

**CITY OF LABELLE
REGULAR COMMISSION MEETING**

Mayor Lyons called the meeting to order at approximately 6:40 p.m. Ron Zimmerly, Finance Director, 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 TO THE AGENDA

Mayor Lyons asked Staff if there were any changes to the agenda. Alexis Crespo, City Planner/Deputy Clerk, noted that the public hearing on Resolution No. 2019-25, special exception for vehicle equipment sales/service in the B-2 zoning district, was withdrawn. Alexis also noted a minor change to the Commission meeting minutes to be presented during the Consent Agenda.

PROCLAMATIONS

Mayor Lyons introduced the American Legion Centennial Day proclamation. Alexis read the proclamation into the record. The proclamation was presented by Mayor Lyons to Linda Teasley, representative of the American Legion.

CONSENT AGENDA

Mayor Lyons asked for a motion on the consent agenda. Alexis Crespo, City Planner/Deputy City Clerk noted a correction to the Commission meeting minutes, page 4, correcting the motion on the Sandy Oaks PUD was 3-1 and not 3-0.

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

PUBLIC HEARINGS

Public Hearing on Ordinance No. 2019-19, Land Development Code Amendment relating to Site Construction Permits. Alexis read the title into the record. The Commission waived the staff presentation. Commissioner Wilkins asked if there were major changes since the first reading. Alexis noted the amendment now requires a landscape plan to ensure compliance with the Land Development Code and/or applicable PUD conditions. She also noted the TIS methodology would be established with the Applicant at a pre-application meeting, where a TIS is required by the project. She clarified the site development permit process is not required for single-family homes construction on platted lots. Commissioner Wilkins noted the amendment had been reviewed by the consultant and contractor representatives in the City. She also reinforced that the requirements should not be too onerous for smaller developers, and Staff should work with applicants during the pre-application meeting to not require unnecessary information when the project does not warrant it. There was no public comment.

Commissioner Akin made a motion to approve Ordinance 2019-19 as presented. Commissioner Wilkins seconded the motion. The motion carried 4-0.

Public Hearing on Ordinance No. 2019-23, Disabled American Veterans Small-Scale Comprehensive Plan Amendment. Alexis read the title into the record. The Commission waived the staff presentation. There was

no presentation by the Applicant. There was no public comment.

Commissioner Wilkins made a motion to Ordinance No. 2019-23 as presented. Commissioner Akin seconded the motion. The motion carried 4-0.

Public Hearing on Ordinance No. 2019-24, Disabled American Veterans Planned Unit Development Rezone. Alexis read the title into the record. The Commission waived the staff presentation. There was no presentation by the Applicant. There was no public comment.

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

Commissioner Wilkins asked to move forward with the Miller Avenue Lot 11 quit claim deed (under New Business) granting the City-owned property to the Disabled American Veterans. City Attorney, Derek Rooney, presented an overview of the quit claim deed.

Commissioner Wilkins made a motion to direct the Mayor to execute the deed. Commissioner Akin seconded the motion. The motion carried 4-0.

Public Hearing on Resolution No. 2020-01, Special Exception for mobile vending at the subject property located at 670 W. Hickpochee Avenue, LaBelle Brewing Company. Alexis made a brief presentation of the staff report. Shellie Johnson, Agent for the Applicant, noted she agreed with the staff report and asked for questions from the Commission.

The Applicant noted the hours for the food trucks can be limited to 12 noon to 8 p.m. based upon the hours of the brewery on Sundays. Commissioner Wilkins noted she was pleased with this modification as the late hours were a concern due to the neighborhood. There was discussion on the brewery in relation to the neighborhood and parking constraints.

Gary Hull noted the Applicant needed Commission permission to remove the water oak in the off-site parking lot that was under construction on the north side of Shady Oaks Avenue. There was discussion on the appropriate process to remove a healthy significant oak per the recent LDC amendments. There was consensus from the Commission that the request to remove the water oak tree, and replant/mitigate within the Belle Arbor project, could be made as part of the Special Exception. It was noted the tree should be replanted with one year based on the Belle Arbor development schedule. There was no public comment.

Commissioner Wilkins made a motion to approve Resolution 2020-01 with the changes to hours of operation from 12 noon to 8 p.m. and adding permission to remove the significant water oak tree on the off-site parking lot, subject to replanting of a mitigation tree within one (1) year within Belle Arbor PUD. Commissioner Akin seconded the motion. The motion carried 4-0.

Public Hearing on Ordinance No. 2019-27, Amendment of Code Enforcement Process. Commissioner Wilkins asked for clarification on the ordinance number. Alexis clarified the Ordinance No. is 2019-27, not 2020-01. Alexis Crespo read the title into the record. 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. There was no public comment.

