

**CITY OF LABELLE  
REGULAR COMMISSION MEETING**

Mayor Lyons called the meeting to order at approximately 6:00 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.

Mayor Lyons opened the meeting with inviting Doug Bostick to the podium. He noted Doug's service as Code Enforcement Officer for the City for 12 years. He thanked him for his service and presented him with a token of appreciation from the City of LaBelle. The Commissioners also provided their thanks to Doug.

**PROCLAMATIONS**

1. Mayor Lyons read the proclamation for the Swamp Cabbage Festival Pioneer Family, the Robert & Catherine Waldron Family, into the record. Mayor Lyons next read the proclamation for Grand Marshal, Renee Curtis Pratt, into the record. The proclamations were presented to Swamp Cabbage Festival Committee members Keitha Daniels and Commissioner Wilkins.
2. Mayor Lyons read the 2020 Poppies Day Proclamation into the record. The proclamation was presented to Linda Teasley of the American Legion.
3. Mayor Lyons asked Michael Shough, Chair of the Firehouse Community Theatre Inc., to present his request for building improvements relating to the city-owned property at 241 N. Bridge Street. Mr. Shough explained the conditions of the existing dressing room addition and proposed improvements to be funded by the Theatre. There was discussion on the proposed improvements.

***Commissioner Wilkins made a motion to approve the requested improvements, both internal and external to the building; and to coordinate with the City Building Official and City Attorney; and the improvements would be at no cost to the City. There was discussion. The motioned was seconded by Commissioner Akin. The motion carried 4-0.***

4. Mayor Lyons introduced Michelle Malsbury to make a presentation on the 2020 US Census. She urged the City to encourage participation in the 2020 census, noting new technology would be used to bolster participation. There was discussion on counting the seasonal ("snowbird") population and how to accurately count that significant part of the City's population. It was clarified that the response is "per household" and not individually. The public was encouraged to access the survey at the public library.
5. Mayor Lyons introduced Margaret England from the Hendry Glades Unmet Needs Coalition to make a presentation. She provided an update on the coalition's goals, progress and funding from the Red Cross and United Way, including funding of a needs assessment. She noted the coalition has spent over \$665,000 on improving homes in the community. She thanked all supporting organizations, including the City of LaBelle. The Commissioners thanked the Coalition for all their work to improve the community.
6. Mayor Lyons introduced Zay Louis from Waste Connections to explain the proposed 5% commercial rate increase. He noted that an annual rate adjustment is customary to address rising costs and the "costs of doing business". He noted LaBelle's rates have not been adjusted

since 2016. He noted this is different than the waste disposal fee, or tipping fee, that was recently adjusted. The 5% increase is based upon the latest price index. He noted the increase to customers is nominal. Commissioner Wilkins noted that she wanted to better inform the customers of the price adjustments. She also asked Staff if this provider took care of recycling.

Zay noted Waste Connection offers recycling services and it can be added to the City's list of services upon request. Commissioner Wilkins asked Staff to look into recycling services and bring back costs to the Commission for consideration. There was discussion on the recycling operation and logistics of pick-up and drop-off.

***Commissioner Wilkins made a motion to approve the proposed 5% commercial waste increase provided that Waste Connection send a letter to customers. Commissioner Akin seconded the motion. The motion carried 4-0.***

## **CONSENT AGENDA**

Mayor Lyons asked for a motion on the consent agenda including January minutes, vouchers and bills.

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

## **PUBLIC HEARINGS**

1. Mayor Lyons introduced the first public hearing item, first reading on Ordinance 2020-01, Paul 50-Acre Planned Unit Development Rezone. City Attorney, Derek Rooney, read the title into the record. There was no public comment on the item.
2. Mayor Lyons introduced the Parrish Chiropractic Sign/Mural to be located on the business at 80 N. Main Street. Dr. Parrish addressed the Commission noting the new business' brand and logo and their request to paint it on the side of the building. Derek noted that murals are prohibited by the code unless they receive commission approval. Commissioner Wilkins asked if a commercial logo was allowed by the code. Derek clarified the commission can permit the logo as a mural sign per his interpretation of the code. There was discussion on the logo.

