

Thomas A. Smith
Commissioner

Daniel W. Akin
Commissioner



"The City of Oaks"

David A. Lyons

Julie C. Wilkins
Commissioner

David Kelley
Commissioner

**CITY OF LABELLE
REGULAR COMMISSION MEETING
September 10, 2020**

6:00 P.M.

It shall be the responsibility of all parties, who may want to appeal a decision of the commission to make a verbatim record of the proceedings, testimony, and evidence needed for the appeal.

A. CALL TO ORDER

Roll Call

B. INVOCATION AND PLEDGE

Opening Prayer

Pledge of Allegiance

C. CHANGES/ADDITIONS TO THE AGENDA

D. PROCLAMATIONS, PRESENTATIONS & PUBLIC COMMENT ON AGENDA ITEMS (NON-PUBLIC HEARING ITEMS)

E. CONSENT AGENDA

ANY COMMISSIONER OR CITIZEN MAY REQUEST TO HAVE AN ITEM REMOVED FROM THE CONSENT AGENDA AND PLACED ON THE REGULAR AGENDA FOR FURTHER DISCUSSION.

1. Consider approval of August 2020 vouchers and paid bills
2. Minutes from August 13, 2020 Local Planning Agency Meeting and Regular City Commission Meeting

F. PUBLIC HEARINGS

1. Public Hearing and second reading on proposed Ordinance 2020-11, relating to a Land Development Code Amendment for industrial wastewater pre-treatment.
2. Public Hearing and second reading on proposed Ordinance 2020-12, Small-Scale Comprehensive Plan Amendment for a 9+/-acre parcel of land located south of Cowboy Way and ¼ mile east of Dr. Martin Luther King Jr. Blvd. known as LaBelle Riverside.

3. Public Hearing and second reading on proposed Ordinance 2020-13, Planned Unit Development Rezone for 9+/-acre parcel of land located south of Cowboy Way and ¼ mile east of Dr. Martin Luther King Jr. Blvd. known as LaBelle Riverside.
4. Resolution 2020-48, ratifying Resolutions 2020-42, 2020-45, 2020-46 and 2020-47 regarding the Local State of Emergency relating to COVID-19.

G. OLD BUSINESS

H. NEW BUSINESS

1. Water and sewer connection fee deferral for Oakwood Terrace multi-family project
2. County Village Property Owners Association – Recreation Board Lease Agreement
3. Utility Lien Write-Offs
4. DEM Generator Project
5. Amendment to Interlocal Recreation Agreement

I. GENERAL CORRESPONDENCE (FYI)

J. STAFF REPORTS

1. Fire Chief – Josh Rimes
2. H.S.O. – Lt. Ben Rowe
3. City Engineer – 4 Waters Engineering
4. City Attorney – Derek Rooney
5. Superintendent of Public Works – Gary Hull
6. City Planner – Alexis Crespo
7. Finance Director – Ron Zimmerly
8. Building Official – Mark Lynch
9. Code Enforcement Report – Allen Pickles

K. GENERAL PUBLIC COMMENT ON ANY TOPIC

L. BUSINESS BY COMMISSIONERS

Tommy Smith
Julie Wilkins
Daniel Akin
David Kelley
David Lyons

TAB D
PROCLAMATIONS
&
PUBLIC
COMMENT

TAB E

CONSENT AGENDA

Range of Checking Accts: CLEARING to CLEARING Range of Check Dates: 08/01/20 to 08/31/20
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
CLEARING		General Clearing Fund			
81734	08/03/20	FMPT FL MUNICIPAL PENSION TRUST FND	4,657.79		6355
81735	08/06/20	COP CITY OF LABELLE PAYROLL FUND	51,110.37		6358
81736	08/06/20	ATCO ATCO INTERNATIONAL	240.00		6363
81737	08/06/20	ATTM AT&T MOBILITY	91.52		6363
81738	08/06/20	BAM BRIAN ALBERT MASSUCCO	114.65		6363
81739	08/06/20	BCSI BUILDERS CHOICE SUPPLY INC	175.70		6363
81740	08/06/20	COG CITY OF LABELLE GENERAL FUND	43,030.41		6363
81741	08/06/20	CSR DANIEL L. KATS, JR	2,357.48		6363
81742	08/06/20	CULL CULLIGAN WATER	143.50		6363
81743	08/06/20	DRAEGER DRAEGER INC	137.00		6363
81744	08/06/20	FGFOA FGFOA	50.00		6363
81745	08/06/20	FWEI FOUR WATERS ENGINEERING, INC	45,181.15		6363
81746	08/06/20	HCVSO HENDRY CO VETERANS' SERVICES	2,000.00		6363
81747	08/06/20	JCHS JCH SOLUTIONS INC	2,215.36		6363
81748	08/06/20	KGAUSE KATHARINA GAUSE	58.54		6363
81749	08/06/20	LDRC LABELLE DOWNTOWN	1,020.66		6363
81750	08/06/20	LRS LABELLE RANCH SUPPLY	55.92		6363
81751	08/06/20	MJW MARY JO WILSON	95.00		6363
81752	08/06/20	MLGAR MARICELA LEAL GARCIA	250.00		6363
81753	08/06/20	MTL MICHAEL TYLER LOPEZ	22.18		6363
81754	08/06/20	PHILLIPS PHILLIPS A/C & HEATING SERVICE	670.00		6363
81755	08/06/20	PHO PAULA H OROZCO	137.71		6363
81756	08/06/20	SAMGF SAM GALLOWAY FORD	26,767.06		6363
81757	08/06/20	SEGUI STEFANI EARLINE GUIJOSA	93.08		6363
81758	08/06/20	TFE TEN=8 FIRE EQUIP. INC.	479.94		6363
81759	08/06/20	TSCP TRACTOR SUPPLY CREDIT PLAN	163.95		6363
81760	08/06/20	TSHERWIN THE SHERWIN WILLIAMS CO	69.41		6363
81761	08/06/20	USAB USA BLUEBOOK	663.64		6363
81762	08/06/20	WASTEC WASTE CONNECTIONS INC	83,774.12		6363
81763	08/06/20	WPT WILLIAM PATRICK TAYLOR	117.27		6363
81765	08/11/20	PRM3 PUBLIC RISK MANAGMENT	32,909.04		6381 Direct Deposit
81766	08/11/20	PRM4 PUBLIC RISK MANAGEMENT	1,404.17		6381 Direct Deposit
81764	08/13/20	COP CITY OF LABELLE PAYROLL FUND	30,194.68		6375
81767	08/13/20	ABP ACCENT BUSINESS PRODUCTS	145.47		6385
81768	08/13/20	ALLENP ALLEN PICKLES	125.00		6385
81769	08/13/20	ATTM AT&T MOBILITY	1,271.44		6385
81770	08/13/20	BMI BADGER METER INC.	3,313.32		6385
81771	08/13/20	BSA BRIDGE STREET AUTO PARTS	0.00	08/13/20 VOID	0
81772	08/13/20	BSA BRIDGE STREET AUTO PARTS	1,286.35		6385
81773	08/13/20	CGH CELIDA GUEVARA HERNANDEZ	76.10		6385
81774	08/13/20	CIC CHANNEL INNOVATIONS CORP.	519.87		6385
81775	08/13/20	COLCCDS CITY OF LABELLE CIVIC CENTER	1,133.00		6385
81776	08/13/20	COLCCRA CITY OF LABELLE CIVIC CENTER	113.24		6385
81777	08/13/20	COLDSA CITY OF LABELLE DEBT SERV ACCT	1,392.17		6385
81778	08/13/20	COLRA CITY OF LABELLE RESERVE ACT	12,187.00		6385
81779	08/13/20	COLRA2 CITY OF LABELLE RESERVE ACCT05	5,478.67		6385
81780	08/13/20	COLRRA CITY OF LABELLE R&R ACCOUNT	4,166.67		6385
81781	08/13/20	COLWTPDS CITY OF LABELLE WTP DEBT SVC	56,003.96		6385
81782	08/13/20	COMCAST COMCAST	296.61		6385

