

**CITY OF LABELLE
REGULAR COMMISSION MEETING**

Mayor Lyons called the meeting to order at 6:00 p.m. Superintendent of Public Works, Gary Hull, 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

Mayor Lyons asked for a motion on the consent agenda. Alexis Crespo, City Planner/Deputy City Clerk noted a correction to the LPA meeting minutes, page 2, correcting the motion to a recommendation of approval and not a motion to approve. She also noted a scrivener's error on page 3 of the City Commission meeting minutes, page 3, Ordinance 2019-23 is the correct ordinance number under item 6 on Public Hearings.

Commissioner Akin made a motion to approve the consent agenda, including the meeting minutes as amended. Commissioner Wilkins seconded the motion. The motion carried 4-0.

PUBLIC HEARINGS

City Attorney, Derek Rooney, noted that many of the public hearings are first reading and no presentation is required, unless requested by the Commission.

First Reading of Ordinance No. 2019-19, Land Development Code Amendment relating to Site Construction Permits.

The title was read into the record by Staff. Mayor Lyons noted the first reading of Ordinance No. 2019-19 was entered into the record, and a vote was not needed.

First Reading of Ordinance No. 2019-23, Disabled American Veterans Small-Scale Comprehensive Plan Amendment.

The title was read into the record by Staff. Mayor Lyons noted the first reading of Ordinance No. 2019-23 was entered into the record, and a vote was not needed.

First Reading of Ordinance No. 2019-24, Disabled American Veterans Planned Unit Development Rezone.

The title was read into the record by Staff. Mayor Lyons noted the first reading of Ordinance No. 2019-24 was entered into the record, and a vote was not needed.

Mayor Lyons moved to the first Reading on Ordinance No. 2019-27, Amendment of Code Enforcement Process Derek Rooney explained the intent of the ordinance was to bring the code in line with the new Hendry County special magistrate procedures and streamline the code.

The title was read into the record by Staff.

Derek Rooney noted that the public hearing on Resolution No. 2019-25, special exception for vehicle equipment sales/service in the B-2 zoning district, was continued.

The title was read into the record by Staff and City Attorney Rooney explained the item and asked all attendees planning to speak on the matter to do so under oath. The oath was administered by the City Attorney. A presentation was made by the City Planner with an explanation of the changes to proposed conditions since the November meeting, including the addition of a maximum square footage of 700 square feet, and modifying the berm height on Lots 24 and 31 to 2 feet instead of 3 feet. Commissioner Akin noted the Draft HOA documents would need to be updated to be consistent with the zoning conditions, including 30-day leasing limitation and maximum unit size. Commissioner Akin asked about the open space requirement and if the 30% could be met on-site. Following discussion Staff noted that the word "common" should be removed from the description of open space in the condition for clarity.

Following Staff's presentation, the Applicant's attorney Jeff Wright with Henderson Franklin law firm made a presentation. He asked that the transcript from the January 2019 City Commission meeting be entered into the record as part of this hearing. There was discussion from the City Attorney on accepting the transcript but noting that evidence and testimony was for a different request in terms of changes to the density, master concept plan and conditions. Jeff Wright noted the request is now less intense than what was originally requested. Following the Applicant's presentation, Mayor Lyons opened the floor for public comment.

Kate English with Pavese Law Firm spoke on behalf of the Live Oak Lane homeowners. She noted her clients are not comfortable with the project. She noted the request is not consistent with the Comprehensive Plan, including policies to maintain the small-town charm and atmosphere. She requested more detail relating to the landscaping and how the berms can be accommodated. She noted her clients are not in support of the proposed 2-foot berm height. She noted concerns regarding lack of water management design. She noted the requested density is too high. She thanked the Commission for their time and concern. She noted if they are inclined to approve the petition, to please address the buffering and water management items.

Jeff Lazar spoke in opposition of the smaller lot sizes on the Caloosahatchee River and noted it would be a bad precedent. Commissioner Wilkins asked what the impact of smaller lots on the River would be for the adjacent landowners.

Myron Daniel spoke as a representative of Moss Landing. He noted 30-day leases of units would result in a very transient community. He also noted the accidents on Shady Oaks Avenue and traffic issues in the area.

John Yaun spoke regarding his concerns for traffic and the conditions on Shady Oaks Avenue. He noted Shady Oaks is not a two-lane roadway. He spoke regarding concern for 30-foot wide lots on the River, and lack of maintenance of the property.

Commissioner Wilkins asked what the concern is for the 30-foot wide lots if those lots were not each permitted a dock. She noted if each lot could have a dock, she would better understand the concern. Mr. Yaun noted his concern for the lot sizes relates to small-town charm.

Terry Lazar spoke regarding trash and maintenance concerns and if there would be on-site management.

Jeff Wright responded that that the HOA documents address property maintenance and there are also general LDC requirements that are City-enforceable. He also noted that if the City wanted the

developer to provide a 3-foot tall berm, the Applicant could accommodate the 3 feet and would remove their request for the 2-foot tall berm. There was discussion on the landscape buffer, including berm, being placed in an easement. There was further discussion on water management design.