***Commissioner Wilkins made a motion to approve the mural sign as proposed. Commissioner Akin seconded the motion.*** The Applicant asked that the mural not be included in the calculation of sign area for the business. The Commission agreed the mural does not count towards the maximum allowable sign face area. ***The motion carried 4-0.***

3. Mayor Lyons introduced the next public hearing item, requesting removal and off-site mitigation for the removal of significant oak tree, for property located at 930 S. Bridge Street. Shellie Johnson presented on behalf of the Applicant. She presented the request to remove the 3 oak trees and pay a fee-in-lieu of \$500 per tree. She also noted the landscape plans show the replanting of 8 oak trees to meet the code.

Commissioner Wilkins asked if there was any site plan leniency that could be provided to save the trees. Shellie spoke to the irregular size of the site and the need for water management. There was discussion on the SR 29 improvements and how they would impact the property. Commissioner Smith noted he could not vote as he had a financial interest in the property.

Commissioner Akin made a motion to approve the request to pay \$1,500 for the removal of the three (3) significant oak trees. The motion failed due to lack of a second.

There was discussion on the 2” caliper replacement tree requirement and the \$500 payment in lieu fee. Commissioner Wilkins felt the LDC requirements were not sufficient to meet the City’s intent to be the City of Oaks. She asked Staff to review potential LDC changes to require larger trees or larger payment to allow for replanting of bigger trees. The Applicant with Creighton Development, Lauren Evans, spoke on the application and request.

A member of the public spoke and asked if the applicant had investigated the trees prior to creating the site plan. There was lengthy discussion on how to uphold the LDC intent to protect mature oaks, and the proposed site plan constraints.

***Commissioner Wilkins made a motion to approve removal of the three (3) significant oak trees, subject to replanting of eight (8) live oak trees on-site, planted at a 4” caliper instead of 2”, and reduce the payment in lieu fee to \$750 total for the site. Commissioner Akins seconded the motion. The motion carried 3-0, with Commissioner Smith abstaining.***

Commissioner Wilkins reinforced that the City wants to be business friendly. She asked the Applicant to keep the City updated on their ability to find 4” oak trees. Keitha Daniels asked if the City was planting trees in public spaces upon payment of the fee. Commissioner Wilkins noted they should be, and thanked Ms. Daniels for her comments.

## **NEW BUSINESS**

1. Mayor Lyons introduced the Riverbend Passive Park Lease Agreement with South Florida Water Management District. Derek noted the agreement was standard language and the Commission could approve subject to City Attorney review and revisions. Ron Zimmerly noted some key language in the agreement. Commissioner Wilkins asked to defer approving the agreement until the City Commission had time to review. Ron noted his concern with the timeframe of the agreement and that the term may not allow the City to secure grants for improvements at the park. Ron agreed the item should be tabled until the next meeting.
2. Derek Rooney provided an update on the PFM Recreation Special Assessment Study. There was discussion on expanding the study to include vacant lots in future years. He noted a special commission meeting would be held on February 27, 2020 at 6 p.m. to approve the new assessment. The special meeting was needed due to the deadline to provide to the tax collector and property appraiser. He noted the consultant would be at the meeting to present their findings.
3. Ron Zimmerly provided an update on the SCOP Repaving/Overlay Project Bid Update (RFB 2020-01), which was due on Tuesday, February 11<sup>th</sup> at 2 p.m. He noted four (4) firms submitted bids by the deadline, and two (2) firms submitted after the deadline. He noted Staff’s recommendation is to return the late bids unopened, and to award the bid to OHL USA, Inc. in the amount of \$113.50 per ton, and authorize the Mayor to execute the contract and any required paperwork, contingent upon FDOT approval. Ron noted that FDOT has already approved based upon the Commission’s approval of Staff’s recommendation.

***Commissioner Wilkins made motion to approve Staff’s recommendation. Commissioner Akin seconded the motion. The motion carried 4-0.***

4. Mayor Lyons noted there are two (2) walk-on requests for oak tree removal. He asked Mr. Patel

with the LaBelle Motel to address the Commission on his request. Mr. Patel noted that an oak tree on his property was trimmed due to powerline conflicts and he would like to remove unhealthy limbs on the tree. There was discussion on the safe trimming due to proximity to the powerlines.