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
CLEARING		General Clearing Fund			
		Continued			
81783	08/13/20	DRFI DIAMOND R FERTILIZER CO. INC	134.85		6385
81784	08/13/20	FAOCC FLORIDA ASSOC OF CITY CLERKS	75.00		6385
81785	08/13/20	FPL FLORIDA POWER & LIGHT	367.42		6385
81786	08/13/20	FUI FERGUSON ENTERPRISES, INC.	540.00		6385
81787	08/13/20	GRAYROB GrayRobinson Attorneys At Law	1,665.00		6385
81788	08/13/20	HLH HUNTER LOGAN HIPPLE	97.67		6385
81789	08/13/20	HO HOMERO OLIVAREZ, JR	150.00		6385
81790	08/13/20	INM INDEPENDENT NEWSMEDIA INC USA	4,484.89		6385
81791	08/13/20	JJD JOHNATHAN JEH DANIELS	160.92		6385
81792	08/13/20	LCBOCC LEE COUNTY	3,063.09		6385
81793	08/13/20	LDRC LABELLE DOWNTOWN	1,741.00		6385
81794	08/13/20	LP LYONS PRINTING	1,137.45		6385
81795	08/13/20	MJW MARY JO WILSON	95.00		6385
81796	08/13/20	MPC MERIT PETROLEUM COMPANY	48.24		6385
81797	08/13/20	PC PETTY CASH	168.47		6385
81798	08/13/20	POCI PORTERFIELD OIL COMPANY, INC.	2,396.24		6385
81799	08/13/20	SANDCAP SAND CAPITAL XI LLC	120.00		6385
81800	08/13/20	SGUZ SYLVIA GUZMAN	285.00		6385
81801	08/13/20	SUPPLYL SUPPLYLINE	332.00		6385
81802	08/13/20	TME THYSSENKRUPP ELEVATOR	687.71		6385
81803	08/13/20	VAH VISION ACE HARDWARE-LABELLE	0.00	08/13/20 VOID	0
81804	08/13/20	VAH VISION ACE HARDWARE-LABELLE	997.20		6385
81805	08/13/20	WD WINN-DIXIE STORES	15.16		6385
81806	08/13/20	WSC WINDMILL SPRINKLER CO., INC.	88.20		6385
81807	08/20/20	COP CITY OF LABELLE PAYROLL FUND	30,243.53		6392
81808	08/20/20	AAP ADVANCE AUTO PARTS	0.00	08/20/20 VOID	0
81809	08/20/20	AAP ADVANCE AUTO PARTS	1,056.79		6397
81810	08/20/20	ATCO ATCO INTERNATIONAL	970.17		6397
81811	08/20/20	BRENN BRENNTAG MID-SOUTH INC	2,216.42		6397
81812	08/20/20	BRENTS BRENT STEVENS	150.00		6397
81813	08/20/20	CLINK CENTURYLINK	936.99		6397
81814	08/20/20	COLW CITY OF LABELLE, WATER & SANIT	6,508.33		6397
81815	08/20/20	CORE CORE & MAIN LP	1,884.82		6397
81816	08/20/20	CPS CUMMINS SALES & SERVICE	2,951.82		6397
81817	08/20/20	CRSM CROWTHER ROOFING & SHEET METAL	59,450.00		6397
81818	08/20/20	CSR DANIEL L. KATS, JR	1,912.39		6397
81819	08/20/20	DIRECT DIRECT INDUSTRIAL PRODUCTS	25.34		6397
81820	08/20/20	DRFI DIAMOND R FERTILIZER CO. INC	215.34		6397
81821	08/20/20	DRH DANIEL RAY HAMPTON	119.44		6397
81822	08/20/20	ELVINB ELVIN J BUTLER	100.00		6397
81823	08/20/20	ENVIRO ENVIRO-TECH OF AMERICA, INC	2,059.50		6397
81824	08/20/20	FEBCO FRANK E BROWNING	172.51		6397
81825	08/20/20	GCRMI GUARDIAN COMMUNITY RESOURCE MG	1,667.67		6397
81826	08/20/20	GRAI GRAINGER, INC.	79.12		6397
81827	08/20/20	HAWKINS HAWKINS, INC.	5,119.21		6397
81828	08/20/20	HMCI HILL MFG. CO. INC.	213.00		6397
81829	08/20/20	HTS KENNETH LEE HUNTER, DBA	1,350.00		6397
81830	08/20/20	IRI INDUSTRIAL REPAIR, INC.	163.49		6397
81831	08/20/20	KARLE KARLE ENVIRO ORGANIC RECYCLING	650.00		6397
81832	08/20/20	KBPI K AND B PUMP, INC.	4,488.00		6397
81833	08/20/20	KGAUSE KATHARINA GAUSE	58.54		6397
81834	08/20/20	KIRYA KIRYA AGUIRRE	40.00		6397