Jeff Lazar spoke again, stating that Moss Landing is well-maintained due to on-site management. Terry Lazar spoke again on her concern regarding 30-day rentals and the transient nature of the community, as well as concern regarding low income housing.

Glenn Finks, resident of Live Oak Lane, spoke regarding comprehensive plan compatibility regarding the proposed small lots compared to the estate lots along Live Oak Lane. He asked for the density to remain as current zoned for up to 29 lots. He noted his concerns regarding traffic and the failure of the project.

Pat Langford, also a resident of Live Oak Lane, spoke about the traffic and pedestrian safety concerns along Shady Oaks Avenue.

There were additional public speakers expressing concern regarding traffic and protection of the character of LaBelle and the immediate neighborhood. John Yaun spoke again regarding the berm design.

Brian Quinn spoke and thanked the Commission. He noted the long process and the information available to the Commission to make the decisions.

Raul Battaler spoke on the PUD process and how this allowed developers to change the code to their benefit.

Alex Caldwell spoke that the project was incompatible with the surrounding land uses and expressed concern regarding density and traffic. He also noted Belle Arbor is oriented to SR 80 and would not have the same impact as this project.

Public comment was closed by Mayor Lyons. The Applicant was provided an opportunity to provide rebuttal.

Jeff Wright noted the traffic study demonstrated that there is no adverse impact on the roadways. He also noted the Special Magistrate's recommendation and the Commission's acceptance of that recommendation at the October meeting.

Kate English was given an opportunity to speak. She noted she is glad the 3-foot tall berm will be provided, and her clients are still concerned regarding how the stormwater management will function in the space available.

Commissioner Wilkins discussed that the stormwater management design will be addressed at the Site Construction Plan review stage.

Derek Rooney noted that the condition would be amended back to the 3-foot tall berm requirement, and also recommended that the Commission stipulate that the buffer and berm be provided within an easement.

Commissioner Akin asked about the open space requirement and if the 30% could be met on-site. Following discussion Staff noted that the word "common" should be removed from the description

of open space in the condition for clarity. There was lengthy discussion regarding the definition of open space and how this can be accommodated on the site. There was also discussion on the code's requirements for traffic studies and off-site improvements. There was discussion the impacts from Belle Arbor PUD on the area roadways and the proposed improvements and circulation. Mayor Lyons permitted additional public comment relating to traffic and density.

After further discussion, Commissioner Smith expressed his desire to uphold private property rights and the arbitration recommendation. Commissioner Smith made a motion to approve Ordinance 2019-22 with the changes noted during the Staff and Applicant presentations. Commissioner Wilkins seconded the motion for discussion. After discussion, Commissioner Wilkins withdrew her second. Mayor Lyons seconded the motion. There was discussion. Mayor Lyons called for the vote. The motion carried 3-1 with Commissioner Akin dissenting.

The Commission recessed for ten minutes.

Public Hearing on Ordinance No. 2019-26, Charter Amendment.

When the meeting was called to order, Staff read the title into the record. Derek Rooney clarified that the Commission titles were restored to the ordinance following the input at first reading. The only change proposed in the ordinance is to election terms, to be confirmed via referendum. Commissioner Akin made a motion to approve Ordinance No. 2019-26. Commissioner Wilkins seconded the motion. The motion carried 4-0.

Public Hearing on Resolution No. 2019-26, Riverview Park Un-named Right-of-Way Vacation.

Staff read the title into the record and made a brief introduction of the item. Derek Rooney clarified that mailed notices had been sent to property owners. Commissioner Wilkins made a motion to approve Resolution 2019-26. Commissioner Smith seconded the motion. The motion carried 4-0.

OLD BUSINESS

Under Old Business the City Commission addressed the recommendations from the Barron Park Master Plan Committee meeting that occurred prior to the regular Commission meeting. A motion was made by Commissioner Akin to authorize the Mayor execute contracts up to \$10,000 for the following improvements: 1) removal of the fence around the tennis courts (free of charge by Mr. Howard), and 2) interim repairs to irrigation, benches, and pavilion roof. Repairs are to be completed prior to the Swamp Cabbage Festival. The motion was seconded by Commissioner Wilkins. The motion carried 4-0. Derek Rooney noted the Mayor has authorization for up to \$50,000 in expenditures.

NEW BUSINESS

Waste Connections – Proposed 5% Increase for Residential & Commercial.

Mayor Lyons introduced the item. There was discussion that the commercial charges were increased very recently. Derek Rooney said you can always rescind the decision at a future meeting. Commissioner Akin made a motion to support the 5% increase for residential only. Commissioner Smith seconded the motion. The motion carried 4-0.

City Village Final Plat.

