

**CITY OF LABELLE
REGULAR COMMISSION MEETING**

Mayor Lyons called the meeting to order at 6:13 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 July 2019 Vouchers and paid bills.
2. Minutes from the June 13, 2019 Regular Commission Meeting

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. Mayor Lyons introduced Hendry County Supervisor of Elections, Brenda Hoots. Ms. Hoots led a discussion on moving City Elections to Federal Primary Election Date to improve voter turnout and improve efficiency. She also encouraged the Commission to consider four (4) year terms. There was discussion on how the term cycles are extended, not shortened, if the terms are changed to 4 years. There was also discussion on a voter referendum to extend the terms. Derek Rooney clarified that changing to a 4-year term limit requires a referendum per the City Charter. He noted that changing election dates can be done by ordinance, but does not require a referendum. **The City Commission directed the City Attorney to prepare an ordinance to move the elections to August, and prepare an ordinance calling a referendum to extend the terms to 4-year terms.**

2. Mayor Lyons introduced the next item, a discussion on the South Florida Water Management District Lease Agreement, and asked Mr. Zimmerly to present the item. Mr. Zimmerly referred the Commission to the draft agreement and noted suggested changes. He asked the Commission to authorize the Mayor to execute the agreement subject to final changes. Commissioner Wilkins asked about the hold harmless language in the agreement and other standard language. **Commissioner Akin made a motion to approve the agreement, subject to review and changes by the City Attorney, and authorize Mayor Lyons to execute the agreement. Commissioner Wilkins seconded the motion. Motion carried 5-0.** Commissioner Wilkins also inquired about the SFWMD lease agreement for the Riverbend Park parcel, and the corresponding agreement with Riverbend. There was discussion on the item.

3. Mayor Lyons introduced a Public Hearing on proposed Ordinance No. 2019-10 Temporary Use Regulations and asked Ms. Crespo to present the item. Ms. Crespo explained the current Land Development Code regulations for special events and the proposed updates to the draft ordinance since the June and July meetings. Commissioner Wilkins asked how events for fraternal organizations such as the Legions would be handled. Derek Rooney explained the principal purpose of the Legion Hall is events and meetings, so their regular events would not be subject to temporary use permitting.

Commissioner Wilkins asked Carnivals to be included as a temporary use on city-owned properties, in addition to commercially- and industrially-zoned properties. There was consensus to make that change to the ordinance. There was additional discussion on the timeframe for staff review in the ordinance. Commissioner Wilkins recommended the ordinance require a neatly drawn/legible site plan and not a site plan drawn to scale. There was consensus on that change. Ms. Crespo summarized the changes to the ordinance based upon the Commission's discussion. Mr. Rooney confirmed the City must adhere to 30 day sufficiency reviews per recent changes to Florida Statutes. There was no public comment. **Commissioner Wilkins made a motion to approve Ordinance No. 2019-10 with the changes as stated. Commissioner Akin seconded the motion. Motion carried 5-0.**

4. Mayor Lyons introduced a Public Hearing on proposed Ordinance No. 2019-12 Walls and Fences Regulations, and asked Ms. Crespo to present the item. Ms. Crespo presented a summary of the ordinance. There was discussion on the general structure of the Land Development Code and accessory structure regulations throughout the code. There was discussion on clarifying the intent to allow chain link fences in residential side and rear yards and allowing dark green vinyl coated chain link in addition to black and white colors. Public comment was taken relating to landscaping, colors, and allowing chain link fencing. **Commissioner Wilkins made a motion to approve Ordinance No. 2019-12 with the changes as stated. Commissioner Zimmerly seconded the motion. Motion carried 5-0.**

5. Mayor Lyons introduced a Public Hearing on proposed Ordinance No. 2019-13 Bedolla Rental Annexation and asked Ms. Crespo to present the item. Ms. Crespo presented the petition to the Commission, noting the state criteria for annexations and Staff's recommendation of approval. **Commissioner Smith made a motion to approve Ordinance No. 2019-13.** Mr. Rooney noted three separate motions would be required for the Annexation, Comprehensive Plan Amendment and Rezone petitions. There was discussion from Fire Chief Rimes regarding the use of the property as a restaurant and the need for building permits. Mayor Lyons asked for public comment on the item. There was no further public comment. **Commissioner Wilkins seconded the motion. Motion carried 5-0.**

