

**CITY OF LABELLE  
REGULAR COMMISSION MEETING**

Mayor Lyons opened the regular March Commission Meeting at 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.

**CONSENT AGENDA**

Mayor Lyons asked for a motion on the consent agenda.

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

**PUBLIC HEARINGS**

Mayor Lyons introduced the public hearing and second reading on proposed Ordinance 2021-01, relating to a Land Development Code Amendment to update the significant oak tree mitigation requirements. Staff made a brief presentation on the intent of the amendment to bolster the existing tree mitigation requirements. Commissioner Wilkins asked for confirmation that the replacement trees would now be a minimum of 4 inches diameter at breast height (DBH). Staff confirmed this change was included in the ordinance. Commissioner Wilkins also asked for the Tree Board to reconvene in order to plan how to use the payment in lieu funds. Staff confirmed the Tree Board would meet on April 8<sup>th</sup> prior to the Commission meeting. There was further discussion on irrigation and establishment of the trees. Commissioner Akin asked if the ordinance correctly listed the name as “City Under The Oaks”. There was discussion and it was confirmed that LaBelle is “City Under the Oaks”. Staff noted the ordinance would be corrected to reflect that change. There was no public comment.

*Commissioner Wilkins made a motion to approve Ordinance 2021-01 subject to the change to “City Under The Oaks” throughout. Commissioner Akin seconded the motion. The motion carried 5-0.*

Mayor Lyons introduced the public hearing and second 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. Staff made a brief presentation on the intent of the amendment. Commissioner Spratt noted concerns regarding traffic on Cowboy Way. There was discussion on proposed improvements by Superintendent of Public Works, Gary Hull. Commissioner Wilkins noted the Staff Report referred to the zoning district at I-1 and it should be I-1A. City Attorney, Derek Rooney, read the title into the record. There was no public comment.

*Commissioner Wilkins made a motion to approve Ordinance 2021-02. Commissioner Spratt seconded the motion. The motion carried 5-0.*

Mayor Lyons introduced the public hearing and first reading on proposed Ordinance 2021-03, relating to the Jack Paul PUD amendment. Shellie Johnson, Agent for the Applicant, noted changes to the Master Concept Plan (MCP) since the LPA meeting. It was noted the western buffer was increased and the intensive uses were limited to internal tracts.

Commissioner Wilkins noted thick vegetation/buffer plantings can be a very effective screen for intensive industrial uses, such as junk yards. Commissioner Spratt asked for the western buffer fence to be 8 feet tall instead of 6 feet tall. Commissioner Wilkins noted her main concern is the asphalt plant, but she has spoken with Ajax paving and got a very good understanding of all the regulations that protect against smells, noise, and other noxious impacts. Commissioner Spratt thanked Commissioner Wilkins for that information. Commissioner Spratt asked if livestock was proposed. Shellie Johnson noted that agricultural uses, including livestock, could continue until construction permits are issued. It was noted slaughterhouses are not permitted in the City per the LDC. A member of the public, Donna Baines, asked the Applicant how traffic on SR 29 would be addressed. Commissioner Spratt noted this was a concern of hers as well, but the traffic study would be completed at the time of construction plan permitting to address required turn lanes and other improvements. There was no further discussion. No motion was made as this was first reading.

Derek Rooney read the title of Ordinance 2021-01 into the record and asked for another motion and vote on the matter.

***Commissioner Wilkins made a motion to approve Ordinance 2021-01 subject to the change to “City Under The Oaks”. Commissioner Spratt seconded the motion. The motion carried 5-0.***

Mayor Lyons introduced the public hearing on Resolution 2021-15 ratifying 2021-11, 2021-12, 2021-13, and 2021-14 regarding the Local State of Emergency for COVID-19.

***Commissioner Akin made a motion to approve Resolution 2021-15. Commissioner Wilkins seconded the motion. The motion carried 5-0.***

There was discussion on City Hall closure due to COVID. After lengthy discussion it was agreed that Staff would continue to offer in-person meetings at City Hall, but take utility payments through the drive-through window. Commissioner Spratt asked Staff to put up a sign on the City Hall doors to indicate appointments could be made for meetings, so the public knows the City is “open for business”.

Mayor Lyons asked the Applicant for the Tacos and Trokas special event permit to address the Commission on their proposal to serve alcohol at the March 27<sup>th</sup> event. David Garcia and Kelly Boone addressed the Commission on the request. Mr. Garcia noted the success he is having with attracting vendors. Kelly Boone noted seven (7) deputies would be on-site and the LDRC would serve the alcohol. She noted the LDRC supports making this event a success and also providing for appropriate security and safety. There was discussion by the Commission and some concerns were expressed about drinking and driving, and underage drinking. Input was provided by the Hendry County Sheriff’s Office noting they were supportive of the request. There was further discussion.

***Commissioner Spratt made a motion to approve a revision to the temporary use permit to allow for alcohol at the event. Commissioner Smith seconded the motion. The motion carried 3-2 with Commissioners Wilkins and Akin dissenting.***

## **OLD BUSINESS**

Mayor Lyons noted Commissioner Spratt was appointed to the Downtown Advisory Committee.

Mayor Lyons asked for an update on the Audit Selection Committee. Mr. Zimmerly distributed a memo summarizing the Audit selection committee ranking. He noted the top ranked firm is Maudlin & Jenkins. He asked for a motion from the Commission to support Staff’s recommendation to accept the recommendation

of the audit selection committee and authorize the Mayor and the Finance Director the authority to negotiate a contract and letter of engagement with the top ranked firm, subject to the review and approval of the City Attorney. There was discussion on their qualifications and the positive reviews from City of Clewiston.