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
CLEARING		General Clearing Fund			
		Continued			
81835	08/20/20	KME KENNY GLISSON	40.00		6397
81836	08/20/20	MEGHANS MEGHAN SNELL	375.00		6397
81837	08/20/20	MEM JOHN MADER ENTERPRISE, INC.	744.02		6397
81838	08/20/20	MSS MUNICIPAL SUPPLY & SIGN CO.	522.00		6397
81839	08/20/20	MSTRAUB MICHAEL STRAUB	121.78		6397
81840	08/20/20	OFI OFFICE DEPOT, INC.	142.79		6397
81841	08/20/20	P P PURCHASE POWER	402.50		6397
81842	08/20/20	PHILLIPS PHILLIPS A/C & HEATING SERVICE	89.00		6397
81843	08/20/20	QUALITY QUALITY 1 AUTO CARE INC	225.80		6397
81844	08/20/20	ROCKENT ROCK ENTERPRISES, INC.	5,500.00		6397
81845	08/20/20	RSNELL RON SNELL	450.00		6397
81846	08/20/20	SANDERS SANDERS LABORATORIES, INC.	2,745.00		6397
81847	08/20/20	SCDI SPECIAL CONCRETE DESIGN INC	4,160.08		6397
81848	08/20/20	SIP STATE INDUSTRIAL PRODUCTS	362.80		6397
81849	08/20/20	SPENGLER SPENGLER INDUSTRIES	28,429.00		6397
81850	08/20/20	SSH SANDRA S HINE	160.16		6397
81851	08/20/20	SSOC SUNSHINE STATE ONE CALL	36.79		6397
81852	08/20/20	SUPPLYL SUPPLYLINE	301.20		6397
81853	08/20/20	SYTECH SYTECH, INC	250.00		6397
81854	08/20/20	TUPSS THE UPS STORE	13.57		6397
81855	08/20/20	UNIFIRST UNIFIRST CORPORATION	521.52		6397
81856	08/20/20	USAB USA BLUEBOOK	167.92		6397
81857	08/20/20	WCOF WASTE CONNECTIONS OF FLORIDA	917.40		6397
81858	08/27/20	COP CITY OF LABELLE PAYROLL FUND	31,749.13		6406
81859	08/27/20	AAPE AACTION POWER EQUIPMENT LLC	1,328.51		6413
81860	08/27/20	ALFREDO ALFREDO PEREZ	125.00		6413
81861	08/27/20	ARL ALFONSO REYES LOPEZ	76.43		6413
81862	08/27/20	CORE CORE & MAIN LP	1,109.84		6413
81863	08/27/20	DRFI DIAMOND R FERTILIZER CO. INC	439.95		6413
81864	08/27/20	FPL FLORIDA POWER & LIGHT	0.00	08/27/20 VOID	0
81865	08/27/20	FPL FLORIDA POWER & LIGHT	11,422.29		6413
81866	08/27/20	FUI FERGUSON ENTERPRISES, INC.	789.50		6413
81867	08/27/20	GAAC GALLS, LLC	237.98		6413
81868	08/27/20	GCRMI GUARDIAN COMMUNITY RESOURCE MG	1,666.67		6413
81869	08/27/20	JCHS JCH SOLUTIONS INC	2,014.32		6413
81870	08/27/20	JESSICAC JESSICA CHADWICK	199.00		6413
81871	08/27/20	KPEARCE KAREN PEARCE	60.19		6413
81872	08/27/20	MSTRAUB MICHAEL STRAUB	83.16		6413
81873	08/27/20	POCI PORTERFIELD OIL COMPANY, INC.	1,228.08		6413
81874	08/27/20	SANDERS SANDERS LABORATORIES, INC.	467.00		6413
81875	08/27/20	SCDI SPECIAL CONCRETE DESIGN INC	450.00		6413
81876	08/27/20	SOFD STATE OF FL DEPT.OF MGMT.SERV.	52.70		6413
81877	08/27/20	SUPLYCO SUPLYCO, LLC	79.90		6413
81878	08/27/20	SUPPLYL SUPPLYLINE	392.04		6413
81879	08/27/20	TFE TEN=8 FIRE EQUIP. INC.	49.99		6413
81880	08/27/20	USAB USA BLUEBOOK	232.07		6413
81881	08/27/20	VISA VISA	2,682.86		6413
81882	08/27/20	WALDROP WALDROP ENGINEERING	7,507.50		6413
81883	08/27/20	WFA WHITES FURNITURE AND APPLIANCE	275.00		6413