6. Mayor Lyons introduced a Public Hearing on proposed Ordinance No. 2019-14 Bedolla Small-Scale Comprehensive Plan Amendment. Public comment was opened. Fire Chief Rimes reiterated his comments on building permit requirements for future restaurant use of the Property. **Commissioner Akin made a motion to approve Ordinance No. 2019-14.** Gary Hull provided commentary on the site access. **Commissioner Wilkins seconded the motion and asked the City Clerk to read the ordinance by title.** The title was read into the record. **Motion carried 5-0.**

The City Clerk read the title for Ordinance 2019-13 into the record and the Mayor asked the Commission to re-affirm the vote. **Commissioner Smith made a motion to approve Ordinance 2019-13. Commissioner Wilkins seconded the motion. Motion carried 5-0.**

7. Mayor Lyons introduced Public Hearing on proposed Ordinance No. 2019-15 Bedolla Rental Rezone and asked for public comment. **Commissioner Smith made a motion to approve Ordinance No. 2019-15. Commissioner Akin seconded the motion. Motion carried 5-0.**

8. Mayor Lyons introduced a Public Hearing on proposed Ordinance No. 2019-16 Oakwood Terrace PUD and asked Ms. Crespo to present the item. Ms. Crespo presented a detailed presentation of the proposed PUD, including the changes made since the Local Planning Agency hearing and first reading. Ms. Crespo presented the revised PUD concept plan including the building locations, mix of uses,

building heights, number of parking spaces, open space and landscape buffers. Commissioner Wilkins asked if the applicant would be closing the open swales/ditches along the street frontages. Mr. Hull responded that the drainage would be reviewed as part of the construction approval process. Commissioner Wilkins also suggested having on-street parking along the street frontages. Commissioner Akin agreed it is better to have the developer construct the on-street parking spaces as the public would likely park there anyway. There was public comment and additional discussion on the parking needs for the project. There was consensus that on-street parking spaces should be provided on all of the adjacent public street frontages as a revision to Condition 12 of the ordinance. **Commissioner Smith made a motion to approve Ordinance No. 2019-16. Commissioner Wilkins seconded the motion.** Commissioner Akin asked for clarification that the motion included all discussed changes. Ms. Crespo outlined that Condition 12 would be modified to require on-street parking on all abutting street frontages; the Schedule of Uses would be modified to prohibit liquor stores and limit to dry cleaners to storefront only; and the Master Concept Plan would be modified to label the smallest garden apartment building on Missouri Street to 12 units; and a new condition that site design provide for fire access. **The motion carried 4-1 with Commissioner Zimmerly dissenting.**

The City Attorney asked the City Clerk to read Ordinances 2019-10 and 2019-12 into the record and re-affirm the votes. The Clerk read Ordinance 2019-10 relating to the Land Development Code amendment for temporary uses. **Commissioner Wilkins made a motion to approve Ordinance No. 2019-10. Commissioner Akin seconded the motion. Motion carried 5-0.**

The Clerk read Ordinance 2019-12 relating to the Land Development Code amendment for fence and wall regulations into the record. **Commissioner Akin made a motion to approve Ordinance No. 2019-12. Commissioner Wilkins seconded the motion. Motion carried 5-0.**

The Clerk read Ordinance 2019-16 relating to the Oakwood Terrace PUD Amendment into the record. **Commissioner Wilkins made a motion to approve Ordinance No. 2019-16 with all changes discussed by the Commission. Commissioner Akin seconded the motion. Motion carried 4-1 with Commissioner Zimmerly dissenting.**

AGENDA ADDITIONS

OLD BUSINESS

1. There was a question from the public on the special magistrate ruling on the Sandy Oaks PUD. The City Attorney noted the special magistrate had not ruled on the matter.

NEW BUSINESS

1. There was discussion on salaries. Mr. Zimmerly presented the proposed salary increase options, noting Staff's recommendation is to increase the salaries as outlined in the draft budget. There was discussion by the Commission and public comment. There was discussion on employee evaluations and improving the process. **There was a motion by Commissioner Smith to accept the Finance Director's recommended salary increase. Commissioner Zimmerly seconded the motion.** There was public comment on City salaries compared to other jurisdictions. **Motion carried 4-1 with Commissioner Wilkins dissenting.** Commissioner Wilkins asked the retroactive payment be issued.

Mr. Zimmerly asked the Commission to change the utility payment due date by the 15th of each month by 5 pm to facilitate staff's preparation of the cut-off list. **Commissioner Wilkins made a motion to adjust the payment deadline per Staff's recommendation. Commissioner Akin seconded the motion. The motion carried 5-0.** There was further discussion and public comment on the deadline and associated staff time to process late payments.

STAFF REPORTS

Fire Chief – Josh Rimes provided an update noting the Department handled 55 calls in July. He also provided an update on the grant project and building improvements at the station. He reminded the Commission about Fire Prevention Month.

