

**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.

PROCLAMATIONS, PRESENTATIONS & PUBLIC COMMENT ON AGENDA ITEMS

Wayne Wilkins made a presentation on drainage issues at Ace Hardware. He noted repairs Ace Hardware would like to make to the drainage swales around their property, including sodding the swale. He asked the City to help clean the swales so he can make the improvements to address the drainage issue. Mayor Lyons asked for direction from the Commission regarding responsibilities of the City to maintain the ditches. There was discussion on if maintenance was the responsibility of the City or private landowners. Derek Rooney noted that permits are needed from state agencies to make improvements to drainage infrastructure. Mr. Rooney also discussed broader solutions on how to address drainage issues city-wide. There was discussion on how to fund the drainage planning and improvements needed.

Cindy Pierce, member of the public, commented that many property owners clean the ditches in front of their house without state permits. There was discussion and consensus to secure funding for the city-wide drainage planning and move forward with projects based upon need and available funding.

Derek suggested having the City's engineer conduct a site visit and investigate if the swales are subject to a South Florida Water Management permit. There was further discussion.

Commissioner Akin made a motion to direct Staff and their engineering consultant to conduct a site visit and investigate the existing permits for the Ace Hardware swale to determine if a new permit is needed. Commissioner Kelley seconded the motion. The motion carried 4-0, with Commissioner Wilkins abstaining.

CONSENT AGENDA

Mayor Lyons asked for a motion on the consent agenda.

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

It was noted that no one was in attendance to present the Purple Heart City Proposal. The item was continued until November.

PUBLIC HEARINGS

Mayor Lyons opened the public hearing for adoption of proposed Ordinances 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, and Ordinance 2020-06, Planned Unit Development Rezone. Staff provided a brief overview and noted the Department of Economic Opportunity had no objections. Commissioner Wilkins noted additional creativity with the

concept plan is needed. Commissioner Akin noted the minimal detail on building elevations and the site plan. There was discussion on density, building height, and compatibility with the adjacent single-family uses, and usable open space. Staff noted the enhanced buffers and substantial setbacks from the southern and eastern property lines. Shellie Johnson, AICP, Agent for the Applicant, addressed the Commission's questions on the type of multi-family units. Following discussion, Ms. Crespo read the ordinance title into the record. There was no public comment.

Commissioner Wilkins made a motion to approved Ordinance 2020-05. Commissioner Smith seconded the motion. The motion carried 5-0.

Ms. Crespo read the title of Ordinance 2020-06 for the companion PUD rezone into the record. Akin noted concern with approving PUDs in the Outlying Mixed Use District that are at the maximum density limit. Commissioner Akin noted the density was close to the maximum and it makes sense in this specific project, but he is not in favor of generally approving the maximum density for all Outlying Mixed Use parcels in the future, noting the context of the neighborhood will be important. There was no public comment.

Commissioner Smith made a motion to approved Ordinance 2020-06. Commissioner Kelley seconded the motion. The motion carried 5-0.

Mayor Lyons opened the public hearing and first reading on proposed Ordinance 2020-14, to amend the Disabled Veterans of American Planned Unit Development to modify adopted conditions in Ordinance 2019-24 relating to parking and fencing. The Commission waived the presentation. Ms. Crespo read the ordinance title into the record. Commissioner Wilkins noted the Applicant committed to providing windows on the shed to make it look more residential. Staff noted they would include that language in the condition. There was no public comment. The item was moved to second reading in November.

Mayor Lyons opened the public hearing and first reading for proposed Ordinance 2020-15, relating to a Land Development Code Amendment for mobile home replacement in the R-1 and R-3 zoning districts for the Pinewood and Englewood subdivisions, and in the RNU zoning district for the Ford and Sunset Park subdivisions. A member of the public asked the purpose of the amendment and if it would prohibit them from locating a mobile home on their property. Staff clarified that the amendment will allow them to have a mobile home on the property. The item was moved to second reading in November.

Mayor Lyons opened the public hearing on proposed Resolution 2020-52 for vehicles/equipment repair and service on B-2 zoned property located at 435 S. Bridge Street. Staff provided a presentation on the request, noting the conditions to require improvements to the building and Lee Street fence. There was lengthy discussion on the location of fencing, providing insulation on the northern wall of the building to mitigate noise, and limiting weekend hours. There was discussion on the business' impact on the adjacent Catholic Church. The Applicant addressed the Commission and explained their proposed business.