Check #	Check Date	Vendor		Amount Paid	Reconciled/Void	Ref Num
CLEARING General Clearing Fund Continued						
Checking Account Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:		144	4	638,697.33	0.00
	Direct Deposit:		<u>2</u>	<u>0</u>	<u>34,313.21</u>	<u>0.00</u>
	Total:		<u>146</u>	<u>4</u>	<u>673,010.54</u>	<u>0.00</u>
Report Totals						
	Checks:		144	4	638,697.33	0.00
	Direct Deposit:		<u>2</u>	<u>0</u>	<u>34,313.21</u>	<u>0.00</u>
	Total:		<u>146</u>	<u>4</u>	<u>673,010.54</u>	<u>0.00</u>

Totals by Year-Fund Fund Description	Fund	Expend Total	Revenue Total	G/L Total	Total
GENERAL FUND	0-001	356,631.93	0.00	535.00	357,166.93
WATER FUND	0-041	127,522.35	0.00	308.27	127,830.62
SEWER FUND	0-042	102,986.40	0.00	610.29	103,596.69
SANITATION OPERATION FUND	0-043	83,774.12	0.00	642.18	84,416.30
Total of All Funds:		<u>670,914.80</u>	<u>0.00</u>	<u>2,095.74</u>	<u>673,010.54</u>

Totals by Fund Fund Description	Fund	Expend Total	Revenue Total	G/L Total	Total
GENERAL FUND	001	356,631.93	0.00	535.00	357,166.93
WATER FUND	041	127,522.35	0.00	308.27	127,830.62
SEWER FUND	042	102,986.40	0.00	610.29	103,596.69
SANITATION OPERATION FUND	043	83,774.12	0.00	642.18	84,416.30
Total of All Funds:		<u>670,914.80</u>	<u>0.00</u>	<u>2,095.74</u>	<u>673,010.54</u>

Fund Description	Fund	Current	Prior Rcvd	Prior Open	Paid Prior	Fund Total
GENERAL FUND	0-001	356,631.93	0.00	0.00	0.00	356,631.93
WATER FUND	0-041	127,522.35	0.00	0.00	0.00	127,522.35
SEWER FUND	0-042	102,986.40	0.00	0.00	0.00	102,986.40
SANITATION OPERATION FUND	0-043	83,774.12	0.00	0.00	0.00	83,774.12
Total of All Funds:		<u>670,914.80</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>670,914.80</u>

**CITY OF LABELLE
LOCAL PLANNING AGENCY MEETING**

Mayor Lyons called the Local Planning Agency meeting to order at 6:00 p.m. A roll call was taken, and all Commissioners were present.

There were no public hearings. Mayor Lyons opened the public workshop on mobile home replacement in the Pinewood, Englewood, Sunset Park and Ford Park communities.

Alexis Crespo, City Planner, provided a presentation on the proposal to amend the Land Development Code (LDC) regulations governing mobile home replacement. She explained that the LDC allows for the replacement of mobile homes in Pinewood and Englewood subdivisions only for residential zoning districts. She noted the proposed amendment would expand the ability to replace mobile homes to the Sunset Park and Ford Park communities, and also allow for administrative approval as opposed to special exception, which requires a public hearing before the Commission.

Commissioner Wilkins spoke about the need for affordable housing for younger families in the community and said the Commission needs to look at creating more opportunities for cost-effective housing. She also noted the neighborhoods discussed need some assistance to get rid of mobile homes that are old and potentially dangerous to live in.

Public comment from Wayne Wilkins noted that a special exception is too long and difficult a process to ask people to undertake. He also noted that the required porches in the proposed design standards should not be too large.

Public comment from John Clark included a question about restrictions on aluminum skirting. It was noted the required brick, lattice or wood skirting requirement was to enhance aesthetics. He noted the skirting should address safety relating to wind load and engineering. Commissioner Wilkins noted certain insurance and financing companies require solid skirting.

Public comment from Nora Ned was received on migrant housing in the community. She noted if migrant labor camps are allowed in the single-family zoning districts, then mobile homes should not be an issue. She spoke in support of mobile home replacement. There was lengthy discussion on farmworker and labor camps in the single-family communities throughout the City. She asked if multiple mobile homes could be placed on one lot. Alexis Crespo noted only one mobile home per lot would be permitted.

Commissioner Wilkins noted she would consider allowing new mobile homes, and not limit the amendment to just replacement. She asked the Commission for their input. There was discussion on design restrictions in the Residential Neighborhood Urban (RNU) zoning district in the future. Commissioner Akin noted he could support new mobile homes.

Derek Rooney asked the Commission to provide direction on three items: allowing for replacement in Sunset Park and Ford Park as well as Pinewood and Englewood; allowing by administrative review and approval without a special exception; and allowing for new mobile homes as well as replacement mobile homes.

Commissioner Smith noted that the neighborhoods need improvement, and this is a mechanism to make progress with housing in these areas.

Derek Rooney noted if the Commission limits the amendment to just replacement there should a timeframe

between the removal and replacement of the mobile home. He also noted it may be cost prohibitive for the substandard/small lots in the subdivisions to be developed with a site-built home, so it makes sense to allow new mobile homes on substandard lots.

The Mayor asked Staff to be proactive with issue of farmworker housing in single-family neighborhoods. There was further discussion on the issue.

Public comment from Nora Ned asked for clarification on the amendment and the process. The difference between modular and mobile homes was discussed. It was explained that there will be three future public hearings on the amendment.

There was further discussion on bringing forward a LDC amendment to the Local Planning Agency for consideration at next month's meeting.