Hendry County Sheriff's Office – A member of the Hendry County Sheriff's Office noted a slight spike in crime in July and provided his report.

City Engineer – Ron Zimmerly provided an update on behalf of Four Waters. He noted the DEP groundwater monitoring project that was on schedule.

City Attorney - Derek Rooney told the Commission reported that the Sandy Oaks special magistrate recommendation was still pending. He noted the petitioner and the interested parties were aware of the delay and timeline. Mr. Rooney gave an update on the Fort Thompson Ave. gate issue.

He noted he drafted the ordinance for the elections date change and the charter amendment to change the term limits to 4 years. He asked the Commission if they had any other changes they would like to include in the ordinance. Commissioner Wilkins noted the confusion in the charter with the commission roles, such as tax collector. Commissioner Zimmerly asked the City Attorney to make general recommendations. He noted we could provide recommended legal changes, but not specific policy changes. He noted this is a lengthy process and they will aim to have this on the ballot for March 2020 and would need to pass the ordinance first.

Superintendent of Public Works - Gary Hull provided the Commission on updates on various maintenance projects. He also noted there are industrially-zoned properties that are accessible by roads that are not permitted for heavy truck traffic. He proposed to conduct geo-technical testing on the roads to see if the signage could be removed to facilitate development of those industrially-zoned properties.

Derek Rooney provided an update to partner with Hendry County on selecting a special magistrate for code enforcement. The County would be responsible for issuing the RFP and selection, at which time the City could decide if they would like to partner and share costs with the County. Derek noted he would bring back the County's selection at the next meeting.

Commissioner Wilkins asked Gary to look into main concerns at the pavilion at Barron Park.
City Planner - Alexis Crespo had nothing to report.

Finance Director - Ron Zimmerly directed the Commission to a memorandum in their package

regarding code violations and the notification process. Derek Rooney provided input on meeting with Staff to formalize the timeframes for code enforcement proceedings.

Next Mr. Zimmerly brought up was the agreement for the Department of Economic Opportunity grant to develop the Economic Development Strategy. He requested authorization for the Mayor to execute the agreement, subject to staff review prior to the next Commission meeting. **There was a motion by Commissioner Wilkins made the motion to authorize the Mayor to sign the DEO agreement and supportive documents subject to Staff review. Commissioner Zimmerly seconded the motion. The motion carried 5-0.**

Mr. Zimmerly noted that FEMA relaxed their position on the Captain Hendry House repairs enabling the City to move forward with the bidding process for repair of the roof.

Mr. Zimmerly noted the City can participate in the County selection for a debris monitoring company in the event of a hurricane.

He noted the first public hearing on the budget is September 12, 2019 at 5:30 p.m. He asked if the Commission wanted an earlier meeting to review and discuss the budget. It was decided that the Commission would meet at 4:30 pm for a Budget Workshop/Special Meeting **prior to the public hearing at 5:30.**

He noted he was working on the legislative priorities package and there is a legislative meeting in Clewiston on September 13th from 12 noon to 2:00 pm with Representative Byron Donalds. He noted the Commission would need to adopt the legislative packet during the September Commission meeting. He asked for input on projects to include in the package. There was discussion on the legislative process and items to include. Mr. Zimmerly noted the meeting in Clewiston would be held on Thursday, September 26th and not the 13th.

CORRESPONDENCE REQUESTING ACTION

CORRESPONDENCE NOT REQUESTING ACTION

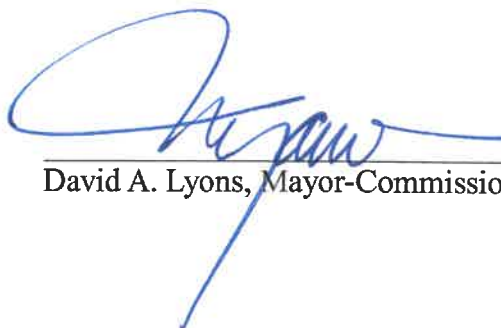
BUSINESS BY COMMISSIONERS

Commissioner Wilkins asked about purchasing a sound meter as the City's is no longer working properly. She also asked about the status of the Commercial Design Review Board and noting it needs to be re-appointed.

Mayor Lyons noted this meeting was the final meeting for City Clerk, Mary Jo Wilson, as she was retiring. The Commission and public expressed their gratitude for her 19.5 years of service to the City of LaBelle. She was presented with a card by the Mayor.

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

APPROVED:



David A. Lyons, Mayor-Commissioner

Attest:



Thomas A. Smith, Clerk-Commissioner