

**CITY OF LABELLE  
REGULAR COMMISSION MEETING**

Mayor Lyons called the meeting to order at 6:00 p.m. to swear in Commissioner Bobbie Spratt as Treasurer-Commissioner. Former Mayor Paul Puletti administered the oath. Following the ceremony, Mayor Lyons closed the City Commission meeting to open the Local Planning Agency meeting.

Mayor Lyons re-opened the regular Commission Meeting at 6:50 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**

Mayor Lyons noted that no one was present to accept the Poppies Day Proclamation and moved the item to the next meeting.

**CONSENT AGENDA**

Mayor Lyons asked for a motion on the consent agenda. Alexis Crespo, Deputy City Clerk, noted several updates and corrections to the minutes.

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

**PUBLIC HEARINGS**

Mayor Lyons introduced the public hearing and first reading on proposed Ordinance 2021-01, relating to a Land Development Code Amendment to update the significant oak tree mitigation requirements. Derek Rooney read the title into the record. Staff made a brief presentation on the intent of the amendment to bolster the existing tree mitigation requirements. There was no public comment. Mayor Lyons noted the final public hearing and second reading would occur on March 11<sup>th</sup>.

Mayor Lyons introduced the public hearing and first reading on proposed Ordinance 2021-02, relating to a Land Development Code Amendment to allow for medical office uses in the I-2 zoning district. Derek Rooney read the title into the record. Staff made a brief presentation on the intent of the amendment. There was no public comment. Mayor Lyons noted the final public hearing and second reading would occur on March 11<sup>th</sup>.

Mayor Lyons introduced the public hearing and first reading on proposed Ordinance 2021-03, relating to the Jack Paul PUD amendment. Commissioner Wilkins asked the Applicant if there was still a deadline that required the Commission to conduct the first reading at this meeting. Shellie Johnson, Agent for the Applicant, noted that the Applicant could postpone a month to work on the LPA's concerns. The Commission noted they appreciated that effort. There was further discussion on the changes to improve compatibility.

***Commissioner Wilkins made a motion to continue the first reading of Ordinance 2021-03 to 6 p.m. on March 11<sup>th</sup>. Daniel Akins noted ex-parte communication with Bryan Paul and seconded the motion. The motion passed 5-0.***

Mayor Lyons introduced the request for significant oak tree removal of twelve oak trees for a commercial property located at 277 E. Hickpochee Avenue. Shellie Johnson, Agent for the Applicant, presented the site plan and proposal to save 11 trees and remove 12 trees. The Commission applauded the Applicant for redesigning the site and saving more trees than previously presented in December 2020.

For mitigation, Shellie noted that the replacement trees would be on other sites or a payment in lieu would be made to the City. Commissioner Spratt asked if the City had a dedicated area to allow for the mitigation plantings, such as a tree farm. Shellie Johnson noted that planting trees along Main Street would be appropriate or the County Courthouse property. Commissioner Spratt noted the schools in town would like to have trees planted there. Commissioner Smith noted the lands adjacent to Barron Park would be a good location as the property was not well vegetated. There was further discussion. Member of the public, Sherri Denning, noted the City's 200-acre site on the east side of town would be a good location to establish a tree farm. There was discussion on approving the number of trees to be removed at this meeting and deciding where the trees should be located off-site at the next meeting. The Commission indicated they wanted the Applicant to be in charge of the planting, not City Staff. There was further discussion. Mayor Lyons noted the Tree Advisory Board needs to be re-activated to assist in creating a planting plan for mitigation trees. There was discussion.

***Commissioner Smith made a motion to approve the tree removal permit with the condition that Applicant provide the City with a payment in lieu of \$23,400, which equates to \$150 per inch of tree removed. The funds would be used to replant live oak trees in the City, at locations decided by the Commission and Staff. Commissioner Wilkins seconded the motion. There was discussion. The motion carried 5-0.***

Mayor Lyons introduced the public hearing on Resolution 2021-10 ratifying Resolutions 2021-06, 2021-07, 2021-08, and 2021-09 regarding the Local State of Emergency for COVID-19.

***Commissioner Wilkins motion to approve Resolution 2021-10. Commissioner Smith seconded the motion. The motion carried 4-1 with Commissioner Akin dissenting.***

Mayor Lyons asked the Applicant for the Tacos and Trokas special event permit to address the Commission. David Garcia addressed the Commission on his intent for an event at Barron Park on March 27<sup>th</sup>. He explained it would be a small local festival for the youth featuring cars and trucks. Commissioner Wilkins noted the success of several recent events. There was discussion on the location of vehicles along DeSoto Avenue. There was discussion on alcohol at the event. Commissioner Spratt expressed concern on having alcohol if the event was youth oriented. Commissioner Wilkins and Akin echoes those concerns. The Hendry County Sheriff's Office weighed in that alcohol would require more security. There was discussion on the date and the Applicant needing to secure more details.

