

**CITY OF LABELLE
REGULAR COMMISSION MEETING**

Mayor Lyons called the meeting to order at approximately 6:35 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.

PROCLAMATIONS, PRESENTATIONS & PUBLIC COMMENT

The Mayor invited Nora Ned to speak under public comment. Mrs. Ned addressed the Commission and general public regarding racial injustice and inequality in LaBelle. She spoke at length regarding her history in LaBelle, desire for racial equality, and requesting the Commission acknowledge racism is an issue in the community. Following her comments there was applause from the audience, and Mayor Lyons and members of the Commission thanked Mrs. Ned, noting this discussion is important.

Mayor Lyons invited Kelly Boone with the LaBelle Downtown Revitalization Corp to present to the Commission. Kelly provided a PowerPoint presentation for a mobile food vending truck in Barron Park as a pilot program. She outlined criteria for the location of the food truck, restrictions on hours, and noting Forrey Grill provided a letter of support. Commissioner Wilkins asked how the one vendor would be selected. Kelly noted she had only received interest from one vendor. She noted this is proposed as a pilot program and the vendor would be selected on a first come and first serve basis. She added that if multiple applicants were interested the Commission could consider how to administer the demand when the pilot program sunsets. Derek Rooney noted he would like more time to consider the information and request. The Commission agreed to bring the item back in July. Alexis Crespo, City Planner, offered to bring the item back formally as a special exception application initiated by the City. The Commission indicated their agreement.

CONSENT AGENDA

Mayor Lyons asked for a motion on the consent agenda. Commissioner Wilkins noted she had provided the Deputy Clerk, Alexis Crespo, with minor changes to the City Commission meeting minutes. Ms. Crespo noted she had made the changes.

Commissioner Wilkins made a motion to approve the consent agenda with minor amendments to the City Commission minutes provided to the Clerk. Commissioner Akin seconded the motion. The motion carried 5-0.

PUBLIC HEARINGS

Mayor Lyons opened the public hearing for second reading and public hearing of Ordinance Numbers 2020-02, 2020-03 and 2020-04 relating to the KMJ Investments, LLC Annexation, Comprehensive Plan Amendment and Planned Unit Development (PUD) rezone for the 2+/-acre parcel of land location north of SR 80 and ¼ mile east of Huggetts Road.

Alexis Crespo presented a brief presentation outlining the changes since the first reading, including expanded notification to all property owners in Park Woods Estates subdivision, and eliminating the package store/liquor store use. Commissioner Wilkins asked Staff to confirm if connection to centralized utilities would be required. Ms. Crespo noted there is a PUD condition requiring the project to connect to centralized utilities.

Shellie Johnson, AICP representing the Applicant made a brief presentation and noted the changes as well, emphasizing responses to concerns from the neighborhood. The Mayor opened public comment.

Bob Burns stated his concerns regarding flooding, lack of water pressure, and connection to utilities.

Grady Willis expressed his concern regarding lack of public notice.

Allison Burns addressed the Commission. She noted the community has a mixed age group and she visited with neighbors to discuss the project. She noted they were afraid to speak out. She noted concerns about noise, water pressure and flooding, and generally too much development on the property.

Ron Dunbar expressed his concern regarding traffic routing through his neighborhood.

Joyce McCloud noted that many of the notification envelopes could have been thrown away by owners due to lack of a return address. She noted she was opposed to the project.

Dustin Ledord, resident of Palm Lane, noted he loved his community due to the quietness and was concerned the development would impact his quality of life.

Shellie Johnson readdressed the Commission noting this list of uses allows for flexibility and not all uses will be developed. She noted the uses have been minimized and the louder and/or incompatible uses have been removed. She also emphasized that access will be directly from SR 80 and not through the neighborhood.

Bob Burns addressed the Commission again. He added to Mr. Dunbar's concern about cut-through traffic and discussed the history of the SR 80 improvements. He also noted many folks don't come out to hearings to express their concerns.

Commissioner Wilkins stated her concerns with the lengthy list of permitted uses and intensive commercial uses. Commissioner Smith and Mayor Lyons also expressed concerns regarding all the uses proposed and the applicant not being clear on what the development will actually include.

Ms. Johnson stated she would ask the property owner to eliminate the maintenance service and repair uses, and discussed that the rest of the uses are commercial retail in nature. There was lengthy discussion by the Commission and the Applicant on the list of uses and limiting additional uses like clubs and lodges.