Commissioner Akin made a motion to approve Ordinance No. 2019-27 as presented. Commissioner Wilkins seconded the motion. The motion carried 4-0.

NEW BUSINESS

Ron Zimmerly presented the memo from Rock Enterprises relating to RFP 2020-02 Captain Hendry Roof Award. He noted a pre-bid conference was held and only one (1) firm submitted, which was Crowther Roofing. He discussed the details of the bid for \$156,000 covered by insurance and FEMA as it relates to Hurricane Irma damage. He recommended that the bid be awarded to Crowther Roofing and Sheet Metal. Commissioner Wilkins asked about the exceptions listed in the bid and noted concerns about issues arising once the project commences. Ron noted that this was clarified with the bidder on the 2nd page of the bid. She asked if the exceptions would be covered by the insurance company. Ron said he believe the insurance company will cover the entire project, with the exception of the wind deductible. There was further discussion.

Commissioner Smith made motion to approve the bid from Crowther Roofing and Sheet Metal for RFP 2020-02 as presented by Staff. Commissioner Akin seconded the motion. The motion carried 4-0.

GENERAL CORRESPONDENCE (FYI)

Mayor Lyons noted that County Resolution 2019-103 relating to the Hendry County as Second Amendment Sanctuary was provided in the agenda packages. There was no discussion.

STAFF REPORTS

Fire Chief Josh Rimes noted the Fire Department ran 54 incidents. He noted the annual awards banquet was held in December, including several service awards. He noted Megan Snell was recognized as Fire Fighter of the Year. He reminded the Commission that January is “move over month” for the State of Florida, so please move over for first responders, utility workers, and construction workers. He also thanked the Sheriff’s Office for their service adding it was Law Enforcement Appreciation Day.

Jesus Olvera with the Hendry County Sheriff’s Office presented the report attached to the agenda package on behalf of Lt. Rowe. He noted an increase in call volume for 2019 over 2018.

Laura Constantino with Four Waters noted progress on various projects including the pre-construction meeting for the CDBG project, noting the contractor intends to complete the project ahead of schedule. She provided an update on Zone A and J sewer/water quality projects noting they would be kicking off the project as soon as possible. The pump station and force main for Zone A would be designed and constructed by 4th Quarter 2020 to facilitate development in the area, including Oakwood Terrace. She also provided an update on the groundwater monitoring relating to the consent order for the treatment plant. She noted they are working to resolve the issues with the wells to address comments on access from FDEP.

City Attorney Derek Rooney presenting a draft consulting agreement with PFM relating to RV/Motel/Hotel recreation assessment and the shortfall of funding from the County. The contract is for \$30,000 but the costs would be split 50/50 with Hendry County. The City would execute the consulting contract with the County reimbursing the City in order to expedite the process. He also noted he had worked out extensions with the tax collector and property appraiser to extend assessments until March 2020 to allow time for the new assessment to be adopted. Ron Zimmerly noted the Commission needed to identify a funding source as this item was not budgeted. Commissioner Wilkins asked for a recommendation on the funding source. Mr. Zimmerly recommended the item be funded through the contingency funds. There was discussion on funding sources and the ability of mobile home parks to convert to RV parks to avoid the appropriate taxation.

Commissioner Akin made a motion to fund \$15,000 of the City’s share of the consultant contract fee from the contingency fund. Commissioner Wilkins seconded the motion. Motion carried 4-0. It was later

clarified that the motion also includes approval to proceed with the consultant per the contract presented. There was discussion on the motion and if it included both contract approval and budgetary approval. There was further discussion. ***Commissioner Akin later clarified that his motion was to approve the contract with PFM as presented as well as the \$15,000 in funding from the contingency fund. Commissioner Wilkins seconded the amended motion. The amended motion carried 4-0.***

Derek asked for a motion to approve the Mayor executing the agreements with the Hendry County Property Appraiser and Tax Collector to adopt resolutions of intent relating to the recreation assessment by March 1, 2020. There was discussion on the agreements being identical wording with different entities.

A motion was made by Commissioner Wilkins authorize the Mayor to execute the agreements as presented. Commissioner Akin seconded the motion. The motion carried 4-0.

Superintendent of Public Works Gary Hull provided an update on several projects including severing the old water plant from the system following significant compliance issues, noting some leaks had been found. He noted ADS provided a back hoe to the City free of charge, which he will use to remove exotic vegetation in various locations in the City.

He noted progress at the wastewater treatment plant to remove the sand and the process for finalizing the repairs. There was extensive discussion on the source of the sand including portolet companies that are allowed to pump into the system, as well as septic tank disposal vendors, which tend to contain sand materials. There was discussion on enacting an emergency moratorium on accepting the portolet and septic tank waste until the plant had been repaired. There was discussion on any contracts the City may have with portolet disposal providers. Representatives from Four Waters provided their input on impacts of specialty waste on the system. Derek Rooney noted the contracts with any vendors should be reviewed and accepting such materials may be in violation of DEP permits, if the permit only allows the City to accept municipal waste.

