

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

CALL TO ORDER

Mayor Wilkins opened the regular March Commission Meeting at 6:05 p.m. Kevin Holland led the opening prayer.

Mayor Wilkins then led the Pledge of Allegiance. A roll call was taken. Members present were Commissioner Bobbie Spratt, Mayor Julie Wilkins, Commissioner Jackie Ratica, and Commissioner Daniel Akin.

OPEN DISCUSSION (NON-PUBLIC HEARING ITEMS)

Mayor Wilkins called upon Nikki Yeager, representing Moss Landing to approach the podium. Ms. Yeager presented her traffic safety concerns in the area of Moss Landing. She suggested to divert traffic to Martin Luther King Jr. Blvd. Commissioner Ratica asked why the partially closed Shady Oaks Lane could not be opened up again.

Attorney Rooney gave some background on the history of the road, stated that the portion of the road that was closed off does not belong to the City, and that FDOT was considering signalizing the intersection at SR 80. Discussion was had on the traffic pattern while construction of a housing development would be in progress, and the ownership of the roads in the area.

Commissioner Akin asked about street lights in the subject area due to it being rather dark at night.

Mr. Gary Hull, and Mr. Rooney explained how the current plat of the area was done so to preserve oak trees.

Mayor Wilkins recognized Hugo Vargas to approach the podium. He stated his purpose there was to inquire about a traffic signal light at the intersection at Martin Luther King Drive and SR 80. He expressed his concern with traffic issues, and speeding in the area. Discussion was had on possible solutions for the speeding and traffic issues. More discussion was had on where a proposed traffic signal could go, and that FDOT would be responsible for any work to be done to the intersections there. Discussion continued about the speeding on in the area.

Mayor Wilkins invited Rayfield Johnson and Shywona Williams to approach the Commission. Ms. Williams stated she came to discuss the annual Black Heritage Festival. She noted that she was there to discuss specifically the security requirements, and the time frame of the event.

Mayor Wilkins clarified that new policies that were instituted for Special Events would require extra safety measures taken due to the amount of people expected to be in attendance. She also stated that the event usually concludes later than the allotted time for events stated in the code. She asked Ms. Williams to fill out a Special Event permit application to request permission for the event to run until 2:00 a.m. Mayor Wilkins stated that no alcohol would be served, and asked for the pleasure of the board.

Commissioner Spratt made a motion to adjust the time frame for the event.

Commissioner Akin asked for clarification on the time frame. Mayor Wilkins confirmed the time of 2:00 a.m. and also stated that the event was to be held inside the community center, not at the park.

Lt. Ben Rowe with the Hendry County Sherriff's Office expressed his concern about a D.J. at the party and possible noise complaints. Ellis Johnson confirmed that the D.J. would be located inside the building only. More discussion was had on the possibility for noise complaints.

Mayor Wilkins noted that she had also informed Ms. Williams that security would need to be provided for the event, and that the event was still subject to the City Ordinances. Discussion was had on how to administratively approve events that do not include alcohol.

Commissioner Akin expressed his concern on the extended time, and noise issues.

Commissioner Akin seconded the motion.

Lt. Rowe confirmed with Ms. Williams that it was a two-day event. She confirmed it would be Friday, Saturday, and would clean up would occur on Sunday.

Mayor Wilkins recognized Hugo Vargas to speak. Mr. Vargas asked for confirmation that the time frame for events at the Civic Center could also be extended administratively.

The motion carried 4-0

Ms. Williams extended an invitation to the Commission to come speak at the event.

Mayor Wilkins called a recess of the Commission meeting at 6:29.

Mayor Wilkins re-opened the Commission meeting at 6:54.

PUBLIC HEARINGS

PROPOSED ORDINANCE 2021-09 PUD

Attorney Rooney swore in those who would be speaking on the proposed ordinance. He then read the ordinance into the record.

