

**CITY OF LABELLE
REGULAR COMMISSION MEETING**

A. CALL TO ORDER

Mayor Lyons called the November 14th, 2019 Regular City Commission Meeting to order at 6:25 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.

B. CHANGES/ADDITIONS TO THE AGENDA

None.

C. PROCLAMATIONS & PUBLIC COMMENT ON AGENDA ITEMS (NON-PUBLIC HEARING ITEMS)

1. Mayor Lyons read the Farm-City Week Proclamation into the record.

D. CONSENT AGENDA

1. Consider approval of October 2019 vouchers and paid bills.
2. Minutes from October 10, 2019 Regular City Commission Meeting and October 10, 2019 Local Planning Agency Meeting.

Commissioner Akin made a motion to approve the consent agenda as presented. Commissioner Wilkins seconded the motion. The motion carried 4-0.

E. PUBLIC HEARINGS

1. First reading of Ordinance No. 2019-22, Sandy Oaks Planned Unit Development.

Mayor Lyons asked City Planner/Deputy City Clerk Alexis Crespo to read the ordinance title into the record. The title was read into the record.

Alexis provided a presentation outlining the revisions to the PUD made in the staff report and ordinance per the Special Magistrate's recommended order, noting the density was reduced to 53 units along with other key changes. Mayor Lyons opened the meeting for public comment.

Jeff Wright with Henderson-Franklin Law Firm presented on behalf of the Applicant. He provided a summary of the initial application filed, changes made by the Applicant, and the special magistrate's recommended order. He provided an overview of the revised application based upon the recommended order. He noted the City Attorney was requiring two public hearings in an abundance of caution. He thanked Staff, the surrounding property owners, and Kate English for working with him and asked the Commission to move the application to a second reading.

Kate English spoke on behalf of Live Oak Lane property owners. She noted her clients have questions and concerns regarding the revised Master Concept Plan. She noted she would coordinate

with City Staff and the Applicant on her comments and concerns in advance of the next meeting.

Under public comment, Jeff Lazar commented that he is opposed to lot widths less than 50 feet along the Caloosahatchee River. John Yaun expressed his concerns for the project, primarily density. He noted that left-only turning movements out of the project would also not be desirable. He asked the Commission to add a maximum square footage for the units.

Brian Quinn, the Applicant, addressed the Commission and confirmed that the units will all be one-bedroom units only. He noted that the application is very thorough and comprehensive. Commissioner Wilkins asked Mr. Quinn to clarify that there are not multiple floor plans, all units are the same size, and that they can commit to a maximum square footage in case the developer changed in the future. Brian Quinn confirmed all.

Commissioner Akin asked how the left only turning movement could be enforced. Brian Quinn indicated there would be a left only sign and stop sign at the project entrance, and that the Sheriff's Office can enforce the condition. Commissioner Akin asked the Applicant to work with their engineer on designing the access to limit right turns onto Shady Oaks Avenue.

Mayor Lyons noted the first reading of Ordinance No. 2019-22 was entered into the record, and a vote was not needed.

2. First Reading on Ordinance No. 2019-26, Charter Amendments.

City Attorney, Derek Rooney, introduced the following draft Charter Amendments: 1) putting to the voters in March, a referendum to move to 4-year terms effective as of the date of the new elections; and 2) modifying the titles of each Commission seat (i.e. clerk-commissioner) noting a new way of categorizing the Commission seats would be implemented.

There was discussion on keeping the titles as adopted in the Charter since 1925. Commissioner Wilkins shared comments from Brenda Hoots, including extending the term for the transition. Derek clarified the 4-year term would start in August. The Commission agreed to maintain the current titles in the charter and only move forward with the change to 4-year terms. There was further discussion.

Mayor Lyons noted the first reading of Ordinance No. 2019-26 was entered into the record, and a vote was not needed.

3. Public Hearing on Ordinance No. 2019-20, City Commission Election Date Change.

The Deputy-Clerk read the ordinance into the record. Commissioner Wilkins asked City Attorney Rooney if the changes were made to the ordinance per the first reading. After discussion it was confirmed those changes were made.

Commissioner Akin made a motion to approve Ordinance 2019-20. Commissioner Wilkins seconded the motion. The motion carried 4-0.

4. Public Hearing on Ordinance No. 2019-21, Water Supply Facilities Work Plan.

The Deputy-Clerk read the ordinance by title. Commissioner Wilkins noted the Commission had already reviewed the plan prior to transmittal and the state had no issues. Staff confirmed the plan was accepted by the state agencies.

Commissioner Wilkins made a motion to approve Ordinance 2019-21 adopting the Water Supply Facilities Work Plan. Commissioner Akin seconded the motion. The motion carried 4-0.

5. Public Hearing on Resolution No. 2019-25, Special Exception for vehicle equipment sales/service in the B-2 zoning district.