Commissioner Wilkins asked if the request could be continued until July and the neighborhood could meet with the developer to discuss their concerns. Commissioner Akin noted he was also concerned about the neighborhood compatibility.

Derek Rooney addressed the Commission and noted the benefits of the PUD rezoning process to address compatibility and limit allowable uses, noting that much more intensive uses are permitted in the City's commercial zoning districts.

Commissioner Wilkins asked if it was appropriate to hold a workshop before the July meeting. Mr. Rooney advised a neighborhood meeting should be conducted by the Applicant and Staff, as a better option than a workshop.

Commissioner Wilkins noted a wall would be a better sound barrier than a fence, as noise pollution to the abutting neighborhood is her major concern. There was lengthy discussion on concerns regarding compatibility, intensity and proposed uses.

Mr. Rooney recommended that the Commission make a motion to continue all the KMJ applications to the July 9th meeting and direct staff to conduct a neighborhood meeting between the residents and the Applicant. There was discussion and Staff was directed to organize the neighborhood meeting before the July 9th commission meeting and notify residents in Park Woods.

Commissioner Wilkins made a motion to continue Ordinance Numbers 2020-02, 2020-03 and 2020-04 to the July 9, 2020 Commission meeting and to direct Staff to conduct the neighborhood meeting. Commissioner Akin seconded the motion. The motion carried 5-0.

Mayor Lyons introduced first reading on Ordinance 2020-07 relating to a Land Development Code Amendment for open space and native preserve requirements. Ms. Crespo read the title into the record noting it was a first reading. The item was moved forward to second reading. Commissioner Wilkins asked Staff to send the draft ordinance to the development industry stakeholder group. Staff confirmed they had sent the ordinance out and received some input.

Mayor Lyons introduced first reading on Ordinance 2020-08 relating to a Fats, Oils and Grease Land Development Code Amendment. Ms. Crespo read the ordinance title into the record. Nick DeGuida provided an explanation of the ordinance. Mr. Hull noted that this was important for maintenance and function of City infrastructure.

Commissioner Wilkins asked if all restaurants had to come into compliance, or if there would be triggers. Nick DeGuida noted there would be triggers that would require compliance. Commissioner Wilkins asked what the cost of grease traps are for restaurants. Nick DeGuida advised he would get information on costs. Commissioner Wilkins noted she had sent the amendment to local engineers. Nick DeGuida thanked the Commissioner for doing so. The item was moved forward to second reading.

Mayor Lyons introduced first reading on Ordinance 2020-09 relating to a Land Development Code Amendment for mobile food vending as part of a temporary use permit for special events. Ms. Crespo read the title into the record. The item was moved forward to second reading

Mayor Lyons noted Item 5. Special Exception for a gas station at 17 N. Lee Street was continued to the July 9, 2020 meeting at the request of the Applicant.

Mayor Lyons introduced Resolution 2020-22, relating to the local state of emergency, and ratifying Resolutions 2020-17, 2020-07, 2020-08, 2020-09, 2020-10, 2020-11, 2020-12, 2020-13 and 2020-14.

Commissioner Wilkins made a motion to approve Resolution 2020-22. Commissioner Kelley seconded the motion. The motion carried 5-0.

NEW BUSINESS

1. Alexis Crespo presented the amendment to the Hansen Fee Waiver Agreement relating to the Oakebrooke Lakes PUD.

Commissioner Wilkins made a motion to approve the amendment to the Hansen Fee Waiver Agreement. Commissioner Akin seconded the motion. The motion carried 5-0.

2. Gary Hull presented the Kid Jones Park Easement Encroachment item relating to a structure built at 971 Suwanee Avenue. Mr. Rooney noted a motion is needed to direct Staff to correct the issue by deeding the property to the adjacent property owner.

Commissioner Wilkins made a motion to approve Staff's direction on resolving the encroachment. Commissioner Akin seconded the motion. The motion carried 5-0.

GENERAL CORRESPONDENCE

There was discussion on the Nature Park Lease and if there is an automatic renewal. Ron Zimmerly clarified that was no longer applicable.

STAFF REPORTS

Fire Chief Josh Rimes described the volume of calls in May including brush fires and accidents. He noted there are 3 new volunteers for LaBelle. He also noted there would be a live fire burn on July 26th. He also noted that the City needs to meet with the Fire Department and lay out a long-term plan for provision of fire services, noting the City is continuing to grow and the demand for services beyond volunteer service will be required. Commissioner Wilkins asked that the Fire Department budget and planning be incorporated into the agenda for a future budget workshop.

