

**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.

Mayor Lyons congratulated Tommy Smith and David Kelley on their re-election. Derek Rooney conducted the oath ceremony and swore Commissioners Kelley and Smith into office.

PRESENTATIONS & PUBLIC COMMENT ON AGENDA ITEMS (NON-PUBLIC HEARING ITEMS)

Mayor Lyons invited Nikki Yeager to the podium to make a presentation on Sherri Craichy. Ms. Yeager presented a detailed account of Sherry Craichy's many accomplishments and service to the City over her tenure as a real estate broker, long-standing City Commissioner and Mayor. Ms. Yeager presented a proposal to dedicate the "Christmas Tree" in Barron Park to Sherri via a commemorative plaque. She Sherri's love of the City, particularly Barron Park and the City's oak trees.

There was discussion on Sherri's service to the City. Mayor Lyons noted he was very supportive of the dedication and plaque. Member of the public Wayne Wilkins noted his company would put in the concrete slab if the City provided the plaque. There was discussion on the tree's health and Commissioner Wilkins noted it was in good shape. There was further discussion.

Commissioner Smith made a motion to approve the dedication of the Christmas Tree in Barron Park to Sherri Craichy via a plaque and benches. Commissioner Akin seconded the motion. Following discussion, the motion carried 5-0.

Commissioner Wilkins noted the plaque should not be a memorial, as Sherri felt strongly against memorials.

Mayor Lyons invited Bob Kirkwood with the Disabled American Veterans to the podium to make his presentation on the DAV flea market Planned Unit Development (PUD). Mr. Kirkwood addressed the Commission, noting an adjacent property owner, Mike Newell, will provide a storage building for the flea market at very low cost if he can use a portion of the flea market parking lot PUD for his real estate office. He noted the real estate office was proposed at 220 Selma Daniels Avenue, just west of the PUD. Bob noted several changes were needed to the DAV PUD zoning conditions to allow this. Commissioner Wilkins asked Staff if off-site parking would be permitted for the real estate office. Alexis Crespo noted that off-site parking is permitted within 300 feet of the use. Commissioner Wilkins asked how a model home could be permitted in the B-2 zoning district. It was clarified that the model home could never be used as a dwelling unit and could be converted to office or another business use in the future. It was also clarified that model homes only require a special exception in residential zoning districts. Staff asked if the Commission would waive the amendment filing fee. It was decided the DAV would pay only the legal advertising fees for the PUD amendment. There was discussion on the storage building and the aesthetics of the building. Fire Chief Josh Rimes noted that the PUD should be reviewed by Staff. The Commission provided direction to Staff to proceed with the PUD amendment and waive the application fee.

CONSENT AGENDA

Mayor Lyons asked for a motion on the consent agenda.

Commissioner Smith 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 second 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.

Derek Rooney, City Attorney, read the ordinance into the record. Alexis Crespo, City Planner introduced the Master Concept Plan (MCP) and read into the record a revised Condition 15 relating to the expiration of the MCP. Commissioner Wilkins noted that the City needs to plan for the needed fire protection equipment for 4 story buildings in the City. There was no public comment.

Commissioner Wilkins made a motion to approve Ordinance 2020-10. Commissioner Kelley seconded the motion.

Member of the public, John Clark, asked for clarification on the timeframe for the MCP, if sign posting on the property was required for public hearings, and how much the fire protection equipment would cost. There was discussion and Chief Rimes noted the buildings have to be sprinklered and that a ladder truck is approximately \$750,000. John Clark also asked about lightning protection. Chief Rimes noted the building would have lightning protection per the building code. Lastly, Mr. Clark asked about the sole access point. Staff clarified that there is not enough frontage to provide 2 access points onto Helms Road, and that 2 access points are not required.

The motion carried 5-0.

Mayor Lyons opened the public hearing on Resolution 2020-35, relating to a Special Exception to allow for a mobile vending trailer on city-owned property located at 100 Park Avenue, commonly known as Barron Park.

Alexis Crespo provided a brief presentation on the city-initiated special exception for a mobile food vending trailer in Barron Park, including restrictions on hours of operation, and limiting the use to Monday through Friday. She noted the LaBelle Downtown Revitalization Corp. (LDRC) would administer the schedule to ensure only one food trailer was on-site at one time.

There was lengthy discussion on ensuring the food trucks do not conflict with City events and rentals of the park, logistics, insurance requirements, shared revenues between the City and the LDRC, and maintaining a schedule for the trucks. There was discussion on the role that a food truck could play in attracting people to visit Downtown.

