

**CITY OF LABELLE
REGULAR COMMISSION MEETING**

Mayor Lyons called the meeting to order at 6:50 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.

CHANGES/ADDITIONS TO THE AGENDA

None.

PUBLIC COMMENT ON AGENDA ITEMS (NON-PUBLIC HEARING ITEMS)

None.

CONSENT AGENDA

1. Consider approval of September 2019 vouchers and paid bills
2. Minutes from July 13, 2019 Regular City Commission Meeting, August 8, 2019 Local Planning Agency Meeting; August 8, 2019 Regular City Commission Meeting; September 12, 2019 Budget Workshop/Special Meeting; September 12, 2019 Regular City Commission Meeting; and September 26, 2019 Budget Workshop/Special Meeting.

Commissioner Wilkins made a motion to approve the minutes as amended, noting revised minutes for the August 8th and September 12th regular commission meetings were provided by the Clerk. Commissioner Akin seconded the motion. The motion carried 4-0.

PUBLIC HEARINGS

1. First reading of Ordinance No. 2019-20, City Commission Election Date Change

The City Clerk read the ordinance into the record. City Attorney, Derek Rooney, explained the ordinance changed election dates to coincide with county, state and federal elections. He clarified this ordinance would not change the term lengths, as that requires an amendment to the City Charter. Public comment from Jeff Lazar was taken. He asked if the commission was considering 4-year terms. There was discussion by the Commission on term lengths and low voter turnout. **Commissioner Akin made motion to move Ordinance 2019-20. Commissioner Wilkins seconded the motion. The motion carried 4-0.**

2. Public hearing on Resolution No. 2019-22, Water and Sewer Rate Increases

Finance Director, Ron Zimmerly introduced the resolution and explained the relatively nominal increase of approximately \$36 dollars per year per customer. Commissioner Wilkins asked about the increase in meter charges. Mr. Zimmerly noted there was a 5% increase. Public comment was made by John Clark. He asked about the payment deadlines for utility bills, asking why the deadline was changed to 5 p.m. instead of 8 a.m. the following morning. Mr. Zimmerly explained the purpose of the change in deadline due to the processing of the report overnight by Staff. He added there is a 15-day grace period built into the billing cycle. There was discussion on the grace

period by Staff and the public. Commissioner Wilkins noted that the notice of the proposed increase was sent out with the monthly bills and those electronic/mailed bills as well, noting electronic billing is an option for customers. There was additional public comment from John Clark regarding how to make the water plant more cost-effective/efficient. Jeff Lazar provided public comment on the history of the water plant capacity upgrades and mandates. **Commissioner Akin made motion to approve Resolution 2019-22. Commissioner Wilkins seconded the motion. The motion carried 4-0.**

OLD BUSINESS

1. Sandy Oaks LLC v. City of LaBelle, Special Magistrate Recommendation

Derek Rooney summarized the special magistrate's recommendation on the Sandy Oaks PUD. He provided an overview of the project history including neighborhood concern and opposition. He noted both the neighborhood and applicant were in attendance. He explained the magistrate process and the recommendation. He outlined the magistrate's recommendation reduced the density to 53 dwelling units from the 58 units originally proposed, as well as additional design standards and development criteria generated through the mediation process. He advised that the commission can accept the recommendation, make modifications to the recommendation, or reject the recommendation. He noted that the LDC prevents re-application for a PUD rezone for 1 year after denial, adding this is an unreasonable burden cited by the magistrate. He clarified that a recommendation of approval of the recommendation would still require the applicant to undergo the public hearing process. Commissioner Wilkins asked if approving the recommendation tonight could serve to approve the PUD rezoning. Derek Rooney explained his interpretation is that due process mandates an advertised public hearing would be required to approve the rezoning. Commissioner Wilkins also asked if the City should change the LDC to eliminate the 1-year prohibition on re-filing for a year. Jeff Wright spoke on behalf of the Applicant. He noted the Applicant is in favor of the special magistrate recommendation and outlined the findings and additional conditions to achieve compatibility. Katherine English presented on behalf of the Live Oak Lane landowners. She noted her client objected to the special magistrate's recommendation, and noted her client will continue to participate in the public hearing process. Derek Rooney reiterated that the commission would conduct the public hearing process to review the PUD with the special magistrate's conditions applied, and allow for additional public participation.

Commissioner Smith made motion to accept the special magistrate recommendation as presented and undergo first reading and public hearing before the City Commission. Commissioner Wilkins seconded the motion for discussion. Commissioner Wilkins asked about condition iv of the recommendation relating to HOA requirements. Mr. Rooney explained the condition required the HOA, as well as the City, to enforce the code and conditions of the PUD. **There was public comment.** Jeff Lazar asked if the public would get to see the new layout, especially the river-front lots. Mr. Rooney confirmed there would be public hearings to allow for such review. **The motion carried 4-0.**

NEW BUSINESS

1. Barron Park Bronze Statues – Request from Downtown LaBelle Revitalization Corp.

Laura Reed, President of the Downtown LaBelle Revitalization Corp. explained the project to install the bronze statues in Downtown. She clarified she was asking permission from the City Commission to locate two (2) statues in Barron Park. She noted the cement cost is \$800. She

asked if the City would consider paying for the cement, and asked for recommendations on where to locate the statues. There was discussion on locating the statues near the new sign. There was public comment on how the statues are protected from theft and the size of the statues. **Commissioner Wilkins made motion to provide up to \$800 in funding for the project. Commissioner Smith seconded the motion. The motion carried 3-1, with Commissioner Akin dissenting.** It was clarified that the statue locations will be coordinated with City Staff.

