

**CITY OF LABELLE
REGULAR COMMISSION MEETING**

Prior to the start of the Regular Commission Meeting Fire Chief Rimes was presented with a plaque naming the training center in his honor.

Mayor Lyons called the meeting to order at 6:07 p.m. Finance Director Ron Zimmerly led the opening prayer followed by the Pledge of Allegiance.

Mayor Lyons asked Fire Chief Rimes to give his staff report so he could attend another meeting. Chief Rimes noted the department covered 52 calls made in past month, which was down from the same month in 2018. The station project is almost finished. He also noted October is Fire Prevention month and they will be visiting schools. He also noted trick or treating at the fire station would occur on October 31st. He provided an update on the Explorers program. He also noted the department would be getting new "AEDs" or Automated External Defibrillators. **Commissioner Wilkins moved that the Commission dedicate the training center as the "Josh Rimes Training Center". Commissioner Akin seconded the motion. The motion passed 5-0.**

A roll call was taken and all Commissioners were present.

CONSENT AGENDA

1. Consider approval of August 2019 Vouchers and paid bills.
2. Minutes from the July 11, 2019 Local Planning Agency meeting and Minutes from July 11, 2019 Budget Workshop/Special 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 called on Laura Constantino from Four Waters. Ms. Constantino to present Ordinance 2019-17 relating to the Water Supply Facilities Work Plan. Ms. Costantino noted she provided a lengthy presentation to the LPA in August and gave a brief update on the purpose for the Water Supply Facilities Work Plan update. She noted she had worked closely with the South Florida Water Management District to ensure the Work Plan meets state requirements. No public comment on the item. The Clerk read the title into the record. **Commissioner Akin made a motion to approve Ordinance 2019-17 transmitting the Water Supply Plan as presented. Commissioner Wilkins seconded the motion. The motion carried 5-0.**

2. Mayor Lyons called on Alexis Crespo, City Planner to present Ordinance 2019-18 relating to the Jonesz BBQ Special Exception. Ms. Crespo provided a detailed presentation on the special exception request to allow for a mobile vending trailer for the sales of food and beverage at the Tractor Supply Company store at 1840 W. Hickpochee Avenue. The Applicant gave an overview of their business and

intent to sell BBQ in the City and that they only site their trucks where they are invited by the property owner. The Applicant responded to questions from the Commission on the petition. There was discussion on the ability of the Applicant to vend during special and temporary events on other sites throughout the City. The City Attorney explained that mobile food vending was subject to the special exception permit review and approval process, so vending on other sites is not permitted. He also explained all the required licenses per the LDC. There was further discussion. There was no public comment other than the applicant. **Commissioner Wilkins made a motion to approve Ordinance 2019-18. Commissioner Smith seconded the motion. Motion carried 5-0.** Staff indicated they would follow-up with the Applicant regarding their ability to locate at the Goodwill grand opening event.

3. Mayor Lyons opened the Public Hearing on proposed Resolution 2019-14, a resolution to allow for vacation of an unnamed right-of-way on the Burger King site. There was discussion on the specific location of the vacation and how the applicant became aware of the right-of-way issue. Robin Kendall representing the Applicant responded to the Commissioners' questions and explained this vacation would not impact access through the site or in the general vicinity of the project due to a concurrent easement. There was no public comment. The City Attorney read the resolution by title. Gary Hull indicated the resolution should reference Lee County. It was later clarified that the resolution correctly stated Hendry County. **Commissioner Smith made the motion to approve the Resolution 2019-14. The motion was seconded by Commissioner Zimmerly.** Commissioner Wilkins asked for further information and exhibits in future vacation packages. **The motion carried 5-0.** There was further discussion on the timing of the redevelopment of the Burger King site.

4. Mayor Lyons opened the Public Hearing on the Falcon Eyrie Farms, LLC request for a significant oak tree removal permit. Shellie Johnson, AICP, representing the Applicant provided a presentation on the request to remove two (2) significant oak trees on the brewery/restaurant site located at 670 W. Hickpochee Avenue. She noted the trees would be replaced with two (2) live oak trees per the Land Development Code requirements, either on-site or on the adjacent property east of Shady Oaks Avenue. She explained that the removal is required due to conflicts with stormwater management and the trees were missed on the tree survey. There was no public comment. **Commissioner Wilkins made a motion to approve the request to remove the two (2) significant oak trees with proposed mitigation. The motion was seconded by Commissioner Akin. The motion carried 4-0.** Commissioner Smith was not in the room to vote. Commissioner Wilkins asked about the grand opening date. The Applicant noted the opening will occur before the end of October.