Chief Rimes spoke in support of the food truck. Allen Pickles asked who would be responsible for clean-up. Ms. Boone clarified that the vendor would take their refuse off-site, and patrons could use the trash cans in the park. Yvette Williams asked how the City's park rental program would be handled with the food trucks. It was clarified that food trucks would not be in the park if rented out. Ms. Boone committed to scheduling

with City Hall Staff to avoid conflicts. There was further discussion on logistics of scheduling the food truck. Commissioner Wilkins suggested limiting the food truck to Monday through Wednesday to reduce conflicts with other park events. John Clark, member of the public, asked if more trucks should be permitted. There was discussion.

Commissioner Wilkins made a motion to approve Resolution 2020-35. Commissioner Akin asked about the \$50 rental charge for the food truck. Derek Rooney and Kelley Boone both noted that a small fee is necessary to ensure quality vendors. It was decided that the resolution did not need to be limited to Monday through Friday, but Staff would administer accordingly, and the rental fee did not need to be in the resolution to give Staff flexibility. Mayor Lyons urged the LDRC to find local food trucks so the money stays in LaBelle. ***Commissioner Akin seconded the motion. The motion carried 5-0.***

Mayor Lyons opened the public hearing and first reading on proposed Ordinance 2020-11, relating to a Land Development Code Amendment for industrial wastewater pre-treatment. Laura Constantino with 4 Waters Engineering addressed the Commission to explain the amendment and answer questions. There was extensive discussion on enforcement of the ordinance. There was also discussion on why this ordinance is more restrictive than the fats, oils and grease ordinance, due to the potential for industrial waste to seriously damage the City facilities. There was a lengthy discussion on maintenance of the wastewater treatment plant, and illegal dumping into the sanitary sewer. Derek Rooney noted this was the first reading of the ordinance and read the title into the record. Commissioner Wilkins asked Staff to look into monitoring and timeframes for enforcement from other communities.

Mayor Lyons opened the public hearing for transmittal of proposed Ordinance 2020-05, Large-Scale Comprehensive Plan Amendment for the 56+/-acre parcel of land located south of SR 80 and east of Martin Luther King Jr. Blvd. known as Wheeler Grove, to the Department of Economic Opportunity.

Alexis Crespo introduced the item. Commissioner Wilkins asked the presentation to be waived. The Commission agreed and opened up public comment.

Member of the public, Nora Ned, asked if the development was going to be developed soon. She noted the fertilizers and pesticides being used on the existing orange grove was an issue for the neighborhood. Staff noted there is a developer interested in developing the property upon approval, based on the conversations with the Applicant.

Commissioner Wilkins made a motion to transmit Ordinance 2020-05 to the Department of Economic Opportunity. Commissioner Smith seconded the motion. The motion carried 5-0.

Mayor Lyons opened the public hearing for first reading on proposed Ordinance 2020-06, Planned Unit Development Rezone for the 56+/-acre parcel of land located south of SR 80 and east of Martin Luther King Jr. Blvd. known as Wheeler Grove. There was no public comment. Derek Rooney read the ordinance title in the record. As this was a first reading, no motion was provided.

Mayor Lyons Public Hearing for first reading on proposed Ordinance 2020-12, Small-Scale Comprehensive Plan Amendment for a 9+/-acre parcel of land located south of Cowboy Way and ¼ mile east of Dr. Martin Luther King Jr. Blvd. known as LaBelle Riverside. Derek Rooney read the ordinance title in the record. There was no public comment. As this was a first reading, no motion was provided.

Mayor Lyons opened the public hearing for first reading on proposed Ordinance 2020-13, Planned Unit Development Rezone for 9+/-acre parcel of land located south of Cowboy Way and ¼ mile east of Dr. Martin Luther King Jr. Blvd. known as LaBelle Riverside. Derek Rooney read the ordinance title in the record. There was no public comment. As this was a first reading, no motion was provided.

Mayor Lyons introduced Resolution 2020-41, ratifying Resolutions 2020-36, 2020-37, 2020-38, 2020-39 and 2020-40 regarding the Local State of Emergency relating to COVID-19.

Commissioner Wilkins made a motion to approve Resolution 2020-41. Commissioner Kelley seconded the motion. The motion carried 5-0.

OLD BUSINESS

Gary Hull noted due to staffing issues due to COVID-19 that he had not secured Harper Fence Update. There was lengthy discussion on the potential solutions to the issue.

Following lengthy discussion Tommy Smith made a motion for City Staff to survey the easement, and install a chain link fence within the easement, off-set to avoid large trees to the extent possible with the authority of Staff to remove trees as necessary, and with the funding taken from the contingency fund. Commissioner Wilkins seconded the motion. The motion carried 5-0.

NEW BUSINESS

Ron Zimmerly presented the proposed amendment to Hendry County Interlocal Agreement for distribution of local option fuel tax proceeds. He explained the percentages are the same as the previous ten (10) years. There was discussion on whether or not an increase is warranted.

Commissioner Akin made a motion to approve the amendment as presented by Staff. Commissioner Smith seconded the motion. The motion carried 5-0.