***Commissioner Wilkins made a motion to approve the temporary use permit for available dates in April or May 2021, subject to securing letters of no objection from EMS, Fire, Sheriff, and providing a safety/security plan. The motion state that alcohol is not permitted. Commissioner Smith seconded the motion. The motion carried 5-0.***

## **STAFF REPORTS**

Mayor Lyons asked Josh Rimes to provide his report and introduce the new Fire Chief. Josh Rimes provided the report and noted 75 calls this month. He noted the Department received a brush truck from the Division of Forestry. He announced his retirement on April 30<sup>th</sup>. He introduced new Fire Chief Micah Mungillo. Chief Mungillo briefly addressed the Commission. It was noted that the details of the Fire Inspector role are being worked out.

Mayor Lyons asked for the Engineering Report. Laura Constantino with Four Waters Engineering gave an update on the septic to sewer conversion projects. She also updated the Commission on the DEP well monitoring project. There was discussion on the wastewater treatment plant. Derek Rooney noted a workshop would be scheduled soon to provide an update, and that Staff is still working through maintenance improvements.

Josh Rimes noted the Commission needs to confirm the new fire chief selection.

*Commissioner Smith made a motion to approve Micah Mungillo as Fire Chief. Commissioner Akin seconded the motion. The motion carried 5-0.*

## **PUBLIC COMMENT**

Nora Ned asked for permission to hold the Black Heritage Month Festival. She noted that there had been an issue at a past event that caused the City to not allow the event. She explained the importance of the event for the community and noted the date is the third Saturday in May. There was lengthy discussion on the event, public safety and supporting the community by allowing the event. There was discussion on the Recreation Board's role as owner of the facility. Superintendent of Public Works, Gary Hull, noted he will work with Ms. Ned on the event.

*Commissioner Wilkins made a motion to approve the Black Heritage Festival special event being held until 5 p.m. on the third Saturday in May, subject to approval by the Recreation Board and providing the site plan and security plan. Commissioner Smith seconded the motion. There was discussion on the requirement for law enforcement. The motion carried 5-0.*

Saul Gonzalez asked for permission to remove an old water oak on his property on Euclid Avenue. The Commission authorized Gary Hull to permit removal of the tree.

Sherri Denning addressed the Commission regarding the Trading Post. Jeff Gonzalez, code enforcement officer for City of Fort Myers, noted the issues with the landowner of the property. He recommended the City bring violations forward on the property and quoted several statutes authorizing the City to take action. There was lengthy discussion on the issue. There was discussion on staffing issues and the need for administrative staff to assist code enforcement.

## **STAFF REPORTS**

Lt. Favara with the Hendry County Sheriff's Office provided an update noting 0 homicides so far for the year and 166 traffic stops. He also noted the high level of car crashes in the past month.

Derek Rooney noted he has nothing new to report.

Superintendent of Public Works, Gary Hull, passed out the Shady Oak subdivision plat for final review. He provided an update on his review of the infrastructure and explained the plat. It was noted the plat was approved at the previous meeting, so no action was needed from the Commission.

City Planner, Alexis Crespo, asked the Commission if they would schedule the Old Florida RV Park applications for first and second reading on March 11<sup>th</sup>. She explained this is the RV park proposed at the Hendry/Lee County line south of SR 80. There was consensus to proceed with LPA and transmittal during the March meeting.

Ron Zimmerly addressed the Commission on selling the City's bus to the Recreation Board or other party. There was consensus to sell the bus.

Ron provided an update on the bidding process for Zone A. He asked the Commission to approve the award to low bidder, subject to the City engineer and attorney review.

***Commissioner Wilkins made a motion to accept Staff's recommendation and authorize approval of the low bidder subject to City Staff review. Commissioner Akin seconded the motion. The motion passed 5-0.***

Ron then updated the Commission on the DEP projects. He asked the Commission to authorize the Mayor to move forward with the DEP agreements as soon as they are available.

***Commissioner Wilkins made a motion to accept Staff's recommendation. Commissioner Akin seconded the motion. The motion passed 5-0.***

Ron gave an update on the CDBG grant status. He noted he engaged the City's legislative lobbyist to help assist with securing the payment. He noted there has already been progress on getting the funding of the grant based on Mr. Spratt's work. The last item discussed was the RFP for the audit. He noted David Miller backed out of the selection process stating it may be a conflict. He noted that Ian Proverbs with Hendry County agreed to be on the selection committee. Ron asked for approval of the appointment of Ian Proverbs to the committee. He also noted the selection committee meeting is proposed for 9 a.m. on March 8<sup>th</sup>, subject to confirming Commissioner Akin's availability.

***Commissioner Spratt made a motion to appoint Ian Proverbs to the selection committee and tentatively schedule the meeting of the selection committee on March 8th. Commissioner Wilkins seconded the motion. The motion passed 5-0.***

Lastly, Ron noted he had tickets for the chamber event on March 13<sup>th</sup> at the Civic Center.

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 the Veteran's Park needs some maintenance and noted lighting issues. She also noted the Commission needs to work on the Fire Department planning.

Daniel Akin – Commissioner Akin asked Staff to organize the Tree Advisory Board.

Bobbie Spratt – Nothing to report.


Mayor Lyons – Commissioner Lyons thanked Bobbie Spratt for serving the City. He also added that Staff is doing an excellent job dealing with staffing and personnel issues.

As there was no further business, the meeting was adjourned at approximately 9:10 p.m.

**APPROVED:**

  
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David A. Lyons, Mayor-Commissioner

**Attest:**

  
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Thomas A. Smith, Clerk-Commissioner