Staff noted they recommend the City Commission approve the final plat subject to developer providing the City with a letter of credit or a performance bond for 110% of the estimated construction costs. There was discussion the development occurring on-site prior to plat approval. Commissioner Wilkins made a motion to approve as presented by Staff. Commissioner Akin seconded the motion. The motion carried 4-0.

LaBelle Brewery – Request for Pedestrian Crosswalk on Shady Oaks Avenue.

Shellie Johnson representing the LaBelle Brewery made a brief presentation on the requested crosswalk on Shady Oaks Avenue to connect the Brewery to the parking lot on the north side of the road. Following discussion, the Commission delegated authority to Superintendent of Public Works to work with the property owner to address pedestrian crossings on Shady Oaks Avenue. There was discussion on the sidewalk network throughout the project. Derek Rooney noted the Commission should not make legislative decisions on such technical matters. The Commission agreed to delegate authority to Mr. Hull.

Mrs. T.A. Smith complimented Staff on the holiday decorations throughout City Hall. The Commission agreed.

Caloosa Humane Society – Road Closure Request for Swamp Stomp 2020

Karla Kaufman requested the road closure for the 5K Swamp Stomp during Swamp Cabbage weekend. Commissioner Wilkins made a motion to support request for road closure. Commissioner Akin seconded the motion. There was discussion. The motion carried 4-0.

Commissioner Wilkins asked how we can get minutes to the FDOT before the January meeting to obtain permits. Derek Rooney indicated draft minutes could be provided.

Swamp Cabbage Parade Road Closure Request.

Melissa Music spoke on the requested parade route road closures on SR 29 and 80, noting it is the same route as previous years. Following discussion, Commissioner Smith made a motion to approve the request. Commissioner Wilkins seconded the motion, noting she is Chair of the Swamp Cabbage Festival and confirming no conflict on voting. The motion carried 4-0.

GENERAL CORRESPONDENCE (FYI)

Mayor Lyons made note of the Medal of Honor Recipient Event in March 29, 2020 in the agenda back-up.

STAFF REPORTS

Fire Chief Josh Rimes was not present as he was called to a fire. Commissioner Wilkins noted there were 42 calls over the past month.

Jesus Olvera with the Hendry County Sheriff's Office presented the report attached to the agenda package on behalf of Lt. Rowe.

City Attorney Derek Rooney noted he is working on a deed to convey Millers Subdivision Lot 11 to

LaBelle Chapter #144 Disabled American Veterans. This will be brought back at the January 2020 meeting. He also noted that there is a state law that qualifying mobile home parks are not assessed park fees. This has not been an issue for the City but is resulting in a revenue shortfall for Hendry County. Hendry County is looking at enacting an assessment directed by Mark Lapp to raise additional funds. This would be predicated on a study that would need to be completed by a qualified consultant. Mobile home parks regulated by certain state laws are exempt from park fees, like RVs. Mobile home parks can seek to change their status, which would result in lost revenue. Derek asked for permission to look into parks assessments for hotels and RV parks including looking for a consultant to perform the study. There was consensus from the Commission to proceed with investigations.

Superintendent of Public Works Gary Hull provided an update on several projects including the CDBG project, noting pre-construction meetings will occur in early January 2020. He also spoke regarding the septic to sewer conversion projects and Staff's work refining the scope and reviewing routings. He explained that the North Water Treatment Plan has successfully been severed from the system following significant compliance issues. He noted current investigations into desanding the Wastewater Treatment Plan. He also provided updates on staffing, machinery/equipment, and the status of the SCOP project approved by FDOT.

City Planner Alexis Crespo provided an update on the Competitive Florida Partnership Grant Update - Economic Development Plan. She asked the Commission to confirm if the first community outreach meeting could be held at the Civic Center on Saturday, February 7, 2020 from 10 a.m. to 12 noon. Following discussion and investigation on the Civic Center's availability, the date was accepted by the Commission. Ms. Crespo noted she would advertise the meeting accordingly.

Finance Director Ron Zimmerly was excused from the meeting.

Building Official and Enforcement Reports were included in the agenda materials and no presentations were given.

BUSINESS BY COMMISSIONERS

Tommy Smith – Commissioner Smith asked for an update on the Harper Fence issue. He also asked for traffic control signs to slow traffic on Belmont Avenue. He asked for an update on City Village. Mr. Hull noted the Commission had approved the final plat at tonight's meeting and it was moving forward.

Daniel Akin – Commissioner Akin asked for an update on code enforcement. Derek Rooney provided an update on how the new special magistrate process with Hendry County will function, including the ability to demolish the unfit structures, including the property on Oklahoma Avenue. He also asked Staff to look into the densities permitted in the Future Land Use Element. There was Commission discussion the density in Outlying Mixed Use and Downtown District categories.

Julie Wilkins - No additional comments

David Lyons – No comments

As there was no further business, the meeting was adjourned at 9:00 p.m.

APPROVED:

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

David A. Lyons, Mayor-Commissioner

Attest:

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

Thomas A. Smith, Clerk-Commissioner