5. Mayor Lyons called on CarRite of Ft. Pierce to present their request a special event permit for temporary car sales to be located at 930 S. Bridge Street. The dates requested were October 10-15 from 9 am to 8 pm. It was clarified by the City Attorney that the property was owned by Commissioner Smith and he could not vote. There was discussion on the new temporary use ordinance. No public comment was received. **Motion by Commissioner Wilkins. The motion was seconded by Commissioner Akin. The motion carried 4-0. Commissioner Smith abstained.**

AGENDA ADDITIONS

OLD BUSINESS

NEW BUSINESS

STAFF REPORTS

Hendry County Sheriff's Office – Lt. Shawn Reed noted it was his 20-year anniversary with the Sherriff's office. He provided the Commission with a report on the Sheriff's Office activity within the for the month of August. Commissioner Wilkins thanked the Sheriff's office for assisting with the hurricane collection effort and gave an update on the donations received.

City Engineer – Laura Constantino provided an update on the wastewater treatment plan permit renewal application and noted she has received no comments from DEP. She advised the groundwater monitoring plan was submitted on August 20th. She noted the water and sewer improvement project is out to bid, with high interest from potential bidders. She noted the City had provided an extension on the bid deadline due to the hurricane until Thursday, September 19th at 2 p.m. and approximately 20 bids are expected. She outlined the improvements to be addressed in the effort.

City Attorney - Derek Rooney updated the Commission that the Hendry County special magistrate bid process was conducted. He noted the County is in negotiations with a firm from Naples to provide the special magistrate services. He recommended the City participate if the special magistrate is selected. He noted shared costs with the County would be positive for the City and would allow for a more effective process.

Next he reported on the Sandy Oaks mediation. He noted he is still waiting on the special magistrate's recommendation but expects it shortly. He stated that he intends to schedule the hearing for October and he has been communicating with the petitioner and parties of record representatives on the status.

He also reported on the Harper fence issue. He is preparing the various agreements and requires further information on the portion impacted by the Army Corps of Engineers. The agreement will be finalized once all costs are known and terms are known.

Mr. Rooney presented a local state of emergency resolution ratification relating to Hurricane Dorian, Resolution 2019-21. He noted this resolution is in addition to the other related resolutions for the state of emergency and ratifies those resolutions. Mr. Rooney read the title of Resolution 2019-21 in into the record. **Commissioner Wilkins made a motion to approve Resolution 2019-19, 2019-20 and 2019-21. Derek Rooney clarified that only Resolution 2019-21 needed to be approved, upon which Commissioner Wilkins amended her motion to approve Resolution 2019-21. The motion was seconded by Commissioner Zimmerly. The motion carried 5-0.**

Superintendent of Public Works - Gary Hull updated the Commission on the permitting for the wastewater treatment plant, other City projects, and personnel. Mr. Hull discussed activities of personnel including improvements and projects. He noted two (2) subdivisions are moving through the plat review process, including City Village (FKA Broward Avenue PUD) and Belle Arbor West. Mr. Hull noted some additional changes are needed to the Belle Arbor West plat before it is finalized and approved at the Staff level. There was additional discussion on the plat approval process and public hearing requirements. Derek Rooney clarified the plat approval process is not quasi-judicial, but must come before the Commission for approval on an agenda (non-advertised) before being signed by the Mayor. Mr. Rooney noted the Commission could approve the plat at today's meeting, subject to final changes by Staff, and have the Mayor sign the final mylars based upon the Commission approval. The

Applicant inquired upon final date of approval by the Commission and requested the Commission approve today, subject to final non-substantive changes coordinated by Staff and prior to the Mayor's signature. There was further discussion. Commissioner Wilkins asked if she could vote on the item based on her husband working for the Applicant's son, but not on the project that is subject to the plat approval. Mr. Rooney confirmed she could vote as she has no financial benefit from the plat being approved. **Commissioner Wilkins made a motion to approve the Belle Arbor West final plat, subject to minor changes and scrivener's error updates per final staff review. The motion was seconded by Commissioner Akin. The motion carried 5-0.**

City Planner –Alexis Crespo had nothing to report.

