

**CITY OF LABELLE
REGULAR COMMISSION MEETING**

Mayor Lyons called the meeting to order at approximately 7:00 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.

CONSENT AGENDA

Mayor Lyons asked for a motion on the consent agenda.

Commissioner Wilkins made a motion to approve the consent agenda. Commissioner Akin seconded the motion. The motion carried 5-0.

PUBLIC HEARINGS

Mayor Lyons opened the public hearing for first reading on proposed Ordinance 2020-10, Planned Unit Development Rezone for the 61+/-acre parcel of land located south of Helms Road and ½ mile east of SR 80 known as The Arbours at South LaBelle Village.

Alexis Crespo, City Planner, provided a brief overview of changes made to the proposed ordinance since the Local Planning Agency hearing, including modifying the MCP expiration date condition, clarifying the dumpster enclosure/setback condition, and updating the building height to four (4) stories per the Applicant's request.

Dan DeLisi, the Applicant's agent, addressed the Commission and noted he is available for questions. Derek Rooney, City Attorney, read the ordinance into the record. There was no public comment. As this was a first reading, no motion was required.

Mayor Lyons opened the public hearing on Ordinance 2020-08 relating to a Fats, Oils and Grease Land Development Code Amendment. Laura Constantino with Four Water Engineering provided an overview of the amendment to the Commission. She noted the ordinance goes into effect one year after approval and outlined the process and timeframe for existing facilities to come into compliance.

There was discussion on the cost of grease traps, totaling approximately \$1,500-\$3,500, and the price varies on size and materials. Mr. Hull noted that this ordinance was important for maintenance and function of City infrastructure. Commissioner Wilkin asked why Staff proposed only one year to come into compliance. Ms. Constantino explained this was a standard timeframe based upon review of other ordinances. Gary Hull, Superintendent of Public Works noted the importance of the ordinance for the protection of the wastewater treatment plant. Derek Rooney read the ordinance into the record. There was no public comment.

Commissioner Akin made a motion to approve Ordinance 2020-08. Commissioner Wilkins seconded the motion. The motion carried 5-0.

Laura Constantino provided the Engineering Staff Report, noting progress with the sewer conversion projects. She also updated the Commission on the relocation of a monitoring well that is located in a FDEP pond.

Mayor Lyons opened the public hearing for 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. Derek Rooney read the ordinances into the record.

Alexis Crespo presented a brief presentation outlining the changes since the June hearing and discussed the community meeting conducted by Staff, the Applicant, and the Park Woods Estates property owners on June 25th. Ms. Crespo noted elimination of many of the alcohol-related uses by the Applicant, including liquor stores and accessory liquor sales. It was also noted that the Applicant has extended the opaque fence and enhanced buffer along a portion of the eastern property line at the north end of the property. It was also noted that the maintenance and repair use would not allow for vehicle or engine repair.

Shellie Johnson, representing the Applicant, made a brief presentation and noted the changes made to address neighbor concerns, emphasizing the limited schedule of uses and appropriateness of the development along SR 80. Commissioner Wilkins thanked the Applicant for working with the neighbors.

Member of the public, Bob Burns, commented that he appreciated the Applicant meeting with the community and asked about stormwater management. The Applicant's civil engineer, Bob Case, explained the proposed stormwater management system, and the City's and South Florida Water Management District's requirements regarding off-site flow and water quality. There was further discussion on the area-wide stormwater concerns by the Commission and Mr. Burns. Bob Case noted the discharge would likely have to be to SR 80 and not north to Mr. Burns' property. There was clarification that the 8' tall fence would need to be opaque. Commissioner Akin asked about the Applicant's request to have the MCP expire after 5 years. Staff noted 5 years is the standard timeframe for PUDs. Commissioner Wilkins noted the Commission should be consistent with other PUDs at 5 years.

Commissioner Akin made a motion to approve Ordinance 2020-02. Commissioner Kelley seconded the motion. The motion carried 5-0.

Commissioner Wilkins made a motion to approve Ordinance 2020-03. Commissioner Akin seconded the motion. The motion carried 5-0.

Commissioner Wilkins made a motion to approve Ordinance 2020-04 with a 5-year expiration of MCP. Commissioner Kelley seconded the motion. The motion carried 5-0.

Mayor Lyons invited Sheriff Whidden to speak to the Commission and public. The Sheriff spoke regarding their "use of force policy" and concerns regarding racism by law enforcement. He noted the Sheriff's Office's efforts to address the community's concerns and their plans to be in front of these types of issues. He touched on de-escalation techniques and training by his officers. There was discussion by the Commission and public on use of deadly force. The Commission thanked Sheriff Whidden for his time.

