 2019 Regular Meeting, March 14, 2019 L.P.A. and Regular Commission Meeting, April 11, 2019 L.P.A. and Regular Commission Meeting, May 9, 2019 L.P.A., Regular Commission Meeting and Budget Workshop/Special Meeting **Commissioner Akin made a motion to approve the Consent Agenda. Commissioner T.A. Smith seconded the motion. Motion carried 4-0.**

PUBLIC HEARINGS, RESOLUTIONS, ORDINANCES AND CITIZENS CONCERNS

1. Mayor Lyons called on Mr. Brett Mitchell, Director of Operations for CARite of Ft. Pierce. Attorney Rooney reminded the Board that as this involved Commissioner T.A. Smith's property, he will not speak or vote on the item. Mr. Mitchell spoke about the special event and how it be operated. He elaborated on how it could potentially benefit the customers and the local businesses in the City. After a brief discussion, **Commissioner Wilkins made a motion to approve the Special Event Permit as long as they meet all of the requirements. Commissioner Akin seconded the motion. Motion carried 3-0. Commissioner T.A. Smith abstained from voting.**

2. Mayor Lyons called for the Burger King Tree Removal Permit Application. City Planner, Alexis Crespo addressed the Board for Staff. She introduced the applicants who had brought a presentation. Mr. Fitzpatrick, Chairman and C.E.O. Of Bravoflorida,LLC provided the Board with a booklet showing some of the new designs being used for the Burger King buildings. He told the Board that Bravoflorida purchased the local Burger King in January and wanted to make improvements to it that required demolishing the current building and constructing a new one. In doing that it was going to be necessary to remove 9 existing oak trees on the property.

One of the oaks to be removed was in poor condition while another 2 do not have adequate root area for long term survival. He provided an arborist's report as verification. He had also provided two drawings, the first depicting the existing significant oaks trees to be removed and those that would remain, while the second drawing showed existing trees that would remain along with proposed trees to be planted.

He asked the Board to consider approving the request to remove the oaks. Bravoflorida, LLC would

contribute the cost of replacing 10 oak trees @ \$250.00 per tree, for a total of \$2,500.00 to be used for that purpose at the City's discretion. There was some discussion on the issue. He told the Board that when the City decided they were ready to plant the 10 oak trees, his maintenance department would be glad to do that for them. **Commissioner T.A. Smith made a motion to accept the agreement as proposed by Mr. Fitzpatrick. Commissioner Wilkins seconded the motion. Motion carried 4-0.**

3. The Barron Park Master Plan Committee was heard next. Commissioner Wilkins told the Board it had been a year since the project began and she asked Finance Director, Ron Zimmerly if anything had been done on the irrigation system. Mr. Zimmerly advised that a plan was being put together with the idea to have it together by fall. There was discussion on the matter with Commissioner Wilkins asking if the Board wanted to continue to have a Barron Park Master Plan Committee.

Commissioner Akin suggested that it might be appropriate to look to the T.D.C. Tourist Development Council for help with funding. There was some additional discussion on that. It was decided that the committee would continue to work to get some cost estimates and get back to the Board for a possible workshop.

4. Mayor Lyons opened the Public Hearing on proposed Ordinance No. 2019-04 Broward Avenue LLC Planned Unit Development Rezone. City Planner, Alexis Crespo told the Board that she wanted to invite the applicant and their agent to come forward as they had prepared a thorough presentation on the updates since April. The Deputy Clerk swore in all those who intended to speak on the subject.

The first to speak was Sara Spector on behalf of the applicant. She reminded the Board that they saw a presentation 2 months ago and what they would be seeing tonight contained the changes that the Board suggested at that last meeting including the removal of one building, a park area with a pavilion and additional guest parking spaces. She discussed the project further touching on the Schedule of Uses, the Site Development Regulations, the Master Concept Plan, the Conceptual Elevation and the Significant Oak Tree Removal Plan.

Commissioner Wilkins asked about the 6 foot fencing around the entire complex. Attorney Rooney advised that this was not a single family dwelling. It was a perimeter buffer for a P.U.D. Development. Fences would not be permitted in private internal lots. There was a brief discussion on the Home Owners Association and enforcement along with the storm water retention property as well.

Mr. Mike Harder told the Board that the pavilion would be approximately 12'x12' to accommodate a couple of picnic tables and seating. Commissioner Wilkins advised that she had ex parte communication with Mr. Harder and the attorney prior to the Public Hearing. The size of the pavilion as indicated on the conceptual drawing shows it to be 30'x30'. Mr. Harder advised that it was a mistake and was not to be that large. The model homes would eventually be sold too but, would house the real estate staff until then. Ms. Spector asked that the 12'x12' pavilion be approved. There was some additional discussion with Commissioner Akin suggesting that the pavilion should be larger.

