

**CITY OF LABELLE
REGULAR COMMISSION MEETING**

Mayor Lyons called the meeting to order at approximately 6:25 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 Akin made a motion to approve the consent agenda. Commissioner Kelley seconded the motion. The motion carried 5-0.

PUBLIC HEARINGS

Mayor Lyons opened the public hearing and second reading on proposed Ordinance 2020-11, relating to a Land Development Code Amendment for industrial wastewater pre-treatment. Derek Rooney read the ordinance title into the record. Ron Zimmerly presented information on behalf of Laura Constantino with 4 Waters to explain the ordinance including the maximum mg/l amounts specified in the ordinance. He also noted that the enforcement had been modified to 4 months from the date of the ordinance instead of 12 months. Derek Rooney noted the Staff would have to develop mechanisms for enforcement. Commissioner Akins why the industrial waste had a different maximum level compared to the fats, oils and grease (FOG) ordinance, and also noted the penalties are different. There was discussion on enforcement and how violators are accessing the system, as well as options for surveillance and fining violators. There was no public comment.

Commissioner Wilkins made a motion to adopt Ordinance 2020-11. Commissioner Akin seconded the motion. The motion carried 5-0.

Mayor Lyons opened the public hearing and second 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. Alexis Crespo noted she was available for questions and the Agent was also in attendance as well. There was no public comment.

Commissioner Wilkins made a motion to adopt Ordinance 2020-12 Commissioner Kelley seconded the motion. The motion carried 5-0.

Mayor Lyons opened the public hearing and second 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.

Commissioner Akin made a motion to adopt Ordinance 2020-13. Commissioner Kelley seconded the motion. The motion carried 5-0.

Mayor Lyons introduced Resolution 2020-48, ratifying Resolutions 2020-42, 2020-45, 2020-46, and 2020-47 regarding the Local State of Emergency relating to COVID-19.

Commissioner Wilkins made a motion to approve Resolution 2020-48. Commissioner Kelley seconded the motion. There was discussion as to the state of emergency and how long this would continue to be extended. The motion carried 4-1, Commissioner Akin dissenting.

NEW BUSINESS

Mayor Lyons asked Derek Beck to present his request relating to water and sewer connection fee deferral for the Oakwood Terrace multi-family project. Mr. Beck explained his request to defer payment would be secured through a lien on the property. Ron Zimmerly explained the deferrals that the City had done in the past, allowing for deferral until the time of certificate of occupancy. Derek Rooney explained that often cities would defer the payment to build a shell building but not allow occupancy until the fees were paid. Commissioner Wilkins asked for discussion on payment plans to help the project move forward. Derek Rooney noted that setting up a special assessment is another way to defer the payment. Derek Beck noted that the buildout of the project was 18-24 months. Following discussion, it was decided the Staff and City Attorney would work with Mr. Beck on a plan to allow for deferral of the payment of water and sewer connection fees. There was consensus for deferring the payment between 3 and 5 years of deferral, subject to further review. Derek Beck thanked the Commission.

Derek Rooney presented the County Village Property Owners Association Recreation Board Lease Agreement to the Commission. He noted the operational costs would be responsibility the Recreation Board.

Commissioner Wilkins made a motion to approve the Recreation Board Lease Agreement as presented. Commissioner Akin seconded the motion. Motion carried 5-0.

It was noted the utility lien write-off item and DEM Generator project update were addressed during the Special Budget Workshop.

Derek Rooney introduced the Amendment to Interlocal Recreation Agreement adjusting fees and expanding collections for RV sites. Ron Zimmerly asked for clarification on page 2 of the Agreement. Mr. Rooney noted the last sentence in Section 2.3 on page 2 of the agreement will be struck in the final version, noting it was outdated language.

Commissioner Smith made a motion to approve the Recreation Board Agreement with the amendment to Section 2.3 discussed. Commissioner Akin seconded the motion. Motion carried 5-0.

Next Jessie Borges, member of the public, noted he intends to file a special exception for automotive repair at 435 S. Bridge Street, and was seeking Commission input. Commissioner Wilkins noted there was a special exception filed on this property before and the building has issues. Mr. Borges noted he spoke with the Fire Department, will update the privacy fencing with no access from Lee Street. Commissioner Wilkins noted the unattractive reviews with vehicle repair. Mr. Borges noted his intent to upgrade the property. Mayor Lyons asked that the vehicles not be stored outdoors at night. Mr. Borges noted he would upgrade the privacy fencing. Mayor Lyons noted he would need to see conditions to protect the neighborhood. Commissioner Wilkins agreed. Mr. Rooney noted that Mr. Borges would need to file a special exception and go through the process and meet with the Building Official.

STAFF REPORTS

Chief Josh Rimes provided his report and provided an update on Staff COVID-19 testing. He also noted ongoing training and community partnering. Commissioner Kelley asked how many calls for Helms Road had occurred in the last month. Chief Rimes noted 6 accidents have occurred in the past 2 weeks, with a few very serious. There was discussion on the safety of the roadway.

A report was provided by the Hendry County Sheriff's Office noting a decrease in property crimes, except an inundation of stolen vehicles in western Hendry County. There was discussion on stolen vehicles by the Commission. Commissioner Wilkins thanked the HCSO for better traffic enforcement in the City.

City Attorney Derek Rooney followed up on the agreement with the LaBelle Downtown Review Corp (LDRC) and execute after working out a nominal fee to charge the food trucks.

Commissioner Akin made a motion to authorize Staff to proceed with the agreement with the LDRC and have the Mayor execute. Commissioner Wilkins seconded the motion. Motion carried 5-0.

City Planner Alexis Crespo noted the Commissioners need to complete their annual ethics training. Commissioner Wilkins noted Florida League of Cities

Ron Zimmerly provided an update on the sewer extension projects and groundwater monitoring well on behalf of 4 Waters.

Allen Pickles noted he had his first Special Magistrate hearing that day and the process is very labor intensive in terms of paperwork. He also noted he had surveyed the easement for the Harper fence issue.

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

BUSINESS BY COMMISSIONERS

Tommy Smith – Commissioner Smith commented that Barron Park looks great and thanked Staff. There was discussion on illegal removal of trees. Allen Pickles and Gary Hull provided an update on the City's coordination with the property owner to mitigate the code violation.

David Kelley – Nothing to report.

Julie Wilkins – Commissioner Wilkins asked Staff to strengthen the significant oak tree removal ordinance and the 2-inch required replacement tree is not sufficient. Derek Rooney noted that a one time fine up to \$5,000.00 could be instituted in accordance with state regulations. She also noted Shady Oaks Lane. Derek Rooney explained the request to vacate a portion of the roadway to avoid removal of significant oak trees. He noted Staff would continue to work with the property owner on the required re-plat and vacation to address the changes to the development. There was discussion by the Commission.

Daniel Akin – Commissioner Akin discussed dangerous oak trees around town, noting the City needs to conduct an inventory of the trees. Commissioner Wilkins noted the funding available through the tree mitigation payments received. Ron Zimmerly noted that David Jones was the previous arborists for the City. Shellie Johnson noted Lee's Trees is an option. There was further discussion.

Mayor Lyons – Nothing to report.


As there was no further business, the meeting was adjourned at approximately 7:40 p.m.

APPROVED:



David A. Lyons, Mayor-Commissioner

Attest:



Thomas A. Smith, Clerk-Commissioner