

**CITY OF LABELLE
REGULAR COMMISSION MEETING
FEBRUARY 10, 2022**

CALL TO ORDER

Mayor Wilkins opened the regular January Commission Meeting at 6:35 p.m. A roll call was taken. Members present were Mayor Julie Wilkins, Commissioner Bobbie Spratt, Commissioner Jackie Ratica, and Commissioner Daniel Akin. Ron Zimmerly, Finance Director, led the opening prayer followed by the Pledge of Allegiance.

ADDITIONS TO THE AGENDA

LABELLE DOWNTOWN REVITALIZATION REQUEST

Alexis Crespo addressed the Commission, with the intent to have a representative from the LaBelle Downtown Revitalization Corporation (LDRC) inquire to allow vinyl inserts in a chain-link fence. Ms. Crespo then noted that the code states that mesh or vinyl inserts are not permitted on chain-link fences, unless located in an Industrial Zone. She stated that the request was being made with the intent to beautify the City for The Swamp Cabbage Festival, specifically at the Centurylink (Lumen Technologies) location on Ft. Thompson Street. She explained the LDRC was seeking the Commission's direction on how to expedite the variance process. Mayor Wilkins deferred to Attorney Derek Rooney who stated that the laid-out Variance Board procedure would be the path to take and that there was no exception to the process. Mayor Wilkins asked Ms. Crespo if the Variance Board could meet before the scheduled meeting of February 28th 2022 due to the festival being held prior to that date. Ms. Crespo stated that the time frame did not allow for sufficient advertising for an earlier meeting. More discussion was had on options to speed up the process. Mr. Rooney stated the current process was the only option.

Superintendent of Public Works, Gary Hull asked if the installation in the fence was permanent. Leonard Enriquez, a volunteer with the LDRC, stated that the fabric will be attached to the fence, and that Century Link (Lumen Technologies) would maintain the fence and fabric, and that it would be permanent. Commissioner Ratica asked if the fabric would be on the inside or outside. Mr. Enriquez clarified it would be on the outside of the fence. He disclosed that the vinyl was already up on half of the fence due to lack of communication, and that there was a stop work order in place. Mr. Hull stated that he placed the stop work order because of the concern that it was being secured by plastic zip ties, and he felt there should be product approval of some kind. Mayor Wilkins asked the Commission for any questions or discussion. Commissioner Akin stated that it would not set a good precedent to approve the request for the variance at that time. Discussion was had what to do with the already constructed part of the fence. Mayor Wilkins stated that the already existing work did not need to be taken down. Alexis Crespo confirmed that it was on the agenda for Monday, February 28th at the Variance Board Meeting.

CONSENT AGENDA

Mayor Wilkins took up the Consent Agenda. Commissioner Ratica asked Chief Brent Stevens how he came up with the amounts for the special detail for special events. He stated he pulled the cost from the special events within the past 3 years and averaged the amounts. He stated that several events did not pass inspection and that the Fire Department would provide fire suppression for future events. Discussion was had on the Fire Department budget. Attorney Derek Rooney recommended that all special events should go through the Fire Chief earlier in the permit process in order to allow for proper safety and permitting. More discussion was had on the need for the Fire Department to be reimbursed for services. Chief Stevens also addressed the Commission about implementing the necessary Crowd Management requirements for events. He stated that moving forward that the Fire Department provide 2 crowd managers to cater events in the Civic Center to ensure for proper safe exits at the cost of the renter.

Kelly Boone, Executive Director of LDRC, asked if fire extinguishers were provided by the organizations for each vendor, would that offset the cost. Chief Stevens suggested that the if the capacity of Barron Park exceeds 500 people that all public safety entities be present. Discussion was had on the charge to the organizations, and it was determined that it needed to be discussed further before any amount was settled on.

Mayor Wilkins then addressed the Commission, and Chief Stevens with concerns about the LaBelle Fire Dept. being utilized in Pioneer from 6:00 a.m. to 5:00 p.m. on Tuesdays and Thursdays due to lack of coverage in that area those

days. Discussion was had on where the funds will come from to supplement the staffing, and equipment maintenance. Mayor Wilkins discussed having workshops to discuss the matter. Commissioner Spratt suggested that the County hire part time Fire Fighters for Pioneer for the needed days. Discussion was had on how to fund the part time fire fighters if they were hired. Attorney Rooney suggested a fire workshop. It was the consensus that the Workshop would take place at 4:30 on March 10th 2022. It was discussed that members of the should County be present. Mayor Wilkins asked if there was any more discussion, there was none.