As there was no further business, the meeting was adjourned at 6:33 p.m.

APPROVED:

David A. Lyons, Mayor-Commissioner

Attest:

Thomas A. Smith, Clerk-Commissioner

**CITY OF LABELLE
REGULAR COMMISSION MEETING**

Mayor Lyons called the meeting to order at approximately 6:35 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.

Mayor Lyons congratulated Tommy Smith and David Kelley on their re-election. Derek Rooney conducted the oath ceremony and swore Commissioners Kelley and Smith into office.

PRESENTATIONS & PUBLIC COMMENT ON AGENDA ITEMS (NON-PUBLIC HEARING ITEMS)

Mayor Lyons invited Nikki Yeager to the podium to make a presentation on Sherri Craichy. Ms. Yeager presented a detailed account of Sherry Craichy's many accomplishments and service to the City over her tenure as a real estate broker, long-standing City Commissioner and Mayor. Ms. Yeager presented a proposal to dedicate the "Christmas Tree" in Barron Park to Sherri via a commemorative plaque. She Sherri's love of the City, particularly Barron Park and the City's oak trees.

There was discussion on Sherri's service to the City. Mayor Lyons noted he was very supportive of the dedication and plaque. Member of the public Wayne Wilkins noted his company would put in the concrete slab if the City provided the plaque. There was discussion on the tree's health and Commissioner Wilkins noted it was in good shape. There was further discussion.

Commissioner Smith made a motion to approve the dedication of the Christmas Tree in Barron Park to Sherri Craichy via a plaque and benches. Commissioner Akin seconded the motion. Following discussion, the motion carried 5-0.

Commissioner Wilkins noted the plaque should not be a memorial, as Sherri felt strongly against memorials.

Mayor Lyons invited Bob Kirkwood with the Disabled American Veterans to the podium to make his presentation on the DAV flea market Planned Unit Development (PUD). Mr. Kirkwood addressed the Commission, noting an adjacent property owner, Mike Newell, will provide a storage building for the flea market at very low cost if he can use a portion of the flea market parking lot PUD for his real estate office. He noted the real estate office was proposed at 220 Selma Daniels Avenue, just west of the PUD. Bob noted several changes were needed to the DAV PUD zoning conditions to allow this. Commissioner Wilkins asked Staff if off-site parking would be permitted for the real estate office. Alexis Crespo noted that off-site parking is permitted within 300 feet of the use. Commissioner Wilkins asked how a model home could be permitted in the B-2 zoning district. It was clarified that the model home could never be used as a dwelling unit and could be converted to office or another business use in the future. It was also clarified that model homes only require a special exception in residential zoning districts. Staff asked if the Commission would waive the amendment filing fee. It was decided the DAV would pay only the legal advertising fees for the PUD amendment. There was discussion on the storage building and the aesthetics of the building. Fire Chief Josh Rimes noted that the PUD should be reviewed by Staff. The Commission provided direction to Staff to proceed with the PUD amendment and waive the application fee.

CONSENT AGENDA

Mayor Lyons asked for a motion on the consent agenda.

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

PUBLIC HEARINGS

Mayor Lyons opened the public hearing for second reading on proposed Ordinance 2020-10, Planned Unit Development Rezone for the 61+/-acre parcel of land located south of Helms Road and ½ mile east of SR 80 known as The Arbours at South LaBelle Village.

Derek Rooney, City Attorney, read the ordinance into the record. Alexis Crespo, City Planner introduced the Master Concept Plan (MCP) and read into the record a revised Condition 15 relating to the expiration of the MCP. Commissioner Wilkins noted that the City needs to plan for the needed fire protection equipment for 4 story buildings in the City. There was no public comment.

Commissioner Wilkins made a motion to approve Ordinance 2020-10. Commissioner Kelley seconded the motion.

Member of the public, John Clark, asked for clarification on the timeframe for the MCP, if sign posting on the property was required for public hearings, and how much the fire protection equipment would cost. There was discussion and Chief Rimes noted the buildings have to be sprinklered and that a ladder truck is approximately \$750,000. John Clark also asked about lightning protection. Chief Rimes noted the building would have lightning protection per the building code. Lastly, Mr. Clark asked about the sole access point. Staff clarified that there is not enough frontage to provide 2 access points onto Helms Road, and that 2 access points are not required.

The motion carried 5-0.

Mayor Lyons opened the public hearing on Resolution 2020-35, relating to a Special Exception to allow for a mobile vending trailer on city-owned property located at 100 Park Avenue, commonly known as Barron Park.

Alexis Crespo provided a brief presentation on the city-initiated special exception for a mobile food vending trailer in Barron Park, including restrictions on hours of operation, and limiting the use to Monday through Friday. She noted the LaBelle Downtown Revitalization Corp. (LDRC) would administer the schedule to ensure only one food trailer was on-site at one time.

There was lengthy discussion on ensuring the food trucks do not conflict with City events and rentals of the park, logistics, insurance requirements, shared revenues between the City and the LDRC, and maintaining a schedule for the trucks. There was discussion on the role that a food truck could play in attracting people to visit Downtown.

Chief Rimes spoke in support of the food truck. Allen Pickles asked who would be responsible for clean-up. Ms. Boone clarified that the vendor would take their refuse off-site, and patrons could use the trash cans in the park. Yvette Williams asked how the City's park rental program would be handled with the food trucks. It was clarified that food trucks would not be in the park if rented out. Ms. Boone committed to scheduling

with City Hall Staff to avoid conflicts. There was further discussion on logistics of scheduling the food truck. Commissioner Wilkins suggested limiting the food truck to Monday through Wednesday to reduce conflicts with other park events. John Clark, member of the public, asked if more trucks should be permitted. There was discussion.