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

Mr. Zimmerly noted there is an addendum to RFP 2020-02 for the HVAC system relating to the CARES Act. He noted the addendum was to extend the deadline for proposals. He noted this item would come back before the Commission at the April meeting.

## **STAFF REPORTS**

Fire Chief Micah Mungillo provided an update, noting 86 calls were run in February. He noted the call volume was less than last year. He noted additional staffing at the Fire Department and the discussed the transition to Fire Chief.

Lt. Favara with the Hendry County Sheriff's Office provided an update noting crime is slightly up from 2020 and discussing the string of car burglaries, adding that arrests had been made.

Mayor Lyons asked for the Engineering Report. Ron Zimmerly noted that Laura Constantino with Four Waters Engineering was on spring break with her children. He provided an update on Zone A sewer conversion, noting construction would commence soon. He noted Zone J was underway as well. On Zone B, 4 Waters is preparing the proposal for sub consultants. He added a purchase order was issued for the monitoring well project.

Derek Rooney noted he would move forward the utilities' items discussed at the workshop. He discussed the change to 4-year terms and asked that the 2025 election be moved to 2026. Commissioner Wilkins noted that the Commission had decided to shorten terms. Derek clarified the proposal would line up the elections with state and federal election years. Commission provided Mr. Rooney with direction to bring back the ordinance to extend the terms of those elected in 2021, so the next election would fall in 2026.

Superintendent of Public Works, Gary Hull, had nothing to report. His upcoming surgery was discussed.

City Planner, Alexis Crespo, noted the Tree Advisory Board meeting would meet on April 8<sup>th</sup> at 5 p.m. prior to the next scheduled Commission meeting.

Ron Zimmerly addressed the Commission on selling the City's 2004 Ford bus. He asked for a motion from the Commission to declare the item a surplus item and sell via online auction.

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

Mr. Zimmerly then updated the Commission on the deadline to file the SCOP grant and introduced Resolution 2021-16. He asked for a recommendation to authorize the SCOP grant application and accept and approve the project agreement between the City of LaBelle and FDOT; and authorize the Mayor to enter into and execute the future SCOP agreement in the amount of \$539,491. It was noted this grant would pave roads in Sunset Park.

***Commissioner Spratt made a motion to accept Staff's recommendation and approve Resolution 2021-16. Commissioner Wilkins seconded the motion. The motion passed 5-0.***

Mr. Zimmerly asked for Commission approval to execute the sewer conversion project agreement for septic to sewer conversion in Zone B totaling \$3,243,000. He noted the Commission already made a motion to execute the agreement, and the City Attorney had reviewed the performance bond. He asked for a motion to authorize the Mayor to move forward with the paperwork.

***Commissioner Akin made a motion to authorize the Mayor to execute the agreement. Commissioner Spratt seconded the motion. The motion passed 5-0.***

Mr. Zimmerly asked the Commission to authorize a selection committee for the utilities RFQs discussed at the workshop earlier that evening. Derek Rooney noted this would help to expedite the process and at least 3 members were needed. He noted the Commission could be the selection committee. The Commission agreed that they should be the selection committee.

Commissioner Wilkins asked about funding for the Civic Center sound system. Mr. Zimmerly noted the system had been improved and it is working well, along with the acoustic panels and curtains.

The Building Department and Code Enforcement Reports were provided to the Commission and no presentation was given.

## **BUSINESS BY COMMISSIONERS**

Commissioner Smith – Nothing to report.

Commissioner Spratt – Commissioner Spratt discussed derelict housing in Fordson Park. There was discussion on the City's code enforcement powers. There was discussion on liens and potential solutions and costs to the City. A member of the public spoke on the matter. There was extensive discussion on a potential assessment to fund the efforts to clean up the neighborhood.

***Commissioner Akin made a motion to authorize the hiring of code enforcement staff. Commissioner Wilkins seconded the motion. The motion carried 5-0.***

Mr. Rooney noted he would bring back the assessment item upon completion of the staff hiring item. There was further discussion. There was discussion on code enforcement issue with abandoned cars.

Commissioner Spratt asked about the cost of living adjustment (COLA) for City Staff. Mr. Zimmerly noted that the COLA was put on hold due to COVID-19 and could be addressed at the next Commission meeting. Commissioner Akin reminded the Commission that they had to increase the millage rate to cover the budget shortfalls. It was agreed that Staff would bring back the numbers for a COLA at the April meeting.

Commissioner Wilkins – Commissioner Wilkins discussed improvements to the Selma Daniels school to preserve the history, noting full restoration would not be cost feasible. The proposal was to rehabilitate the exterior and have external viewing of a scene reminiscent of the school. She asked the Commission to give permission to explore the project and potentially setting up a "go fund me" account to fund raise. There was generally support to allow for restoration as proposed, but not direct city funding. It was suggested the City coordinate a committee to explore the subject further.

Commissioner Wilkins noted that the legislature is looking to take away home rule/local authority on home-based businesses in residential zoning districts. She noted her concern on this matter and asked the City to be proactive in contacting Senator Passidomo.

Daniel Akin – Nothing to report.

Mayor Lyons – Nothing to report.

Keitha Daniels asked the Mayor to appoint a Commissioner to her Economic Development Committee.

Commissioner Wilkins asked Mr. Zimmerly to look at the timeframe for insurance renewal, in order to give the necessary notice that we intend to issue a request for proposals related to city insurance.

As there was no further business, the meeting was adjourned at approximately 8:15 p.m.

**APPROVED:**

\*\*\*See Clerk for Original Signatures\*\*\*

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David A. Lyons, Mayor-Commissioner

**Attest:**

\*\*\*See Clerk for Original Signatures\*\*\*

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Thomas A. Smith, Clerk-Commissioner