Mayor Lyons opened the public hearing Ordinance 2020-07 relating to a Land Development Code Amendment for open space and native preserve requirements. Ms. Crespo provided a brief presentation of the amendment, noting Staff had reduced the requirements slightly since the first reading based upon input from the stakeholder group and the Commission to not create onerous regulations.

There was discussion on the very low requirement for open space in the Downtown District due to the urban intent for the area. Commissioner Wilkins noted it is important to have a minimum requirement for developers that want to overdevelop their property, but she agreed the lower requirements were a good balance. There was further discussion on having a standard set of rules. There was no public comment.

Commissioner Akin made a motion to approve Ordinance 2020-07. Commissioner Wilkins seconded the motion. The motion carried 5-0.

Mayor Lyons introduced public hearing and second reading of 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 provided a brief presentation of the amendment, noting the ordinance would allow mobile food vending trucks to locate at special events, like grand openings, for a maximum of six (6) hours. Derek Rooney read the ordinance into the record.

A member of the public asked if this amendment would prevent Jonesez BBQ from locating at Tractor Supply. Derek Rooney clarified that Jonesez BBQ had a special exception to locate on the Tractor Supply site and would not be subject to this ordinance for temporary mobile food vending. The public speaker noted she supported the idea of food trucks in the community.

A member of the public asked about a food truck on SR 29 that was parked there every day. Commissioner Wilkins noted this site was likely in Hendry County. There was discussion on the location and confirmation this truck was in the County. Commissioner Wilkins asked if any food vendors had reviewed the ordinance. Staff noted that Jonesez BBQ and the brewery food trucks had received the draft ordinance.

Commissioner Wilkins made a motion to approve Ordinance 2020-09. Commissioner Kelley seconded the motion. The motion carried 5-0.

Mayor Lyons opened the public hearing on Resolution 2020-18, Special Exception for a gas station at 17 N. Lee Street. Alexis Crespo made a presentation outlining the request for a 7-Eleven gas station with convenience store. She noted the Applicant met with adjacent property owners on the site and had enhanced the buffers and made modifications to the plan in response to their concerns.

Commissioner Wilkins noted she had ex-parte communication with the applicant and staff on the issue, and that her daughter was one of the adjacent property owners. She thanked the Applicant for meeting with the neighbors and enhancing the project through oak tree preservation and buffering.

The Applicant's agents, Jeff Wright with Henderson Franklin Starnes and Holt law firm, and Al Quattrone with Quattrone Engineering provided a presentation on the request.

A member of the public spoke about concerns relating to diesel truck noise. She also asked about traffic routing through the neighborhood. The Applicant noted there would be signage prohibiting truck parking behind the building.

There was lengthy discussion by Gary Hull, Superintendent of Public Works and the Commission relating to traffic calming along Yeomans Avenue and Missouri Street. Alternatives were discussed by Staff and the public, including adding stop signs, speed bumps and signage indicating "no through traffic". There was also concern expressed about the 24-hour nature of the operation. Commissioner Wilkins noted the trees and wall are intended to buffer the noise on the site from reaching the neighbors.

Commissioner Wilkins made a motion to approve Resolution 2020-18. Commissioner Kelley seconded the motion. The motion carried 5-0.

Mayor Lyons opened the public hearing on Resolution 2020-24, Special Exception to allow for mining in the Agriculture (AG) zoning district for a 75+/-acre property located in South LaBelle Community. Alexis Crespo presented a brief presentation outlining the location and size of the property mine. She also presented the proposed haul route to the state roadway network and the C-43 reservoir property to the west and noted

the ten-year timeframe for the mining. It was noted a permit from Florida Department of Environmental Protection (FDEP) is required prior to mining activities.

Commissioner Akin asked about how the silt fence would be installed and maintained throughout the life of the mine. The Applicant's Agent, Carl Salafrio, clarified the silt fencing would be around the area of active mining, not the entire property. Mr. Salafrio also indicated the maximum depth of the mine would not be very deep, as the material is very near the surface and is high quality. There was discussion on the quality of material and geotechnical testing completed to date. There was further discussion on the mine operations and materials. It was clarified the mining would be commercial in nature and materials would be exported off-site, most likely to the South Florida Water Management District project to the west. There was discussion on trucking and the FDEP permitting process. Derek Rooney noted the staff report and conditions to address traffic and monitoring by the City. There was no public comment.