Commissioner Wilkins made a motion to approve Resolution 2020-35. Commissioner Akin asked about the \$50 rental charge for the food truck. Derek Rooney and Kelley Boone both noted that a small fee is necessary to ensure quality vendors. It was decided that the resolution did not need to be limited to Monday through Friday, but Staff would administer accordingly, and the rental fee did not need to be in the resolution to give Staff flexibility. Mayor Lyons urged the LDRC to find local food trucks so the money stays in LaBelle. ***Commissioner Akin seconded the motion. The motion carried 5-0.***

Mayor Lyons opened the public hearing and first reading on proposed Ordinance 2020-11, relating to a Land Development Code Amendment for industrial wastewater pre-treatment. Laura Constantino with 4 Waters Engineering addressed the Commission to explain the amendment and answer questions. There was extensive discussion on enforcement of the ordinance. There was also discussion on why this ordinance is more restrictive than the fats, oils and grease ordinance, due to the potential for industrial waste to seriously damage the City facilities. There was a lengthy discussion on maintenance of the wastewater treatment plant, and illegal dumping into the sanitary sewer. Derek Rooney noted this was the first reading of the ordinance and read the title into the record. Commissioner Wilkins asked Staff to look into monitoring and timeframes for enforcement from other communities.

Mayor Lyons opened the public hearing for transmittal of proposed Ordinance 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.

Alexis Crespo introduced the item. Commissioner Wilkins asked the presentation to be waived. The Commission agreed and opened up public comment.

Member of the public, Nora Ned, asked if the development was going to be developed soon. She noted the fertilizers and pesticides being used on the existing orange grove was an issue for the neighborhood. Staff noted there is a developer interested in developing the property upon approval, based on the conversations with the Applicant.

Commissioner Wilkins made a motion to transmit Ordinance 2020-05 to the Department of Economic Opportunity. Commissioner Smith seconded the motion. The motion carried 5-0.

Mayor Lyons opened the public hearing for first reading on proposed Ordinance 2020-06, Planned Unit Development Rezone for the 56+/-acre parcel of land located south of SR 80 and east of Martin Luther King Jr. Blvd. known as Wheeler Grove. There was no public comment. Derek Rooney read the ordinance title in the record. As this was a first reading, no motion was provided.

Mayor Lyons Public Hearing for first reading on proposed Ordinance 2020-12, Small-Scale Comprehensive Plan Amendment for a 9+/-acre parcel of land located south of Cowboy Way and ¼ mile east of Dr. Martin Luther King Jr. Blvd. known as LaBelle Riverside. Derek Rooney read the ordinance title in the record. There was no public comment. As this was a first reading, no motion was provided.

Mayor Lyons opened the public hearing for first reading on proposed Ordinance 2020-13, Planned Unit Development Rezone for 9+/-acre parcel of land located south of Cowboy Way and ¼ mile east of Dr. Martin Luther King Jr. Blvd. known as LaBelle Riverside. Derek Rooney read the ordinance title in the record. There was no public comment. As this was a first reading, no motion was provided.

Mayor Lyons introduced Resolution 2020-41, ratifying Resolutions 2020-36, 2020-37, 2020-38, 2020-39 and 2020-40 regarding the Local State of Emergency relating to COVID-19.

Commissioner Wilkins made a motion to approve Resolution 2020-41. Commissioner Kelley seconded the motion. The motion carried 5-0.

OLD BUSINESS

Gary Hull noted due to staffing issues due to COVID-19 that he had not secured Harper Fence Update. There was lengthy discussion on the potential solutions to the issue.

Following lengthy discussion Tommy Smith made a motion for City Staff to survey the easement, and install a chain link fence within the easement, off-set to avoid large trees to the extent possible with the authority of Staff to remove trees as necessary, and with the funding taken from the contingency fund. Commissioner Wilkins seconded the motion. The motion carried 5-0.

NEW BUSINESS

Ron Zimmerly presented the proposed amendment to Hendry County Interlocal Agreement for distribution of local option fuel tax proceeds. He explained the percentages are the same as the previous ten (10) years. There was discussion on whether or not an increase is warranted.

Commissioner Akin made a motion to approve the amendment as presented by Staff. Commissioner Smith seconded the motion. The motion carried 5-0.

STAFF REPORTS

Chief Josh Rimes noted the with the LaBelle Fire Department ran 61 calls in July, which was an increase over last year. He provided an update on staff testing for COVID-19.

A report was submitted by the Hendry County Sheriff's Office.

Laura Constantino provided the Engineering Staff Report, noting progress with the sewer conversion projects and pump station start-up. She also updated the Commission on the relocation of a monitoring well that is located in a FDEP pond. She also noted the City is working on a CDBG grant with Guardian to secure for more funding for sewer conversion projects.

City Attorney Derek Rooney followed up that the City is getting a good deal with the fuel tax agreement. He provided an update on code enforcement matters, noting most of the cases have been resolved without hearings. He noted there are several properties where he recommends moving forward with foreclosure and demolition of structures. Mayor Lyons asked if the yellow house on Oklahoma and Lee Street one of the properties in question. Derek affirmed it was.

Gary Hull updated the Commission that City Village construction is nearing completion and will be tying

into the City's system soon. He also provided an update on the illegal horticultural recycling occurring on John Paul's property and that the Sheriff's Office continues to monitor it. He also provided an update on COVID-19 impacts to staffing.

City Planner Alexis Crespo noted the DEO technical assistance planning grant was not funded.

Ron Zimmerly noted the City was not awarded the SCOP funding to repave roadways in the Dr. Martin Luther King Jr. Blvd. area, noting few FDOT District 1 projects were funded. He noted that the County has approved the City's CARES Act funding request for COVID-related expenses. He asked the Commission to authorize Staff to execute the funding agreement with FEMA and asked for a motion Z-1939. There was discussion on the COVID-related expenses, including masks, cleaning supplies and lost revenue from rentals.