Commissioner Wilkins discussed her concern regarding the lack of noticing to the neighbors of the special exception and public hearing, noting she had contacted neighbors along Lee Street. She also explained the past code enforcement issues with heavy trucking and impacts to the neighbors on Lee Street.

Staff presented an overview of the application, including existing conditions of the property and the proposed auto repair and detailing business. The Applicants, Dawn and Keon Miller were in attendance to answer questions. There was lengthy discussion on access from Lee Street and impacts to the neighborhood from lighting and noise. Concerns were raised by the Commissioners regarding neighborhood compatibility and outdoor storage of vehicles in the rear of the building. The Applicants said they would eliminate the vehicle storage and display in the rear of the building and limit the request to vehicle repair internal to the building. The Applicant described the improvements they were making to the roof and building exterior. The Fire Chief discussed the appropriate permits that would be required, particularly for the vehicle repair use, such as fire walls.

Under public comment, Mr. Jose Cuellar of 451 S. Lee Street spoke regarding his concerns relating to noise, lights and pollution/garbage from the past vehicle repair business that operated on the site. Mr. Juan Ramos of 433 S. Lee Street spoke about his concerns relating to noise and truck traffic. He explained the impacts of the past heavy vehicle repair business on his property. The Applicant noted they would work on changes to the application to address the concerns. The Applicant asked if they could use the property in accordance with the B-2 zoning, such as car detailing, prior to the December Commission meeting. Staff confirmed from a zoning standpoint they can use the property as allowed by the B-2 zoning district, subject to proper building permit approvals from the City and Fire Department.

Commissioner Wilkins made a motion to continue Resolution No. 2019-25 and asked the Applicant to meet with Staff. Commissioner Smith seconded the motion. The motion carried 4-0.

6. Public Hearing on Resolution No. 2019-23, Cost Recovery of Sub-Consultant Fees.

Alexis Crespo explained this resolution codifies the existing practice of collecting fees to cover the costs of outside consultant services for land development applications. There was discussion on whether the resolution was needed in light of the recent development permit fee increase resolution. City Attorney Rooney confirmed this resolution would memorialize the current practice of passing on the outside consulting fees to the applicant. There was further discussion.

Commissioner Wilkins made a motion to approve Resolution No. 2019-23. Commissioner Akin seconded the motion. The motion carried 4-0.

7. Public Hearing on Resolution No. 2019-24, Building Permit Application Fee Updates.

Alexis Crespo introduced the item on behalf of Staff and noted the fees are proposed by Mark Lynch, Building Official, to align with Hendry County's fees. Commissioner Wilkins noted she had asked

contractors to review the fees and there were no major changes or issues.

Commissioner Wilkins made a motion to approve Resolution No. 2019-24. Commissioner Akin seconded the motion. The motion carried 4-0.

F. **OLD BUSINESS**

None.

G. **NEW BUSINESS**

1. Occupational Licenses Administrative Fee Increase.

Mr. Ron Zimmerly, Finance Director, explained the item and the proposed increase of the Hendry County Tax Collector's commission for occupational licenses (from 20% to 40%). The proposal will cover the rising costs of administrative fees. Commissioner Wilkins asked if Staff could take on the task internally, and there was discussion on providing the services in house. Mr. Zimmerly noted his recommendation was to accept the 40%. There was further discussion on the costs to the City and personnel time. Mr. Zimmerly reiterated his recommendation to accept the County's proposal.

Commissioner Akin made a motion to approve the increase as presented. There was further discussion on alternatives, further research and negotiating the increase with Hendry County. Commissioner Smith seconded the motion. The motion carried 4-0.

2. City Village Preliminary Plat

Gary Hull, Superintendent of Public Works presented the item and noted Staff's ongoing efforts to work with the Applicant.

Commissioner Wilkins made a motion to approve the preliminary plat subject to further changes before the final plat is approved. Commissioner Akin seconded the motion. The motion carried 4-0.

3. Hendry County Interlocal Agreement

4. Derek Rooney presented the agreement to partner with Hendry County on a Special Magistrate services for code enforcement hearings. Commissioner Wilkins asked how frequently the code enforcement meetings would be held. Derek Rooney noted Hendry County will start with one meeting per month, with LaBelle holding meetings once per quarter to reduce costs. There was discussion on how the meetings would be conducted and if quarterly meetings would delay compliance. City Attorney Rooney confirmed the mechanisms in place to mitigate code enforcement issues in between meetings. Commissioner Wilkins asked if Douglas Bostick, Code Enforcement Official, had reviewed the agreement and had any issues. Douglas Bostick was present and confirmed he had reviewed the agreement. He noted the process would be an improvement.

Commissioner Smith made motion to approve the agreement as presented. Commissioner Wilkins seconded the motion. The motion carried 4-0.

There was public comment on code enforcement issues.

G. OLD BUSINESS

None.

H. GENERAL CORRESPONDENCE

Ron Zimmerly explained the general correspondence included the SFWMD Nature Park Lease, DEP Sewer Improvement Agreements. There was discussion on the items.