***Commissioner Akin made motion to approve removal of the limbs. Commissioner Wilkins seconded the motion subject to safe removal/life safety protection. The motion carried 4-0.***

The second walk-on item relating to significant oak tree removal was Mr. Bedollah seeking approval to remove two (2) oak trees on his parcel at 475 Cypress Street, at Cypress and Seminole. Mr. Bedollah noted the location of the trees make the lot undevelopable. No tree survey was available. It was noted there are five (5) total trees on the site and he wants to remove two (2) that are in the middle of the property. There was discussion on the recent changes to Florida Statutes relating to removal of diseased trees, and the LDC provisions relating to significant oak tree removal. Commissioner Wilkins discussed making a motion to approve removal subject to Staff approval. Derek Rooney noted the Commission's approval should be contingent upon the submission of a building permit for the single-family dwelling.

***Commissioner Smith made a motion to approve removal of the two (2) trees subject to submittal of a building permit for the single-family house. Commissioner Akin seconded the motion. The motion carried 4-0.***

## **GENERAL CORRESPONDENCE (FYI)**

Mayor Lyons noted that the general correspondence items in the package.

## **STAFF REPORTS**

The Fire Department representative noted the Department ran 76 calls in January. He noted FDOT improvements to the drainage by the station and preparations for Swamp Cabbage Festival. Commissioner Wilkins confirmed the Fire Department's location during the events.

The Hendry County Sheriff's Office representative noted their analyst is out of office so no report for January was available. There was discussion on traffic safety at certain intersections and enforcement measures.

Laura Constantino with Four Waters provided an update on Zone A and J sewer/water quality projects. There was discussion on the completion timeframe in 2021, and the expedited timeline. Mayor Lyons asked about the funding for Zone B. Ron Zimmerly noted that the legislature is halfway through session so we should know when the appropriations bill passes in a few months.

City Attorney Derek Rooney noted he had no updates this month.

Gary Hull noted progress at the wastewater treatment plant relating to vendor disposal and ongoing repairs. He noted improvement in the reduction of problematic materials being accepted. He noted the vendors were willing to work with the City and the problem was not as significant as relayed at the January Commission meeting. He provided a detailed update on the ongoing repairs. There was also a brief discussion on the Swamp Cabbage Festival preparations.

It was noted Alexis Crespo, City Planner, was excused from the meeting.

Ron Zimmerly noted a fundraiser would be hosted on Sunday, March 29<sup>th</sup> at 2 p.m. at the Civic Center and

the Commission would have a table. He also noted the museum gala on Saturday the 20<sup>th</sup>. He also noted there was minimal participation at the DEO open house on February the 8<sup>th</sup>, but good input was received.

Allen Pickles provided a brief introduction of Code Enforcement issues.

### **BUSINESS BY COMMISSIONERS**

Tommy Smith – No comments.

Commissioner Wilkins reminded attendees regarding the events at the Swamp Cabbage Festival starting on Tuesday.

Commissioner Akin asked for an update on the special magistrate and blighted properties list. Derek Rooney noted he would work with Allen on a list. It was discussed that Allen would get the list of properties from Doug Bostick.

Mayor Lyons noted Commissioner Zimmerly has formally retired from the Commission, noting her productive leadership for over 15 years. He noted her resignation was effective February 1<sup>st</sup>. He invited the Commission to attend the special meeting on February 27<sup>th</sup> when she would be honored for her service.

He also noted he had asked David Kelley to fill Commissioner Zimmerly's seat for the remainder of her term. A biography of Mr. Kelley was distributed, and a brief overview of his credentials was reviewed. It was noted that he would run for her seat in the 2020 election. The Mayor asked for a motion from the Commissioner to install David Kelley immediately.

***Commissioner Smith made a motion to accept the nomination of Mr. Kelley to the City Commission. Commissioner Akin seconded the motion. The motion carried 4-0.***

As there was no further business, the meeting was adjourned at approximately 8:05 p.m.

**APPROVED:**

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

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David A. Lyons, Mayor-Commissioner

**Attest:**

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

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Thomas A. Smith, Clerk-Commissioner