Commissioner Akin made a motion to approve FEMA Agreement Z-1939 and authorize the Mayor to execute the agreement. Commissioner Kelley seconded the motion. The motion carried 5-0.

Next Mr. Zimmerly noted the elevator maintenance contract expires this Fall. He noted he will re-bid the contract to see if there can be a cost-savings and had provided notice to the existing contractor, ThyssenKrupp.

He provided the Cost of Living Adjustment (COLA) projections to the City Commission. He also noted the FRS contribution rates had changed July 1, 2020 per order of Governor DeSantis, which created a shortfall of approximately \$24,000 for the remaining months of the 2019-2020 fiscal year. He noted if the Commission proceeds with the 4% millage rate for the 2020-2021 fiscal year, that will cover the revenue shortfall projections from COVID-19.

He noted the budget workshop is scheduled for September 10th at 4:30 p.m. before the regular Commission meeting, and the first public hearing for the budget is Friday, September 11th. Commissioner Wilkins asked about the payroll tax cut proposed by President Trump. It was noted this was not confirmed yet and the outcome is unknown.

Commissioner Zimmerly asked if the Commission wanted to continue with local states of emergency for COVID-19. It was discussed and decided the City would continue extending the local state of emergency for consistency with the Federal and State government.

The Building Official's Report was provided to the Commission and no presentation was given.

Allen Pickles noted his efforts to eliminate the internet sales signs throughout the City, and progress made with the display of tires and junked cars along S. Main Street.

BUSINESS BY COMMISSIONERS

Tommy Smith – Commissioner Smith and Linda Smith noted Barron Park is looking great thanks to the hard work of the Public Works Department. Gary Hull noted Jimbo Howard and Jorge Moreno were to thank for the improved maintenance.

David Kelley – Commissioner Kelley noted there was no decision yet on whether or not school would start this Fall.

Ron Zimmerly noted that the Commission needs to execute the agreement on the CARES Act. He asked the Commission for a motion to allow the Mayor to execute the agreement subject to Staff and City Attorney review.

Commissioner Wilkins made a motion to authorize the Mayor to execute the CARES Act funding agreement upon City Attorney review. Commissioner Akin seconded the motion. The motion carried 5-0.

Julie Wilkins – Nothing to report.

Daniel Akin – Nothing to report.

As there was no further business, the meeting was adjourned at approximately 8:50 p.m.

APPROVED:

Attest:

David A. Lyons, Mayor-Commissioner

Thomas A. Smith, Clerk-Commissioner

TAB F
PUBLIC HEARINGS

ITEM 1
INDUSTRIAL
WASTE
PRE-TREATMENT
ORDINANCE

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**CITY OF LABELLE
ORDINANCE 2020-11**

AN ORDINANCE AMENDING CHAPTER 18 – UTILITIES, ARTICLE II, SEWERS, OF THE CITY OF LABELLE MUNICIPAL CODE RELATING TO THE PRETREATMENT OF INDUSTRIAL WASTEWATER; PROVIDING FOR ADOPTION OF PRETREATMENT PERMITTING STANDARDS, OPERATION, AND MAINTENANCE WITHIN; TITLE, PURPOSE AND SCOPE; LIMITATIONS AND STANDARDS; ENTRY, INSPECTION AND SAMPLING; ENFORCEMENT, REVIEW COMMITTEE, MEETINGS, CITATION, INJUNCTIVE RELIEF AND DAMAGE ASSESSMENTS PLAN; CONFLICT; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of City Commissioners of The City of LaBelle, Florida (City) is the governing body in and for The City of LaBelle, Florida; and

WHEREAS, the City wastewater treatment facility (WWTF) has intermittently received excessively strong influent wastewater from the City sanitary sewer collection system which exceeds the WWTF design values, creating conditions for the WWTF effluent to exceed the limits included in Operating Permit FL 014283 (“Permit”) issued by the Florida Department of Environmental Protection (FDEP); and

WHEREAS, groundwater monitoring results from the City WWTF effluent disposal site Rapid Infiltration Basins (RIBs) have consistently exceeded the Permit limits for total dissolved solids; and

WHEREAS, the City has incurred unplanned expenses for wastewater treatment and disposal relating to the intermittent receipt of excessively strong influent wastewater.

WHEREAS, although the current Permit does not require the City to have an industrial wastewater pretreatment program, the City wishes to be proactive in adherence to State and Federal industrial pretreatment regulations.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of LaBelle, Florida:

Section 1. Recitals. The forgoing recitals are hereby ratified and confirmed as being true and correct and hereby made a part of this Ordinance and adopted as legislative findings.

45 **Section 2.** Amendment to the City Code of Ordinances. Chapter 18,
46 Article II, Sewers, of the City of LaBelle Code is hereby amended with the following
47 provisions:

48
49 **CODE OF ORDINANCE**

50
51 **CHAPTER 18 – UTILITIES**

52
53 **DIVISION 3. INDUSTRIAL WASTE PRE-TREATMENT.**

54
55 **Section 18-56. Title, Purpose, and Scope.**

- 56
- 57 a. This Ordinance will be known and cited as the City of LaBelle Industrial
58 Pretreatment Program (IPP).
- 59
- 60 b. The purpose of the Industrial Pretreatment Program is to prevent the introduction
61 of pollutants into the City of LaBelle sanitary collection system that would:
62 interfere with the operation of the treatment facilities; cause pass-through of
63 pollutants through the City Wastewater Treatment Facility (WWTF) which can
64 prevent the ability to reclaim or reuse wastewater or biosolids; be incompatible with
65 the existing treatment works process; or that can jeopardize the safety and well-
66 being of WWTF and collection systems personnel. In addition, the IPP ensures that
67 City of LaBelle Utilities Department adheres to the standards set by State and
68 Federal Environmental Protection Agency (EPA) pretreatment regulations.
- 69
- 70 c. The territorial scope of this Ordinance includes all areas of The City of LaBelle in
71 which the sanitary sewer collection system is owned and maintained by City
72 Utilities.
- 73