It was decided the hours of operation would be limited to 8 a.m. to 6 p.m. Monday through Friday, 8 a.m. to 12 p.m. on Saturdays, and closed on Sundays. No shop work would be performed on Saturdays. The Applicant committed to insulating the northern wall of the building. There was discussion on parking. The Applicant committed to restriping the parking in front of the building to allow for angled parking.

The Mayor opened public comment. Several members of the public representing Our Lady Queen of Heaven spoke to the Commission regarding concerns relating to traffic, noise, hours of operation, and the existing fence line. There was also concern regarding the state of the building and required repairs. There was further discussion. Staff summarized the additional conditions relating to the hours of operation and limitation on

shop work on Saturdays, requirement for angled parking, 8' tall opaque vinyl or painted wood fencing on Lee Street and the northern property line, and insulation/noise mitigation. Commissioner Wilkins also asked Staff to strike sales of vehicle throughout the resolution as a permitted use. It was reiterated that all building repairs must be completed before the building is issued a certificate of occupancy.

Commissioner Smith made a motion to approve Resolution 2020-52. Commissioner Wilkins seconded the motion. The motion carried 5-0.

Mayor Lyons opened the public hearing on proposed Resolution 2020-53 for an alcohol beverage establishment on B-2 zoned property located at 540 1st Avenue. Staff provided a presentation on the request. Shellie Johnson, Agent for the Applicant, noted there would be no on-premise consumption. They would use the building for retail sales and production of beer. The Agent confirmed no retail sale of beer would be permitted. A member of the public asked about the parking of box trucks and truck storage on the site. The property owner responded that delivery trucks would not be stored on the property.

Commissioner Smith made a motion to approve Resolution 2020-53. Commissioner Kelley seconded the motion. The motion carried 5-0.

Mayor Lyons introduced Resolution 2020-58, ratifying Resolutions 2020-54, 2020-55, 2020-56 and 2020-57 regarding the Local State of Emergency relating to COVID-19.

Commissioner Wilkins made a motion to approve Resolution 2020-58. Commissioner Smith seconded the motion. Commissioner Akin noted he has concerns on when the state of emergency will end and if there is still a state of emergency. The motion carried 4-1 with Commissioner Akin dissenting.

ADDITIONAL PUBLIC COMMENT

Cindy Pearce addressed the Commission regarding a path that has been bulldozed at Ford Avenue and Riverview Street. Ms. Pearce noted the drainage and traffic issues created by the path. She noted kids four-wheeling through the street and using the path. She asked when the City would pave and light the street to make it safe.

Allen Pickles, Code Enforcement Official, noted placing some fill dirt on the site to eliminate the cut through traffic. Derek Rooney suggested using concrete barriers and signage noting the public road is closed. He also noted it is illegal to clear a public right-of-way without City permission.

Commissioner Wilkins made a motion to direct Staff to resolve the issue by installing barriers or similar improvement. Commissioner Akin seconded the motion. The motion carried 5-0.

Cindy Pearce thanked the Commission for their help.

Karen Hildebrand, Director of Barron Library, addressed the Commission regarding maintenance of oak trees at the library and also requested permission to remove one (1) significant oak tree and replace it. There was discussion. Allen Pickles with Code Enforcement presented photos of the trees to the Commission and discussed their condition.

Commissioner Wilkins made a motion to allow for a professional arborist to trim the trees on the library property, and removal of the one (1) significant oak tree with a replacement live oak per the

Land Development Code. Commissioner Akin seconded the motion. There was discussion on providing staff the authority to approve tree removal. The motion carried 5-0.

Don Meister of 1005 Fort Thompson Avenue addressed the Commission requesting speed bumps along Fort Thompson Avenue. 85% of the street must sign a petition indicating they are in favor. Derek Rooney noted there is some traffic calming manuals by Department of Transportation and these decisions should be based upon design and safety not public sentiment. There was discussion on nuisance speed bumps as a solution.

Shellie Johnson addressed the Commission and reinforced Mr. Rooney's statements about incorporating traffic calming based upon specific design and safety standards, as there are many ways to calm traffic other than speed bumps.

John Clarke asked if a petition is needed to get a speed bump installed. He also noted the recent improvements to stop signs around Broward Avenue. Derek Rooney also noted if there is a dangerous traffic issue on Fort Thompson Avenue, the Commission does not need a petition to take action. There was discussion on the different traffic calming measures to be evaluated, such as signage.