Alexis Crespo, City of LaBelle Planning consultant, gave a brief overview of the proposed ordinance. She stated that there was a small-scale Comprehensive Plan Amendment in 2017 to convert the subject property from Residential Land Use to Outlying Mixed Use to provide transition from the adjacent Downtown Business District. Ms. Crespo gave a brief overview of the standards for the Outlying Mixed Use category. She stated that the applicant had reduced their original request from seven units to six units. She briefly reviewed the conditions for the architectural standards added by the City to ensure for compatibility to surrounding residential homes. She noted that the applicant had redesigned the parking lot to preserve oak trees on the site.

Shelly Johnson, Planner for the applicant, explained the applicant maintained his request for 3 buildings and 6 units. She then gave a detailed overview of the standards of the Outlying Mixed Use category. She noted that this particular Mixed-Use area was meant to encourage walking to the adjacent Downtown Business District (DBD). She then went into further detail, describing the three sub categories of the Mixed-Use category. She noted that the subject property falls within the Neighborhood Center sub category, and continued to explain the sub categories. She then stated the zones that fall within the DBD zone to show how the subject property serves as a transition piece. She presented a rendering of the proposed architecture that the Commission had requested at previous meetings.

Mayor Wilkins asked for comments or questions from the Commission.

Commissioner Spratt thanked the applicant for addressing the Commission's concerns.

Mayor Wilkins then called upon Lynn Jordan to address the Commission. He expressed his disappointment with the lack of consideration from the applicant for the neighbors' concerns about the subject property. He went into further detail on the reasoning for this disappointment.

Mayor Wilkins asked for any further discussion. She recognized Kevin Holland to speak. He then addressed the Commission to give a summary of the concerns he had argued at previous meetings. He described the water drainage issues in the area. He then described the traffic congestion issues in the area due to the nearby school. He stated the density for the subject property was too high for the area. He then explained how he felt the proposed project would be an encroachment to the neighboring residential area.

Gary Hull, City of LaBelle Superintendent of Public Works, stated that the City's vac truck was recently fixed so that the City could address the subject area's drainage issues. There was brief discussion on developing a surface water drainage plan.

City of LaBelle Attorney Derek Rooney then allowed the applicant, staff, or the public time for rebuttal. Amy Sarazen Thibaut of Pavese Law Firm, the legal representation for the applicant, addressed the Commission. She described the location of the property, and the purpose of the proposed development. She noted that the applicant had already reduced the density by 14 % and had made quite a few changes to the project at the request of the Commission. She then gave a presentation to explain the definition of competent substantial evidence. She explained that testimonies on certain matters are not admissible without an expert giving the testimony. She then went into further detail explaining competent substantial evidence. She stated that the standards set forth in the application had been met. She stated that the proposed development did comply with current Comprehensive Plan, and the Future Land Use Map, and that it was appropriate and a compatible transitional use. She explained that they were proposing to comply with Commercial design standards. She went into further detail how the proposed development had met all the necessary criteria. There were no questions from the Commission for Mrs. Thibaut.

Derek Beck, the applicant, addressed the Commission to ask that his track record be considered, and to consider what he had done around the community previously.

Attorney Rooney asked Mr. Beck to submit the three-dimensional renderings as part of the application. Mr. Beck agreed. Attorney Rooney then asked Mr. Beck if while developing his drainage plans to consider an oversized stormwater drain to accept additional drainage. Mr. Beck agreed. He noted that nearly 40% of the property on the North side is remaining open space. He then described the proposed buffering from the neighboring residential homes, and the revised on-street parking. Discussion was had on how Mr. Beck could coordinate with City staff to alleviate drainage concerns for the area.

Commissioner Akin asked the applicant if he would be willing to add more street buffering on the Western boundary. Mr. Beck stated that he had already done so, and that the rendering did not reflect the changes adequately.

Attorney Rooney asked if the changes had been reflected in the Updated Master Concept plan. Mr. Beck noted the original proposed on-street parking was changed to provide buffering. Discussion was had the specific type of buffering to be placed.

Commissioner Spratt expressed appreciation for the changes that had been made and noted that she had hoped to see two buildings as requested rather than three.

Commissioner Ratica stated that Mr. Beck had complied with the requests of the Commission. The front porch standards were discussed.