*Commissioner Akin made a motion to accept the Consent Agenda items, Commissioner Spratt seconded the motion.
The motion carried 4-0*

PUBLIC HEARING

ORDINANCE 2021-09 TO REZONE THE PROPERTIES LOCATED AT 80 W. OKLAHOMA FROM R-1 TO PUD.
Attorney Derek Rooney read Proposed Ordinance 2021-09 into the record.

Alexis Crespo, City Planner addressed the Commission directed them to the second page of the Staff Report to summarize the changes made to application.

Attorney Rooney then swore in all public speakers on this subject.

Ms. Crespo explained the revisions made to the Proposed Ordinance since the 1st public hearing. Staff is recommending approval with conditions.

The applicant's representative Shelly Johnson, addressed the Commission to further explain the revisions made to the Proposed Ordinance. She presented a photo that represented the architectural style desired. Discussion was had on the what the appearance of the units would be. Commissioner Spratt revisited a previous inquiry referring to changing to single family homes. Mrs. Johnson stated that single family units were not an option.

Commissioner Ratica expressed futher concern about the appearance and the units and discussion was had on the conditions of the architectural elements.

Amy Thibaut, legal counsel for the applicant, addressed the Commission. She stated that architectural renderings are not part of the criteria for rezoning, and that they could not legally condition approval on architectural renderings. Attorney Derek Rooney stated that code provides for no rezoning criteria, and explained that there may be Comprehensive Plan compatibility concerns that need to be addressed. There was discussion on the neighboring homes and the compatibility of the proposed duplexes to them. Attorney Rooney recommended that staff will have to review the designs consistent with the photograph provided during the building permit process.

Commissioner Akin asked about the useable open space requirement, and voiced his concerns on the compatibility of the units to the surrounding residential. More discussion was had on the compatibility. There was then discussion on the green area of the project.

Mrs. Johnson then went into further detail describing the units. Discussion was had on the impacts of the project to the surrounding areas.

Mayor Wilkins recognized Christina Davidson, whom wished to speak on the matter, to the podium. She voiced her concerns on the density of the project and asked if any oak trees would be damaged during the process. The preservation of the oak trees was discussed. It was clarified that if any trees were damaged, the contractor would be responsible for the health and re-planting of oak trees, if necessary, to replace any that may be damaged during construction.

Mayor Wilkins called upon Kevin Holland to address the board. He explained that the roadways in that area are "cut through" roads that people use to avoid the traffic lights and that there have been accidents in the subject area. He also explained the traffic pattern in the area, and how it does get congested during school pick up and drop off times. His concern was that adding more density, would add more congestion and traffic. He also briefly discussed his concern for children in the area with the increase in traffic.

Mayor Wilkins called Lynn Jordan to the podium. He addressed the Commission as a neighbor to the subject property. He voiced his concerns with drainage in the subject area, the amount of impervious space on the lot, and the backflow of the water into the neighboring lots. He also stated his concern with street parking on Hall Street. He stated his objection to project. He then discussed the compatibility of the proposed buildings with the surrounding homes.

Amy Tibouex, legal representation for the applicant, addressed the Commission. She explained that the proposed project complies with the rezoning criteria, and with the current Comprehensive Plan more than the current uses. She stated that a denial of the application would be in violation of the applicant's property rights. More brief discussion was had on the compatibility of the proposed buildings. Commissioner Spratt asked what could be done about the water flow in that area. Attorney Rooney explained that each property is responsible for its own storm water issues. Mr. Hull then explained the site related steps for after approval of the PUD rezone. Ms. Crespo then elaborated on Mr. Hull's explanation. More discussion was had on the sheet flow.

Commissioner Akin asked for a lower intensity for the size of the lot, and proposed 2 buildings, rather than 3 buildings be presented by the applicant. He then proposed a continuance of the hearing so that the applicant could provide a new proposal for the new request of 2 buildings.

***Commissioner Akin motioned for a continuance of the hearing for Ordinance 2021-09, until the next regular commission meeting on March 10th at 6:00 p.m.
Commissioner Spratt seconded the motion.
The motion carried 4-0.***

Brief discussion was had clarifying the requested number of 2 buildings.

REQUEST FOR USE OF BARRON PARK

Dennis Chapman addressed the Commission in reference to cycling events he will be hosting in the area. He requested the use of Barron Park for the events as a hydration station. Mayor Wilkins directed him to check the availability of Barron Park on those days and to follow up with Jessi Zubaty, Deputy City Clerk, for further direction.

PUBLIC HEARING

PROPOSED ORDINANCE 2021-13, PRIVATE PROPERTY RIGHTS

Proposed Ordinance 2021-13 Private Property Rights was taken up by Mayor Wilkins. She asked Alexis Crespo how this would affect neighbors' rights.

Attorney Rooney gave an explanation of the purpose of the proposed Ordinance. There was brief discussion on the accepted language of the proposed Ordinance. Attorney Derek Rooney read the Ordinance into the record.