2. Shady Oaks Drive Truck Traffic – Request from Falcon Eyrie Farms, LLC and Hendry County Sheriff’s Office

Alexis Crespo presented the request by the developer of the LaBelle Brewing Company to calm traffic and close a portion of Shady Oaks Avenue by their restaurant/brewery. Derek Rooney explained concerns regarding connectivity, trip distribution, and other public safety impacts that could be generated by closing the road. He added a traffic consultant should provide advice on the matter. Captain Shawn Reed spoke on behalf of the Sheriff’s Office, noting the existing turning movements from SR 80 to Aqua Isles may be negatively impacted if the road is closed. He recommended speed bumps and signage in lieu of closing the road. There was additional public comment from Jeff Lazar on traffic issues from the road closure. John Clark commented on impacts to truck traffic. **The Commission directed staff to continue to work with the developer on traffic calming measures and provide further traffic data.**

3. Carter Pritchett Billboard Agreement

Derek Rooney presented the proposal to relocate and reconstruct the existing billboard, which is consistent with state statutes. He noted the property owner and billboard owner are present for questions. A revised agreement was distributed to the commission for review. Commissioner Wilkins asked about the measurement of the height of the billboard from SR 80 or Miller Avenue. Mr. Rooney clarified height will be measured from the crown of SR 80. There was also clarification on the size of the billboard and pole structure. Mr. Pritchett said the sign would be approximately 6 feet higher than the existing sign to improve visibility of the property and Hungry Howie’s. There was public comment inquiring on the wind rating. Mr. Pritchett noted it would be improved to the current hurricane/wind standards for a Category 5 hurricane. It was clarified it will be a static billboard. **Commissioner Akin made motion to approve the agreement. Commissioner Wilkins seconded the motion.** There was public comment on the permitting process and timeframe in relation to the construction of Hungry Howie’s. **The motion carried 4-0.**

4. 2019-2020 Staff Appointments were discussed, and amendments were made to add the Swamp Cabbage Festival Committee, the LaBelle Downtown Revitalization Corp., the Florida League of Cities Committee, with Commissioner Wilkins noted as the appointee for all amended committees. Gary Hull was added to the Swamp Cabbage Festival Committee. There was discussion on Keitha Daniels' appointment to the CATF. Ron Zimmerly noted he would look into her eligibility. **Commissioner Akin made motion to approve the Staff Appointments as amended. Commissioner Wilkins seconded the motion. The motion carried 4-0.**

STAFF REPORTS

1. **Fire Chief** – Chief Rimes was not present.
2. **H.S.O.** – Captain Shawn Reed gave an update and Lt. Ben Rowe was also present. He noted crime decreased by 23%.
3. **City Engineer** – 4 Waters Engineering was not present. Alexis Crespo provided an update on

the Water Supply Plan. Ron Zimmerly provided an update on the sewer project status and timeline with DEP. Mr. Zimmerly noted there was an inspection by DEP of the wastewater plant and Staff is working on the issues raised, and the corrective approach. 4 Waters is working on this item and many items are minor in nature, such as signage.

4. **City Attorney** – Derek Rooney provided an update on the Harper fence issue including his coordination with the ACOE, noting he would have more updates next month.
5. **Superintendent of Public Works** – Gary Hull noted Freddy Perez was promoted to fill the Supervisor of Maintenance position. He provided updates on repair and maintenance projects. He also noted he wanted to make contact with delinquent utility customers prior to shut-off, where possible. There was a public question on the weed inhibitor that was used in the city ditches and notice being given to the public. Mike Harder asked Mr. Hull the status of his City Village plat. Mr. Hull and Attorney Rooney explained the process and status to Mr. Harder.
6. **City Planner** – Alexis Crespo noted the DEO will be sending the City the executed agreement for the Economic Development Plan grant shortly.
7. **Finance Director** – Ron Zimmerly provided an update on the South Florida Water Management District Passive Park lease. There was discussion on the DEP Zone A & J sewer agreements. He asked for the Commission to authorize the Mayor to sign the DEP agreement since the timeframes are very tight on delivery of the project. Commissioner Wilkins asked about impacts to homeowners from the project and Mr. Zimmerly noted the intent was to mitigate the impact to homeowners. There was discussion on the timeline to complete the project. He also provided an update on the Florida Job Growth grant application noting they should have a decision soon. **There was a motion by Commissioner Akin to authorize the Mayor to sign the DEP agreements subject to legal counsel approval. Commissioner Wilkins seconded the motion. The motion carried 4-0.** There was discussion on how much of the City was connected to centralized sewer.
8. **Building Official** – Update provided in agenda package.
9. **Code Enforcement Report** - Update provided in agenda package.

GENERAL PUBLIC COMMENT ON ANY TOPIC

BUSINESS BY COMMISSIONERS

Tommy Smith asked about the Euclid Avenue site and the issue with the land clearing and tree debris. Commissioner Wilkins noted code enforcement was working with the landowner. Mrs. Smith noted that there is standing water on Hall Street that needs to be addressed by Staff. Commissioner Smith noted Hall Street needed repair and asked Staff to get it in the City's plans.

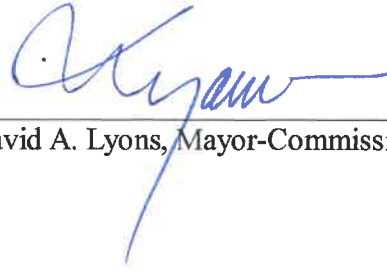
David Lyons – no comments

Julie Wilkins – no comments

Daniel Akin – no comments

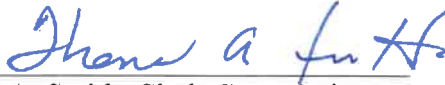
As there was no further business, the meeting was adjourned at 8:45 p.m.

APPROVED:



David A. Lyons, Mayor-Commissioner

Attest:



Thomas A. Smith, Clerk-Commissioner