***Commissioner Ratica made a motion to accept Proposed Ordinance 2021-09, with the proposed drainage upgrades.
The motion failed for lack of a second to the motion.***

Mayor Wilkins voiced her concerns on the compatibility and density of the project.

Mr. Beck asked for a yes or no motion to be made.

Mayor Wilkins passed the gavel to Daniel Akin, Vice Chairman.

***Mayor Wilkins made a motion to deny Proposed Ordinance 2021-09 based on incompatibility.
Commissioner Spratt seconded the motion.
The motion passed 3-1***

Commissioner Akin passed the gavel back to Mayor Wilkins. Mayor Wilkins then called a 5-minute recess at approximately 6:53.

Mayor Wilkins re-opened the meeting at 7:50.

PROPOSED ORDINANCES 2022-02 & 2022-03 OLD GROVE CPA TRANSMITTAL & PUD AMENDMENT

Derek Rooney read Proposed Ordinance 2022-02 into the record. He then read Ordinance 2007-18 Old Grove a.k.a. Oakbrooke Lakes PUD for reference. Mayor Wilkins asked for any comments or questions from the public, Commissioners and staff.

Commissioner Ratica asked if the request was to be able to build residential. Mayor Wilkins clarified that the request was to renew the previous PUD that had expired and allow for interim horticultural recycling.

Alexis Crespo, City of LaBelle Planner noted the revisions made by the applicant in reference to the comments from the Local Planning Agency meeting in February.

Commissioner Ratica asked whether or not the incinerator would out put any ash or soot. Wesley Hansen, the applicant, stated that there would be no ash, or soot, and very little smoke. She then asked if the area with the incinerator was considered commercial or agricultural. Ms. Crespo stated it would remain an agricultural area until site work permits were applied for, which would then halt the horticultural recycling.

Commissioner Spratt asked for an estimated time to begin residential development. Mr. Hansen stated there was no time frame in the near future. She then noted her concern with the entrance on Cowboy Way. There was discussion on why the entrance needed to be on Cowboy Way. Ms. Crespo stated the maximum amount of truck trips per day had been lowered from the proposed 20 truck trips to 10 to minimize traffic and road issues.

Commissioner Ratica noted that the schedule of uses was very broad. Discussion was had on the scope of uses and the time frame of development. Ms. Crespo stated that she would work on the expiration language and review the schedule of uses for the subject property.

Commissioner Akin noted that density for the property was below what was discussed.

Discussion was had on the debris stacks or piles and fire safety. Mr. Hansen noted they were necessary in order to feed the incinerator.

Commissioner Spratt motioned to transmit Comprehensive Plan to DEO. Commissioner Ratica seconded the motion. The motion carried 4-0.

RESOLUTION 2022-15

EXTENDING COVID-19 LOCAL STATE OF EMERGENCY

There was no discussion from the public or Commission.

Commissioner Ratica made a motion to accept Resolution 2022-15. Commissioner Spratt seconded the motion. The motion carried 4-0

RESOLUTION 2022-16 NON-AD VALOREM ASSESSMENTS

Attorney Derek Rooney gave a brief overview of the purpose of the resolution. There was no public discussion.

Commissioner Akin made a motion to accept Resolution 2022-16. Commissioner Spratt seconded the motion. The motion carried 4-0.

CONSENT AGENDA

There was no discussion on any of the consent agenda items.

Commissioner Spratt made a motion to accept the consent agenda items. Commissioner Ratica seconded the motion.

The motion carried 4-0.

OLD BUSINESS

FORD & SUNSET PARK LOT CLEARING

Zane Mungillo, Code Enforcement Officer for the City of LaBelle gave a presentation on properties in need of maintenance the City owns in the Ford and Sunset Park neighborhood. He then presented options for how acquire the equipment necessary to perform the maintenance. He also presented the option of selling the lots. He asked the Commission for direction. Discussion was had on whether to buy, rent or lease the needed equipment.

Commissioner Ratica brought up the topic of selling the properties. Commissioner Akin stated he had no issue with selling the properties, but noted that some could be utilized as possible retention ponds in the future, once a stormwater master plan was developed.