Ms. Crespo described the revisions the Department of Economic Opportunity requested.

Commissioner Akin noted an error regarding the date of the second reading needed to be revised to 2022.

***Commissioner Akin made a motion to approve Ordinance 2021-13, Commissioner Spratt seconded the motion.
The motion carried 4-0.***

Ms. Crespo excused herself from the meeting.

RESOLUTION 2022-10

Mayor Wilkins took up Resolution 2022-10 ratifying Resolutions 2022-06, 2022-07, 2022-08, 2022-01 and 2022-09 regarding the Local State of Emergency for COVID-19.

***Commissioner Spratt made a motion to accept Resolution 2022-10, Commissioner Ratica seconded the motion.
After brief discussion, the motion carried 4-0.***

OLD BUSINESS

ST. MATTHEW'S HOUSE

Mayor Wilkins asked for any representatives from St. Matthew's House. As there was none, she moved on to the next item of the agenda.

MEMO UTILITY BOND SAVINGS UPDATE

Mayor Wilkins asked for discussion on this topic. She consulted with Attorney Rooney on his recommendation. Mayor Wilkins briefly explained the purpose of the bond. There was brief discussion on the amount of savings it would provide.

*Commissioner Ratica motioned to approve the memo as recommended, Commissioner Akin seconded the motion.
The motion carried 4-0.*

WATER METER PROPOSALS

The water meter proposal topic for RFQ 2022-01 was continued until further information could be gathered by staff.

CLERK-COMMISSIONER THOMAS. A SMITH RESIGNATION

Mayor Wilkins officially announced receiving the letter of resignation from Thomas A. Smith, Clerk-Commissioner, stating that January 31, 2022 was his final day. She declared the seat open. She then explained the required qualifications to fill the seat.

NEW BUSINESS

INSIGHT AUCTIONEERS

Mr. Gary Hull requested that Shelly Varner, Public Works Supervisor, approach the podium. Mr. Hull then provided an overview the correspondence between Ms. Varner and Insight Auctioneers. He then explained the company's process to auction off items. He noted that several other local agencies have used or are using the company. Ron Zimmerly, City of LaBelle Finance Director, gave a brief description of what agencies use the company, and recommended only utilizing the company for certain items.

*Commissioner Ratica made a motion to add Insight Auctioneers to the City's tool chest.
Commissioner Spratt seconded the motion.
Motion carried 4-0.*

There was discussion on current equipment, and the replacement of equipment that would be sent to auction. Mayor Wilkins expressed her desire to have more frequent workshops in order to discuss that matter, and other matters in more detail.

AREA A LIFT STATION AT MISSOURI & WASHINGTON DEED PREPARATION

Mr. Gary Hull gave a brief description of the location of the lift station, and that a deed needed to be drafted and conveyed in order to fix the fence around the lift station to avoid encroachment upon Mr. Beck's property. Attorney Rooney stated he had corresponded with Mr. Hull about the issues with the deed through email. It was decided that discussion on this topic would be had another time, and Mayor Wilkins moved on to the next item on the agenda.

MUSEUM MEMO REQUEST

Ron Zimmerly stated the request from the Heritage Museum was in relation to the previous request made that was included in the budget for the current fiscal year during previous workshops. Discussion was had on when the item was adopted into the budget and how it had been requested by Commissioners for a more detailed description of how the money would be used. Mayor Wilkins asked Mr. Zimmerly where the funds for the museum came in the budget. It was clarified that it was budgeted from the General Fund. Discussion was had on the commitment of the funds to the museum.

*Commissioner Spratt motioned to pay the invoice of \$25,000.
Commissioner Akin seconded the motion.
After brief further discussion,
the motion carried 4-0.*

CHRISTMAS FUND DONATION

Mayor Wilkins called upon Mike Harder for his presentation of his donation check to the City of LaBelle's Christmas fund. Mr. Harder presented Mayor Wilkins with a presentation check of \$2,500 and a photo was taken. After being thanked by the Mayor, Mr. Harder then encouraged others to donate to the fund as well. The Commission then thanked him as well. Mr. Zimmerly clarified the donation would be visible on next months bank statement. After further brief discussion, Mayor Wilkins took up the next item on the agenda.

SCOP DOT Application for FY 2024

Ron Zimmerly stated that the deadline for submission is March 4th. He recommended approving the Martin Luther King area submission that was submitted last year. Mayor Wilkins clarified that it would be for used for the unpaved streets in Ford and Sunset parks. Mayor Wilkins voiced concerns about the depth of the asphalt, and discussion was had on the minimum requirements of the depth of the asphalt.

Commissioner Akin noted that the city did not have a Master Plan for drainage, and to not build the roads too high.