STAFF REPORTS

Chief Josh Rimes noted the with the LaBelle Fire Department ran 61 calls in July, which was an increase over last year. He provided an update on staff testing for COVID-19.

A report was submitted by the Hendry County Sheriff's Office.

Laura Constantino provided the Engineering Staff Report, noting progress with the sewer conversion projects and pump station start-up. She also updated the Commission on the relocation of a monitoring well that is located in a FDEP pond. She also noted the City is working on a CDBG grant with Guardian to secure for more funding for sewer conversion projects.

City Attorney Derek Rooney followed up that the City is getting a good deal with the fuel tax agreement. He provided an update on code enforcement matters, noting most of the cases have been resolved without hearings. He noted there are several properties where he recommends moving forward with foreclosure and demolition of structures. Mayor Lyons asked if the yellow house on Oklahoma and Lee Street one of the properties in question. Derek affirmed it was.

Gary Hull updated the Commission that City Village construction is nearing completion and will be tying

into the City's system soon. He also provided an update on the illegal horticultural recycling occurring on John Paul's property and that the Sheriff's Office continues to monitor it. He also provided an update on COVID-19 impacts to staffing.

City Planner Alexis Crespo noted the DEO technical assistance planning grant was not funded.

Ron Zimmerly noted the City was not awarded the SCOP funding to repave roadways in the Dr. Martin Luther King Jr. Blvd. area, noting few FDOT District 1 projects were funded. He noted that the County has approved the City's CARES Act funding request for COVID-related expenses. He asked the Commission to authorize Staff to execute the funding agreement with FEMA and asked for a motion Z-1939. There was discussion on the COVID-related expenses, including masks, cleaning supplies and lost revenue from rentals.

Commissioner Akin made a motion to approve FEMA Agreement Z-1939 and authorize the Mayor to execute the agreement. Commissioner Kelley seconded the motion. The motion carried 5-0.

Next Mr. Zimmerly noted the elevator maintenance contract expires this Fall. He noted he will re-bid the contract to see if there can be a cost-savings and had provided notice to the existing contractor, ThyssenKrupp.

He provided the Cost of Living Adjustment (COLA) projections to the City Commission. He also noted the FRS contribution rates had changed July 1, 2020 per order of Governor DeSantis, which created a shortfall of approximately \$24,000 for the remaining months of the 2019-2020 fiscal year. He noted if the Commission proceeds with the 4% millage rate for the 2020-2021 fiscal year, that will cover the revenue shortfall projections from COVID-19.

He noted the budget workshop is scheduled for September 10th at 4:30 p.m. before the regular Commission meeting, and the first public hearing for the budget is Friday, September 11th. Commissioner Wilkins asked about the payroll tax cut proposed by President Trump. It was noted this was not confirmed yet and the outcome is unknown.

Commissioner Zimmerly asked if the Commission wanted to continue with local states of emergency for COVID-19. It was discussed and decided the City would continue extending the local state of emergency for consistency with the Federal and State government.

The Building Official's Report was provided to the Commission and no presentation was given.

Allen Pickles noted his efforts to eliminate the internet sales signs throughout the City, and progress made with the display of tires and junked cars along S. Main Street.

BUSINESS BY COMMISSIONERS

Tommy Smith – Commissioner Smith and Linda Smith noted Barron Park is looking great thanks to the hard work of the Public Works Department. Gary Hull noted Jimbo Howard and Jorge Moreno were to thank for the improved maintenance.

David Kelley – Commissioner Kelley noted there was no decision yet on whether or not school would start this Fall.

Ron Zimmerly noted that the Commission needs to execute the agreement on the CARES Act. He asked the Commission for a motion to allow the Mayor to execute the agreement subject to Staff and City Attorney review.

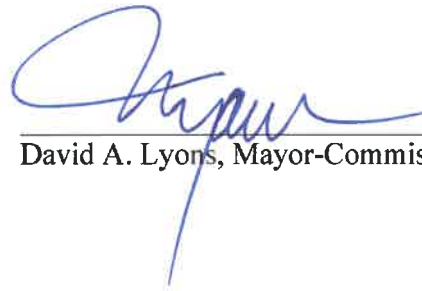
Commissioner Wilkins made a motion to authorize the Mayor to execute the CARES Act funding agreement upon City Attorney review. Commissioner Akin seconded the motion. The motion carried 5-0.

Julie Wilkins – Nothing to report.

Daniel Akin – Nothing to report.

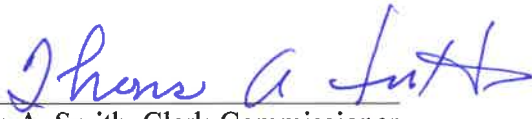
As there was no further business, the meeting was adjourned at approximately 8:50 p.m.

APPROVED:



David A. Lyons, Mayor-Commissioner

Attest:



Thomas A. Smith, Clerk-Commissioner