Lt. Favara with the Hendry County Sheriff's Office presented the report for May, noting 2 stolen vehicles and 5 thefts. He noted an increase of 93% in calls over May 2019. John Clark, member of the public, asked if there is a neck restraint policy in place with the HCSO and if it is under review. Lt. Favara noted they do have a neck restraint policy in place, and it is considered a use of deadly force as a last resort. He could not confirm if this policy is under review. John Clark indicated that the HCSO could consider not using neck restraint at all or knowing when to stop the use of neck restraint. There was further discussion on the policy. Commissioner Wilkins asked about Mrs. Ned's comments regarding the shooting of two men. Lt. Favara noted the Florida Department of Law Enforcement reviewed the body camera footage and investigated the issue. The Department cleared both deputies of any wrongdoing. Lt. Favara agreed with the Commissioners that this information should be made public, so the community is aware.

City Attorney Derek Rooney noted he had nothing to report.

Gary Hull provided an update on maintenance fleet improvements relating to trucks and mowers. He noted groundskeeping improvements at City facilities, particularly the wastewater and water treatment plants. He noted stormwater management improvements would be focused on during the summer months. He noted the Staff is prepared for hurricane season with generators and personnel. He noted industrial waste pre-treatment amendments would be presented to the Local Planning Agency in July.

City Planner Alexis Crespo noted the Economic Development Plan would be submitted to the Department on Economic Opportunity on Monday, June 15th. She also noted that the 2020-2021 DEO community planning grant was submitted on Friday, June 5th to fund an infrastructure master plan. Lastly, she noted she is working with the property owners in Downtown on the First Baptist Church zoning map correction. Commissioner Wilkins asked when the Sunset Park mobile home workshop would be scheduled and recommended deferring it to August due to summer vacations. She also asked Alexis to look at the RNU standards as they appear very intensive for a single-family neighborhood, and more similar to the Downtown regulations.

Ron Zimmerly asked to advertise the first budget workshop for 4 p.m. on July 9th. He discussed state and local budget shortfalls and that this year would be a tight budget with sales tax revenue being down. Mr. Zimmerly updated the Commission on the Captain Hendry House improvement project. He noted there was a glitch with the roofing, but the engineering firm is working through it.

Derek Rooney noted the deadline to file for the 2020 elections is the following day (June 12th) and outlined

the process and timeframes for commission terms.

Allen Pickles provided a Code Enforcement update. He distributed pictures of an oak tree on the Barron Park Library property with significant limb issues. He asked for Commission permission to remove the tree. Karen Hildebrand with the Barron Library asked permission to remove the tree for safety purposes. There was discussion. Derek Rooney noted the library would not authorize the City to underground the powerlines, so this should be considered when the library seeks authorization from the City to remove trees. Mr. Rooney offered that the safety of the building relating to the tree and powerlines are interrelated. The Commission authorized Staff to work with the Library to remove the tree and also address the undergrounding of the powerlines, with required tree mitigation.

The Building Official's Report was included in the agenda materials and no presentation was given.

BUSINESS BY COMMISSIONERS

Tommy Smith – Nothing to report.

Julie Wilkins – Commissioner Wilkins noted there is continuing issues with getting the word out to the community on proposed projects. A suggestion was to do an article in the Caloosa Belle notifying the community about current projects. There was discussion. Mr. Rooney noted that there is a risk in the City inadvertently mis-portraying information in this informal type of notice, even if formal legal advertisements were completed. The second item she asked was for weekend animal control services. There was lengthy discussion on the process and scheduling for animal control. Derek Rooney noted if there are known times when code enforcement and animal control are working, violators will adjust to times when staff is not working. He suggested flexible hours for code enforcement and animal control staff to adjust schedules when known violations will be occurring. Gary Hull noted the main issue is lack of personnel and capacity.

David Kelley – Nothing to report.

Daniel Akin – Commissioner Akin echoed Commissioner Wilkins concerns regarding responding to calls during “off hours” and the small size of legal advertisements in the newspaper. There was further discussion.

Sherri Easterly commented on the buzzards in town and the numerous amounts of birds.

As there was no further business, the meeting was adjourned at approximately 9:05 p.m.

APPROVED:

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

David A. Lyons, Mayor-Commissioner

Attest:

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

Thomas A. Smith, Clerk-Commissioner