Ron Zimmerly noted that the City already has a debris management contract with a company that could possibly perform the needed maintenance. Discussion was had on how to contact the company.

Mr. Mungillo noted that City staff could perform some of the maintenance such as mowing. There was discussion on using volunteers to help with the labor.

There was further discussion on the cost of leasing the needed equipment, and when the process could start. Commissioner Spratt asked if there were no dumping signs located at the lots. Mr. Mungillo stated that there were signs in the areas where frequent dumping occurred.

SECURITY CAMERAS

Mayor Wilkins called upon Brent Steven, City of LaBelle IT, to address the Commission. He gave examples of City owned locations where there was loitering, and that were being vandalized. He then proposed that the City request bids to build a master security surveillance system in phases.

Mayor Wilkins noted that residents near the Nature Park were concerned with cars parking at the Park after dark. There was discussion on what time the parks should close, and the possibility of additional lighting in those areas.

SCOP APPLICATION

Mayor Wilkins clarified that the application had been submitted. Ron Zimmerly stated that the amount had be updated to 1.1 million.

NEW BUSINESS

TRAFFIC CALMING

Mayor Wilkins stated that there was a plan needed to implement speed bumps. There was discussion on a possible application process.

Attorney Rooney noted that new FDOT standard was to implement speed tables, and that Fire Departments did not want speed bumps or humps because they can cause damage to the fire trucks.

Brent Stevens, Fire Chief of the City of LaBelle Fire Department addressed the Commission and noted areas for concern where speed bumps are already located. He gave suggestions on other options for traffic calming. More discussion was had on the areas Chief Stevens noted. There was discussion had on how to determine where the speed tables would be placed.

Mayor Wilkin noted that the Old Florida RV agenda item would be addressed the following month.

She also stated that the agenda item referring to the Clerk-Commissioner nomination would also be addressed the following month.

GENERAL CORRESPONDENCE (FYI)

CAPTAIN HENDRY HOUSE UPDATE

There was discussion on the restrooms at the Captain Hendry House. There was discussion on seeking grants for the construction of a public restroom to use rather than the public use the restroom inside the house, due to the septic not being capable to handle the capacity of visitors.

Chief Brent Stevens noted that there was a Burn Ban issued for Hendry County that day.

Lt. Ben Rowe with the Hendry County Sheriff's Department addressed the Commission to request pedestrian barricades for special events done in the City, specifically Barron Park. There was discussion on the benefits of having the barricades, and the cost. Mayor Wilkins noted her concern for handicap and elderly people crossing SR 80 during the Swamp Cabbage Festival. Lt. Rowe suggested utilizing other parks for events due to the insufficient size of Barron Park.

Mayor Wilkins recognized Hugo Vargas to speak. He asked for confirmation that the approval of the 2:00 a.m. time frame set for the Black Heritage Festival event discussed earlier in the meeting was a one-time approval. There was discussion on possible noise complaints from the high volume of the music that is played as well as the vulgarity of the music that is played.

Chief Brent Stevens noted that he had not signed off on the Black Heritage Festival and he would not until times were provided for the events. Commissioner Spratt asked Chief Brent Stevens for clarification on where crowd management would be necessary. Chief Stevens explained that events over 1,000 people require a full emergency response plan. Attorney Rooney suggested having a workshop to coordinate special events with other agencies in the County. There was discussion on raising the charge to rent City facilities.

COMMISSIONER NEWS

Commissioner Ratica mentioned reimbursing the owner of the buggy the Commissioners rode on in the Swamp Cabbage parade. Gary Hull stated he would take care of it.

Commissioner Akin thanked Finance Director, Ron Zimmerly for his years of service for the City of LaBelle.


Commissioner Spratt stated her concern with children riding ATVs on public roads. Discussion was had on illegal vehicles being driven on public roads.

Commissioner Spratt asked for more school signs to be placed at the school on Clark Street.


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

As there was no further business, the meeting was adjourned at approximately 8:54 p.m.

APPROVED:


Julie C. Wilkins, Mayor

Attest:


Jessi Zubaty, Deputy City Clerk