The Deputy Clerk read by title proposed ORDINANCE NO. 2019-04 BROWARD AVENUE PLANNED UNIT DEVELOPMENT REZONE. AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF LABELLE ZONING MAP FOR PROPERTY LOCATED SOUTH OF BROWARD AVENUE, EAST OF MISSOURI STREET AND WEST OF LEE STREET, CITY OF LABELLE, HENDRY COUNTY, FLORIDA; AMENDING THE ZONING DESIGNATION

FROM MULTI-FAMILY RESIDENTIAL (R-3) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Commissioner T.A. Smith made a motion to approve the request as presented with the pavilion to be 12'x12'. During discussion, Commissioner Akin advised that 12'x12' is very tiny and he would rather it be 30'x30' as represented on the revised plan. There was additional discussion on the issue. At that point, the motion died for lack of a second. **Commissioner Akin made a motion to approve Ordinance No. 2019-04 with the pavilion being 20'x20'.** **Commissioner Wilkins seconded the motion. Motion carried 4-0.**

5. Mayor Lyons opened the Public Hearing on proposed Ordinance No. 2019-09 LaBelle Storage PUD Amendment. The Deputy Clerk swore in everyone intending to speak on the issue. City Planner, Alexis Crespo told the Board that the ordinance was an amendment to Ordinance No. 2015-09 that approved the parcel for warehouse and flea market use. She advised that they were now seeking to modify 2 of the conditions.

She also advised that there was some clarification of condition #7 which requires that no more than 3 mobile food vendors could be located along the Cowboy Way street frontage and condition #11 that in order to have any hot food vendors open, there needs to be at least 7 units open in the flea market. They are now asking that only one unit be required to be open when the mobile food vendors are on site.

Condition #15 was also added that would allow for a caretakers/security quarters but would require all of the necessary permits and building inspections in order to comply with the City of LaBelle Codes. This would be added to the Schedule of Allowable Uses.

She concluded by telling the Board that Staff was recommending approval of the Amendment and that the Local Planning Agency had heard the issue and was also recommending approval. The applicants were present if the Board had any questions for them,

Mr. Glenn Schofield address the Board briefly. He was followed by Ms. Debby Courte who spoke in favor of the flea market. The Deputy Clerk read by title proposed ORDINANCE NO. 2019-09 LABELLE STORAGE PUD AMENDMENT. AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING ORDINANCE 2015-09 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. After which, **Commissioner Wilkins made a motion to approve Ordinance No. 2019-09 with the changes as noted.** **Commissioner T.A. Smith seconded the motion. Motion carried 4-0.**

6. The Public Hearing on proposed Ordinance No. 2019-10 Temporary Uses was continued to the July meeting for a First Reading.

7. Next, Resolution No. 2019-07 Revised Schedule of Certain Fees was discussed. City Planner; Alexis Crespo reviewed and discussed the resolution for the Board. There was a brief discussion on the issue and **Commissioner Akin made a motion to approve Resolution No. 2019-07. Commissioner Wilkins seconded the motion. Motion carried 4-0.**

AGENDA ADDITIONS

OLD BUSINESS

NEW BUSINESS

STAFF REPORTS

Fire Chief – Josh Rimes told the Board that the department ran 74 calls in May and gave a brief update on the LaBelle Fire Department.

Hendry County Sheriff's Office – Lt. Ben Row provided the Board with a print out of the Department's activity within the City of LaBelle for the month of May. He discussed it very briefly.

City Attorney - Derek Rooney told the Board that he had just finished up an amendment to the City's Procurement Policy and would be doing a First Reading at the next meeting to remove the Procurement Policy from the Code and adopt it by resolution which would allow for changes to be made.

Another issue he will bring forward is a more formalizing of the authorization given by the Mayor to various individuals or committees which will be done by way of a form to be kept for the record.

Mr. Rooney turned to the Richard Harper on Ft. Thompson Ave. and the gate issue. He told the Board that he had issues a letter advising them to remove the fence within 60 days. The deadline for that is July 1st. Mr. Harper has written a letter requesting an additional 60 days. He asked the Board for direction in allowing the additional time or not.

Next he reported that the Sandy Oaks dispute resolution process broke down in mediation. The Sandy Oaks LLC people have requested a magistrate hearing that has been set for July 19th. He also contacted Ms. English who is representing several of the parties involved and asked her to formally ask to participate in that process. It will be limited to only those people who have requested to participate.

He also reported that he would be bringing a resolution or some code change to address traffic control devices within the City that are not currently addressed within the code.

Mr. Rooney advised that there have been some issues around the State with disruption to public meetings and public facilities. The standard process for that is a trespass warning issued by the Sheriff's Department. Some Sheriff's Departments are experiencing suits being brought against them for that. He told the Board that he would be bringing forward a facilities guide to protect the City and the Sheriff's Department from that.

Mr. Rooney asked the Board what they wanted to do about the Harper request for an additional 60

days. There was discussion on the issue. It was decided that a 30 day extension would be adequate.