I. STAFF REPORTS

1. **Fire Chief** – Josh Rimes gave an update on calls and outreach with school age children. He also noted 2,500-3,000 people came to the fire station open house. He noted the ribbon cutting of the new facility was drawing near and the City Commission would be invited.

There was public comment from Jeff Lazar asking about the sewer improvement projects and the SFWMD Nature Park Lease Agreement.

2. **H.S.O.** – Lt. Ben Row presented the update on the monthly report from the Sheriff's Office, as attached to the meeting package.
3. **City Engineer** – Laura Constantino discussed the Zone A sanitary sewer project serving 146 customers, and Zone J serving 22 customers. She noted these projects would help with water quality in the Caloosahatchee River by converting from septic tanks to sanitary sewer. She noted the projects must be constructed by June 2021. She also noted the CDBG project awarded to David Foote Construction is awaiting contract approval and provided an overview of the improvements and schedule. There was further discussion on the City's ongoing projects and schedule.
4. **City Attorney** – Derek Rooney noted he would work with Alexis on clarifying noticing requirements in the Land Development Code. He also noted he has an estimated cost of \$7,000 to install the fence to resolve the Harper fence issue, in addition to ongoing maintenance. There was discussion on the options of moving forward in terms of vacating the right-of-way and costs of long-term mowing and maintenance. Commissioner Wilkins asked if the item should be deferred until the next meeting when impacted parties can be notified. There was further discussion on the history of the issue and resolution.

Commissioner Akin made a motion to install the fence at the cost quoted. Commissioner Wilkins seconded the motion. There was further discussion. The motion carried 4-0.

5. **Superintendent of Public Works** – Gary Hull introduced Freddy Perez, Supervisor of Public Works. He also noted Staff will be replacing air tubing at the wastewater treatment plant in order to resolve the DEP order. Commissioner Akin asked about signage to prevent people from driving through retention areas. He also asked about sodding certain drainage areas throughout the City. There was discussion on miscellaneous maintenance items.
6. **City Planner** – Alexis Crespo provided an update on the DEO Strategic Economic Development Plan, noting Staff had met with DEO representatives in November. She said during the December

meeting a schedule will be presented . She noted the community outreach kick off will begin in January 2020.

Alexis also asked for a date when the Barron Park Master Planning Committee should convene. There was discussion on possible dates, and it was decided that the committee would meet at 5 p.m. in advance of the Regular December Commission Meeting on December 12th.

7. **Finance Director** – Ron Zimmerly gave an update on the Staff holiday gift cards and the holiday party. Ron said he will be donating the Thanksgiving lunch for approximately 30 people on Wednesday, November 27th. The Christmas lunch will be held on December 23rd.

He also provided an update on a conference call he had with the Governor's Staff regarding the Florida Job Growth Grant application and answered questions from the Commission. He noted it was a favorable call. He explained this would be an infrastructure project serving the Belle Arbor area and provide for a new lift station. He also noted he was applying for additional funding for Zone B sewer improvements, approximately \$2.2 million dollars.

Ron provided an update on the SCOP process. He is hoping to be able to bid this project shortly, approximately \$103,000 in pavement overlay.

He also noted he had traveled to Tallahassee regarding the BMAP expansion that would impact LaBelle without scientific data to back up the proposed expansion. There was discussion on the BMAP impacts to the City and area. He advised he would keep the Commission apprised of new information.

He noted the Coastal Heartland National Estuary Program (CHNEP) membership opportunity that was distributed to the Commissioners. Commissioner Wilkins noted participating is important, but perhaps the City should not pay any membership fees. There was discussion on limited staff time.

There was further discussion on the proposed BMAP expansion area and the City's efforts in conjunction with surrounding jurisdictions and Hendry County to protect their mutual interests.

8. **Building Official** – Update provided in agenda package.
9. **Code Enforcement Report** - Update provided in agenda package.

K. GENERAL PUBLIC COMMENT ON ANY TOPIC

None.

J. BUSINESS BY COMMISSIONERS

Tommy Smith – Commissioner Smith asked about the City Village project status and if there are delays with permitting. Gary Hull explained that the applicant had not submitted appropriate plans to get permits and certain information was outstanding. Commissioner Smith asked Staff to follow up.

Julie Wilkins – Commissioner Wilkins provided an update on participation in Florida League of Cities' upcoming meeting and the December 6 Downtown Christmas Party.

Daniel Akin – Asked for progress on abandoned homes and getting a clear inventory from Staff. He asked Staff to start making progress towards making this a priority.

David Lyons – no comments

As there was no further business, the meeting was adjourned at 8:50 p.m.

APPROVED:

*****SEE CLERK FOR SIGNED VERSION*****

David A. Lyons, Mayor-Commissioner

Attest:

*****SEE CLERK FOR SIGNED VERSION*****

Thomas A. Smith, Clerk-Commissioner