Commissioner Akin directed staff to review the issue with Mr. Meister to install an appropriate traffic calming measure on Fort Thompson Avenue. Commissioner Wilkins seconded the motion. The motion carried 5-0.

NEW BUSINESS

Derek Rooney explained Staff is working with Belle Arbor developer to allow for re-plat to reconfigure the internal roadway to avoid an oak tree; vacate a portion of Shady Oaks Avenue while maintaining bicycle/pedestrian/ golf cart usage. He noted the City will initiate the vacation, while the Applicant will submit the re-plat.

Commissioner Wilkins made a motion to allow for the oak tree removal to install the lift station. Commissioner Akin seconded the motion. The motion carried 5-0.

Ron Zimmerly introduced the First Amendment to the Third Amended and Restate Interlocal Recreation Agreement.

Commissioner Wilkins made a motion to approve the proposed amendment. Commissioner Akin seconded the motion. The motion carried unanimously.

STAFF REPORTS

Chief Josh Rimes provided his report noting a total of 69 calls in the past month. He also discussed some maintenance and improvements the station is working on in the new budget year. He noted his staff would start giving reports as he transitions to retirement.

A report was provided by the Hendry County Sheriff's Office. There was discussion on speeding on SR 80 through the middle of town.

Laura Constantino with Four Waters provided an update. She noted the close out of the water and wastewater CDBG project. She also updated the Commission on the sewer project along Broward Avenue and Missouri Street, and Area and J projects, noting she is waiting on surveys.

Derek Rooney noted he had nothing to report.

Gary Hull presented the Commission with photos of significant oak trees on the Hendry County Courthouse property that are requested for removal due to failing health or conflicts with utilities. There was discussion by the Commission on the reason for the removal and the mitigation. Mr. Hull noted the replacement would be at a 2:1 ratio.

Commissioner Akin made a motion to approve removal of the four (4) trees requested. Commissioner Kelley seconded the motion. The motion carried 5-0.

John Clarke addressed the Commission on aggressive tree trimming. He noted work being done by maintenance staff to remove limbs in the area and attempts he made to discuss the tree trimming. He requested that the trimming not occur above 14 feet since no vehicles exceed that height. A member of the public noted that the Commission should consider creating a tree advisory board to vet the tree issues, so it doesn't monopolize the Commission meetings. There was lengthy discussion on the matter.

Commissioner Wilkins made a motion not to trim limbs above 14.5 feet. Commissioner Kelley seconded the motion. The motion carried unanimously.

City Planner Alexis Crespo noted the Commissioners need to complete their annual ethics training. Commissioner Wilkins noted Florida League of Cities available online on October 14th at 10 a.m.

Ron Zimmerly distributed the CARES Act funding agreement with Hendry County. He noted 100% of the public safety costs can be covered. There was discussion on the use of funds.

Mr. Zimmerly noted that the library board voted to execute the easement with FPL, so that FPL can install the high-power lines in the conduit lines and allow for undergrounding of utilities.

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 coordinated the survey of 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 gave an update on his lovely wife, Linda Smith, noting she was recovering well at Oakbrook of LaBelle.

David Kelley – Nothing to report.

Julie Wilkins – Nothing to report.

Daniel Akin – Commissioner Akin asked about the stormwater management study and process. Mr. Zimmerly noted that the City should know if they are awarded the grant by the end of the year. Mr. Rooney noted the long-term process to create a stormwater utility to generate matching funds for capital improvement projects.

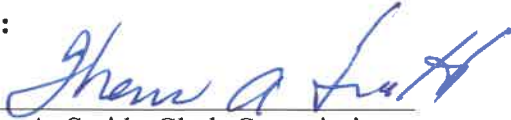
Commissioner Akin noted that the City Commission should consider instituting impact fees to help cover improvements that are needed. There was discussion on impact fees by the Commission.

Mayor Lyons – Nothing to report.

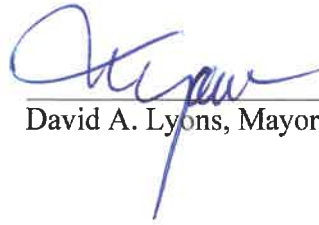
As there was no further business, the meeting was adjourned at approximately 8:52 p.m.

APPROVED:

Attest:



Thomas A. Smith, Clerk-Commissioner



David A. Lyons, Mayor-Commissioner