Commissioner Smith made a motion to approve Resolution 2020-24. Commissioner Wilkins seconded the motion. The motion carried 5-0.

Mayor Lyons opened the public hearing on Resolution 2020-25, Special Exception to allow for a church in the R-1 zoning district for a 3.4+/-acre property located at 233 Clark Street. Alexis Crespo noted this is an existing church and school proposed for expansion. Commissioner Akin asked Staff to clarify the acreage. Staff noted the acreage is 3.4 acres. She noted the Applicant wanted Condition 7 struck that prohibits outdoor speakers, as the church typically has outdoor services. Commissioner Wilkins asked how late services are conducted. It was clarified that services typically end at 12:30 p.m. Commissioner Akin noted the site must comply with the noise ordinance.

Commissioner Wilkins made a motion to approve Resolution 2020-25, with the elimination of Condition 7. Commissioner Akin seconded the motion. The motion carried 5-0.

Mayor Lyons opened the public hearing on Resolution 2020-26, Special Exception to allow for a church in the B-2 zoning district for a 3.2+/-acre property located at 813 E. Hickpochee Avenue. Staff provided a brief overview and noted the Applicant was present for questions. She noted Staff is recommending approval. Pastor Wills noted he had no further comments and was available for questions.

Commissioner Smith made a motion to approve Resolution 2020-26. Commissioner Wilkins seconded the motion. The motion carried 5-0.

Commissioner Wilkins noted her daughter attends the church, but she will not financially benefit from the approval. Member of the public, Sherri Denning, noted she was glad the building would be used and not be vacant any longer.

Mayor Lyons introduced Resolution 2020-30, relating to the local state of emergency, and ratifying Resolutions 2020-23, 2020-27, 2020-28, and 2020-29.

Commissioner Wilkins made a motion to approve Resolution 2020-30. Commissioner Kelley seconded the motion. The motion carried 5-0.

STAFF REPORTS

Captain Ron Snell with the LaBelle Fire Department presented his report. He noted the adult Firefighter 1 course was underway and the department continues to progress.

Lt. Ben Rowe with the Hendry County Sheriff's Office presented his report for June, noting a decrease in crime from the same month last year.

City Attorney Derek Rooney noted he had reached out to the Library since the last meeting and had not heard back.

Gary Hull noted a horticultural recycling facility was trucking in mulch to the Jack Paul property by the City water plant. He noted Staff was monitoring this operation and that it is not consistent with the zoning. He also noted the operator was using the City's access road to the water plant to haul material. He noted Code Enforcement would be handling this further. Derek Rooney noted he would support these efforts.

City Planner Alexis Crespo had nothing to report. Ron Zimmerly had nothing further to report. The Building Official's Report was provided to the Commission and no presentation was given.

BUSINESS BY COMMISSIONERS

Tommy Smith – Nothing to report.

Julie Wilkins – Commissioner Wilkins noted that she received public comment that they like the larger advertisements in the paper. She noted there is still concern about the wording of the ads and the information not being clear for the general public. There was discussion on the need for legal wording and posting the staff reports on the website to inform the public.

David Kelley – Nothing to report.

Daniel Akin – Commissioner Akin asked about the status of the Harper fence. There was lengthy discussion regarding the issue and solutions available to the City. It was discussed the City should vacate the right-of-way to give the land to the adjacent properties to eliminate liability.

Commissioner Wilkins made a motion to survey the easement and build the fence on the inside of the right-of-way to avoid impacts to trees, and then vacate the remaining land area. Commissioner Akin seconded the motion for discussion. There was lengthy discussion. Commissioner Wilkins noted a walkway should be constructed by the City down the middle where clear of trees, and the rest of the right-of-way should be vacated.

Derek Rooney and Ron Zimmerly noted that a sidewalk could be constructed down the middle of the right-of-way in lieu of a fence. It was agreed that Staff should provide cost estimates for constructing a sidewalk or constructing a fence down the middle of the right-of-way and bring back pricing for both options at the next meeting. The amended motion carried 5-0.

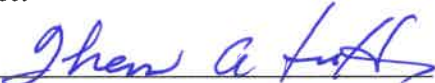
As there was no further business, the meeting was adjourned at approximately 9:15 p.m.

APPROVED:



David A. Lyons, Mayor-Commissioner

Attest:



Thomas A. Smith, Clerk-Commissioner