Finance Director - Ron Zimmerly asked the Commission to designate the Building Official position to be added to the Senior Management level for purposes of retirement contribution calculations. He noted this was a consideration made at the time the Building Official was hired. The Mayor and Commissioner Wilkins asked that the Building Official submit a monthly report as part of the Commission agenda packages. Mr. Zimmerly asked for a motion to add Building Official to Senior Management level, as currently only the Superintendent of Public Works and Finance Director are in the Senior Management level. It was clarified the change would not be retroactive. **Commissioner Akin made a motion to approve adding the Building Official position to the Senior Management Level for purposes of retirement benefits. The motion was seconded by Commissioner Wilkins. The motion carried 5-0.**

The next item Mr. Zimmerly presented was the lease agreement for Nature Park, noting the changes requested of the South Florida Water Management District (“District”) had been made. He noted that the Commission did not need to make another motion on this item, as the Commission authorized the Mayor to execute the agreement at the last meeting. He provided an update on the Riverbend lease agreement and asked for direction on entering into an agreement on this property. He noted the park is not in the City of LaBelle and that notification was sent to the Riverbend homeowners association that the maintenance agreement was terminated. He noted this process would allow the City to negotiate better terms of maintenance with the District. Commissioner Wilkins asked for the City Attorney's opinion on spending City funds outside the municipal limits. Mr. Rooney noted the expenditure should serve a public purpose that benefit residents of LaBelle, which should include both the park and the improvements such as roadways associated with the park. There was discussion on the scope of the improvements and associated benefits. Commissioner Akin noted the lease needs to be a long enough term to allow for the improvements to be made via grant funding or other sources. Mr. Zimmerly suggested asking for a 30-year term and asked if the Commission would authorize Staff and the Mayor to meet with the District. There was further discussion on the opportunities for improvements such as signage, a kayak launch, and other amenities. There was discussion on delegating the maintenance responsibility for the roadway paving and mowing to others. There was consensus from the Commission for the Mayor and Mr. Zimmerly to meet and negotiate the lease agreement for Riverbend Park.

The next item Mr. Zimmerly discussed was the insurance renewal with PRM. He asked for approval and noted the rate is increasing to \$309,835 to \$344,000, which is within the allowable 2-year coverage agreement increase. The renewal allows the City to secure another 2-year coverage agreement to cap increases within that period. There was discussion on getting additional bids in future years. Mr. Zimmerly noted the renewal is a 2-year commitment in order to lock in the maximum increase.

Commissioner Zimmerly made a motion to approve Staff's recommendation to renew the increase. The motion was seconded by Commissioner Smith. There was further discussion on renewing for one year only. The motion carried 5-0.

The next item that Mr. Zimmerly presented was the Chamber of Commerce Annual Banquet on October 7th and noted the City typically purchases a table at the event. Mr. Zimmerly noted the table has 8 seats available to the City. Commissioner Wilkins noted she had seats at another table. He also asked for the Commission direction to cover the flu shot co-pay for employees. There was consensus from the Commission on payment of the co-pay for flu shots for employees.

Commissioner Akin asked when the CDBG project would be awarded. Mr. Zimmerly noted it would be awarded after the bids are due next Thursday, September 12th and the Commission could award the contract at the September 26th Special Meeting/Budget Workshop. The Commission asked Staff to place this item on the agenda for September 26th.

CORRESPONDENCE REQUESTING ACTION

CORRESPONDENCE NOT REQUESTING ACTION

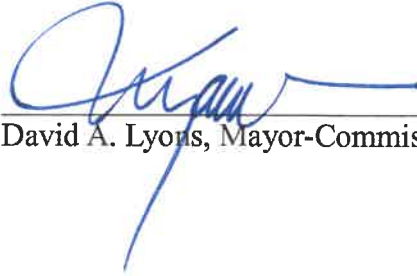
BUSINESS BY COMMISSIONERS

Commissioner Zimmerly asked about mowing of a property on 3rd Avenue and asked the Superintendent of Public Works to look into it. Mr. Hull agreed.

Commissioner Akin asked Mr. Rooney to handle the Harper fence issue as expeditiously as possible. Mr. Rooney noted he would continue to move the item forward with the appropriate surveys and agreements in place. He also asked about the list of City-owned properties continuing to grow and the plans for these properties. Mr. Zimmerly noted they had not acquired additional properties from the County recently. There was discussion from the Commission on how to use these properties to support affordable housing initiatives.

As there was no further business, the meeting was adjourned at approximately 8:00 p.m.

APPROVED:



David A. Lyons, Mayor-Commissioner

Attest:



Thomas A. Smith, Clerk-Commissioner