Commissioner Wilkins asked if the Commission should enact a 30-day emergency moratorium on accepting septic tank and portolet waste into the City's facility to provide time for Staff to review the DEP permit, contracts with vendors, and better understand the impacts on septic tank and portolet waste on the system. There was further discussion. Commissioners asked Staff to come back at the next meeting in February with recommendations after reviewing the impacts of the specialty waste, reviewing any applicable contracts, and the FDEP permits.

Commissioner Wilkins made a motion to enact a 30-day moratorium on accepting waste from septic tank disposal companies but allow local portolet vendors to continue disposal.

There was discussion on how the motion could be implemented. Yvette Williams noting she has witnessed illegal dumping in the City's facilities. Derek Rooney recommended the motion be amended to only allow disposal by vendors that have contracts with the City or are in the service area.

Commissioner Wilkins amended her motion to enact a 30-day moratorium on accepting waste from any vendors outside the City's service area and not subject to a contract with the City. The motion was discussed and not seconded. Commissioner Wilkins retracted her motion.

Commissioners noted they would have an emergency meeting if needed prior to the February meeting. It was decided that Staff would proceed with their investigation of the issues, including contracts, DEP permits, and impacts on the facilities, and report back at the February meeting.

Gary Hull also noted that the Burger King representative has asked to remove two (2) significant oak tree

between Hall Street and the SR 80 right-of-way that may conflict with truck traffic and also creates visibility issues for the restaurant. There was discussion on the locations of the trees in relation to the Burger King property line. It was clarified that the trees are located in the right-of-way and discussion of the liability issues with the trees and the development. Commissioner Wilkins noted the trees are inconvenient but not dangerous or unhealthy. She asked Staff to get an arborist's opinion. Gary noted the expense of removing the trees if the City ever needed to remove them. It was decided the applicant should get an arborist opinion on the health of the trees and report back to the Commission.

City Planner Alexis Crespo provided an update on the Competitive Florida Partnership Grant Update - Economic Development Plan, noting the first community outreach meeting will be held at the Civic Center on Saturday, February 8, 2020 from 10 a.m. to 12 noon. She provided an update on the City's meetings with Hendry County Staff and their efforts to create a standard TIS methodology. She also asked for direction on bringing the Outlying Mixed-Use future land use category to the Commission for workshops and discussion, as there is concern regarding the densities allowed on smaller properties in this category. There was consensus from the Commission on bringing this to the LPA for a workshop in the future.

Ron Zimmerly noted FDEP will host a BMAP meeting at the Civic Center on January 22nd. The time is still to be determined.

He also noted that the Progressive Management waste fee increase presented at the December meeting was for a 5% increase for both commercial and residential waste fees, but the Commission only approved the 5% increase for residential. He noted there was confusion that the Commission may have thought they had already increased commercial in 2019, but that increase approved in 2019 was to offset the increased Lee County tipping fee for commercial. He asked the Commission to approve the 5% commercial increase in light of this additional information. ***Commissioner Akin made a motion to approve the 5% increase for commercial.*** The motion failed due to lack of a motion. There was discussion on the motion and if the increase was a "pass through" to customers. The Commission asked Staff to review the meeting minutes and bring a recommendation back in February.

Ron then discussed the server issues and options for a cloud-based server. He noted issues with the server crashing regularly. There was discussion and Ron said he would bring this item back in February, adding a motion was not needed at this time.

He provided an update on the SCOP pre-bid conference, noting four contractors attended the pre-bid meeting. Ron noted that Doug Bostick is retiring effective January 30, 2020. Ron noted the City would recognize Doug for this time with the City and the job would be posted in the Caloosa Belle. Commissioner Wilkins noted the Hendry County Facebook page would be a good place to post the position as well.

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

BUSINESS BY COMMISSIONERS

Tommy Smith – No comments.

Julie Wilkins – Commissioner Wilkins recapped from the December minutes what was authorized for Barron Park improvements.

Daniel Akin – No comments.

David Lyons – No comments.

There was a request from Mrs. Linda Smith for the City to buy a table and advertisement for the Old Timer's Dinner for \$500. Commissioner Wilkins noted this item was covered in the City budget. Ron noted he would coordinate the check.

As there was no further business, the meeting was adjourned at approximately 8:40 p.m.

APPROVED:

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

David A. Lyons, Mayor-Commissioner

Attest:

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

Thomas A. Smith, Clerk-Commissioner