Superintendent of Public Works - Gary Hull told the Board that improvements at the wastewater treatment plant were being made. He reported that the water treatment plant continues to work pretty well however it was necessary to replace a chlorine meter and make adjustment in the lab on testing materials.

He advised that when looking at the widening of State Road 29, it looks like the City's waterline will need to be moved and he was expecting to get assistance from F.D.O.T on that issue. He discussed that briefly.

Mr. Hull further advised that flushing of waterline in sections of the City is continuing to keep any discoloration out. He concluded by telling the Board that the minor issues identified by D.E.P. at the Wharf were being taken care of. He also talked about street repaving that would be coming up.

Mr. Hull told the Board that staff reviews had been completed. That employees in both the water department and the waste water department were being sent for continuing education courses for required certifications. He further advised that Mr. Mark Lynch, the City's Building Official would begin working on some new software being purchased that will help streamline some of the permitting issues and code enforcement matters as well.

Commissioner Wilkins asked about the permit for the wastewater treatment plant. Mr. Hull discussed that briefly.

City Planner - Alexis Crespo reported that she had filed 2 grant application with the Department of Economic Opportunity, one could help with the code and comp. plan updates needed and one for mapping out the economic assets within the City.

She further advised that next month she would be bringing a fence ordinance to be heard by the L.P.A. along with the ordinance addressing temporary uses and a small parcel that wants to come in to the City through an annexation, comp plan and rezone process. There will also be the Oakwood Terrace P.U.D. that was approved in 2007 but, is seeking an amendment to that project.

Finance Director - Ron Zimmerly – directed the Board's attention to Resolution No. 2019-09 that is accepting the construction and renovation by the contractor of the LaBelle Civic Center project. He told the Board that all of the work to be done through the USDA funded project has been completed. He told the Board that there was still work going on at the facility that was not being covered by the grant funds and he discussed some of those issues including the air conditioning units. He asked the Board to consider adoption of Resolution No. 2019-09. **Commissioner Akin made a motion to approve Resolution No. 2019-09. Commissioner T.A. Smith seconded the motion. Motion carried 4-0.** There was some discussion on the blue tile that was installed and Mr. Zimmerly advised that the doors had been re-keyed.

Next Mr. Zimmerly brought up the letter from the Hendry County Property Appraiser's Office giving the estimated taxable value for the 2018 Preliminary Roll. He told them that he believed it to be a good number and was up by about 3% from last year.

The Captain Hendry House repairs was discussed next. Mr. Zimmerly talked about the letter from the Division of Historic Resources. He advised that they have not been able to find the type of replacement shingles required to maintain the Historic Properties designation.

Next he asked the Board to set a date for the next workshop/ special meeting and suggested that it be prior to the regular monthly meeting July 11th. It was decided that July 11th at 4:00 p.m. would be the date and time for the next Budget Workshop/Special Meeting.

The next item was the proof sent for the entry signs. Commissioner Wilkins asked that the date of 1925 be changed to 1911 when the Town of LaBelle was incorporated. There was a brief discussion on that. Mayor Lyons asked if they would allow the signs to be made of cedar. Mr. Zimmerly advised he would ask about using cedar instead of the HDU. **Commissioner T.A. Smith made a motion to approve the design.** Commissioner Akin asked about the font being used. Mr. Zimmerly agreed to check with the company on the font being used. **Commissioner Akin seconded the motion. Motion carried 4-0.**

The Florida League of Cities Annual Conference material that was included in their books was brought up next. Mr. Zimmerly advised that they would need to know as soon as possible if the Board members would be attending.

Next there was additional discussion on the salary evaluations and the salary increases involved. **Commissioner T.A. Smith made a motion to approve the option using the curve that Mr. Zimmerly had explained.** There was additional discussion. It was decided that Mr. Zimmerly would bring options to the Board using a \$2.00 increase and a \$1.50 increase to the next Budget Workshop. **Commissioner T.A. Smith withdrew his motion.** Whatever is decided on would be retroactive to October 1, 2018.

His final item was concerning July 5th. The City will be closed on July 4th to celebrate Independence Day but July 5th, falling on Friday, would the City be open or closed. It was decided the City would be closed on July 5th as well.

CORRESPONDENCE REQUESTING ACTION

CORRESPONDENCE NOT REQUESTING ACTION

BUSINESS BY COMMISSIONERS

Commissioner Wilkins told the Board that D.O.T. Is looking for areas to do safety workshops in. She advised that she thought it would be helpful to hold one of those workshops in the area to address safety concern on Highway 80 and other areas in the City. It was decided that she would let them know that the City was interested in that.

Commissioner Akin asked if there was any news on the State Budget. Mr. Zimmerly advised that the appropriations bill was scheduled to go to the Governor the following day. By law he will have 15 days to sign it. He does have a line item veto power and has said that he will be vetoing some of the projects on it.

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

APPROVED:

David A. Lyons, Mayor-Commissioner

Attest:

Thomas A. Smith, Clerk-Commissioner