***Commissioner Akin motioned to approve the SCOP application, Commissioner Spratt seconded the motion.
The motion carried 4-0***

LAND DEVELOPMENT OFFICE REQUESTS

Mayor Wilkins called upon Brent Stevens with the City of LaBelle staff. He explained the need for an all-in-one printer for the Land Development Office. He then explained that a plot printer would also be needed. Ron Zimmerly explained that Commission approval was needed due to the length of the contracts, and that it was included in the budget. Discussion was had on the printer's details and length of the contracts. Brent Stevens expressed the goal of the Land Development Office to become paperless by next year. There was discussion on charging the public for use of the plot printer.

***Commissioner Ratica motioned to approve the request to enter into the lease contract.
Commissioner Spratt seconded the motion.
The motion carried 4-0.***

Mayor Wilkins recognized Commissioner Thomas A. Smith years of service he gave to the community.

Mayor Wilkins called upon a member of the public, Renea Voughel to address the Commission. Ms. Voughel explained her need for consideration to reduce the square footage minimum on her property. After discussion, it was recommended by staff that the variance process would be easier than having it rezoned. Mayor Wilkins recommended that Attorney Rooney look further into the matter to determine the best course of action, and for Ms. Voughel to follow up with Deputy City Clerk, Jessi Zubaty.

Mayor Wilkins once again called Brent Stevens, Fire Chief, to the podium. He then explained that Engine 11 was at its end-of-life term in December of 25 years and that the LaBelle High School would like the truck donated their Fire Academy. Discussion was had on donating or selling the truck. Chief Stevens also discussed Engine 14 and the cost incurred while providing maintenance to that truck. He recommended starting the process of bidding for a new engine, due to the wait time of 24-36 months. Further discussion was had on selling the truck, versus donating the truck to the high school, and replacing trucks in the future, and the funds needed. Attorney Derek Rooney recommended developing a level of service breakdown to be presented at the Fire Workshop for prioritization.

GENERAL PUBLIC COMMENT

Mayor Wilkins moved onto the General Public Comment. Veronica Mullen was on the agenda to speak, but was not present, so Mayor Wilkins moved on.

Mayor Wilkins recognized the representative from the Hendry County Sheriff's Office, Lt. Ben Rowe, and asked him if he had anything to present. He did not.

More discussion was had on the deed and fence previously discussed for Zone A, in Oakwood Terrace. Attorney Derek Rooney recommend a motion to approve the accepting the deed for the Oakwood Terrace lift station.

*Commissioner Akin made a motion to accept the property for the lift station.
Commissioner Ratica seconded the motion.
Motion carried 4-0.*

BUSINESS BY COMMISSIONERS

Mayor Wilkins called upon Commissioner Ratica to address the Commission. Commissioner Ratica then discussed the improvements done at the LaBelle Rodeo Grounds.

Commissioner Akin had no business to discuss.

Commissioner Spratt discussed the trip to Tallahassee to the Florida League of Cities Legislative Action Days and described her interaction with State leaders.

Mayor Wilkins expressed her admiration for our lobbyist, Jim Spratt.

Mayor Wilkins discussed the Variance Board, and the disbanding of the Variance Board after the next scheduled meeting. Attorney Rooney stated that new standards for variance's would be needed before the disbanding of the Variance Board. Discussion was had the Commission acting as the Variance Board, and Attorney Rooney stated it would not be possible without changing the code. More discussion was had on the Variance Board.

Commissioner Ratica stated that the Trading Post property in town had been boarded up and looked better. Discussion was had on the vagrant population associated with the property and that the property had a scheduled hearing with the Special Magistrate in March. Lt. Ben Rowe approached the Commission to elaborate on the vagrant issue.

Commissioner Ratica asked Lt. Ben Rowe about a shooting that occurred in town near her home. He stated the man was not compliant.


Mayor Wilkins asked Lt. Rowe about the scooter the victim of the shooting rode around town and if it was considered legal. Discussion was had on where and when the man drove around town on the scooter.

More discussion was had on the date and time of the Special Meeting/Workshop

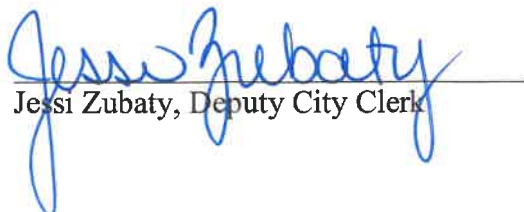
Commissioner Ratica made a motion to adjourn, Commissioner Akin seconded the motion..

As there was no further business, the meeting was adjourned at approximately 8:46 p.m.

APPROVED:


Julie C. Wilkins, Mayor

Attest:


Jessi Zubaty, Deputy City Clerk