74 **Section 18-57. Definitions.**

75

76 In construing the provisions of this chapter, where the context will permit and no
77 definition is provided herein, the definitions provided in Chapter 403, Florida Statutes, as
78 may be amended from time to time, and in rules and regulations promulgated thereunder,
79 as may be amended from time to time, shall apply. The following words and phrases when
80 used in this chapter shall have the meanings ascribed to them in this section:

81

82 “Analytical Laboratory” shall mean a laboratory that complies with Florida
83 Administrative Code 64E-1, for the examination of environmental samples by the State of
84 Florida Department of Health (FDH), Bureau of Public Health Laboratories for the water
85 quality parameters and analytical methods included in this Ordinance.

86 “Control Authority” shall mean The City of LaBelle Utilities Superintendent or its
87 designee.

88 “Environmental Protection Agency (EPA)” shall mean the United States Federal
89 Government Environmental Protection Agency of the United States, its Administrator, or
90 other duly authorized representative of said agency.

91 “Grab Sample” shall mean a sample that is taken from a wastewater discharge on a
92 one-time basis with no regard to the volume of flow in the discharge.

93 “Industrial User” any nonresidential user subject to Categorical Pretreatment
94 Standards under 40 CFR (Code of Federal Regulations), 403.6 and 40 CFR, Chapter I,
95 subchapter N. Any Industry which is designated as such by the FDEP on the basis that the
96 industrial user has are reasonable potential for adversely affecting the operation of the
97 collection system or treatment plant or violating any pretreatment requirement.

98 “Notice of Violation (NOV)” shall mean a written notice informing an Owner that
99 a violation of this Ordinance has occurred.

100 “Notify” shall mean contact by telephone, in person, electronic mail or via certified
101 United States Mail, return receipt requested.

102 “Owner” shall mean the legal owner(s) of the structure in which the Industrial User
103 is located and/or the operator(s).

104 “Premises” shall mean a parcel of real estate or portion thereof including any
105 improvements thereon which is determined by the Control Authority to be a single user for
106 the purposes of receiving, using and paying for sanitary sewer services.

107 “Wastewater Treatment Facility (WWTF)” shall mean a treatment works, also
108 referred to as a wastewater treatment plant (WWTP) or publicly owned treatment works
109 (POTW), which is owned by the City. Any devices and systems used to pump, store, treat,
110 recycle and reclaim municipal sewage or industrial wastes of a liquid nature. WWTF shall
111 include piping and City owned and maintained lift stations and pump stations that convey
112 wastewater to the WWTF. Any sanitary sewers that convey waste waters to the WWTF
113 from persons outside the City who are users of the WWTF by contract or agreement with
114 the City.

115 “Replacement Costs” shall mean expenditures for obtaining and installing
116 equipment, accessories or appurtenances necessary to retain design capacity and
117 performance of the WWTF throughout the jurisdiction of the City.

118 “Utilities Superintendent” shall mean the person designated by the City to oversee
119 and administer the activities of the Utilities Department, supervise the operation of the
120 WWTF, maintain records of such operation, prepare operating budgets and make
121 recommendations to the City of LaBelle’s City Commissioners concerning activities within
122 his responsibility and authority.

123 “Wastewater” shall mean the liquid and water containing industrial or domestic
124 wastes from dwellings, commercial buildings, industrial facilities, institutions and any
125 other source, whether treated or untreated which is contributed to or permitted to enter the
126 WWTF.

127
128 **Section 18-58. Industrial Pretreatment Program Authority.**

- 129
130 a. Federal regulations were established in June of 1978 and revised in January of
131 1981, for the responsibility of governmental agencies, industry, and the public to
132 implement National Pretreatment Standards (NPS) to control the introduction of

133 pollutants into WWTFs. These regulations implemented the requirements of the
134 1972 Federal Water Pollution Control Act (FWPCA) as amended by the 1977 Clean
135 Water Act and the 1987 Water Quality Act.

136 b. Duties and Powers. The FDEP has been delegated the responsibility for ensuring
137 that public agencies enforce pretreatment standards and regulations. Accordingly,
138 The City of LaBelle Government has adopted this Ordinance which: identifies and
139 defines prohibited wastes; requires industries to submit permit applications and
140 obtain discharge permits; requires access to industries for sampling and inspections;
141 requires pretreatment of wastes to meet federal and state discharge limits; and
142 authorizes fines and penalties for noncompliance with discharge limits and other
143 permit conditions, or which may cause the City WWTF to violate its permit limits.
144

145 **Section 18-59. Limitations and Standards.**

146
147 a. **General Prohibitions.** Rule 62-625.400 of the Florida Administrative Code
148 (F.A.C.) states that an industrial user shall not introduce into a WWTF any pollutant
149 which causes pass through or interference. These general prohibitions and the
150 specific prohibitions, provided below, apply to each industrial user introducing
151 pollutants into a WWTF whether or not the industrial user is subject to other
152 pretreatment standards, or any national, State, or local pretreatment requirements:
153

- 154 (i) Pollutants which create a fire or explosion hazard in the WWTF;
- 155 (ii) Pollutants which will cause corrosive structural damage to the WWTF, but in
156 no case discharges with pH lower than 5.0, unless the WWTF is specifically
157 designed to accommodate such discharges;
- 158 (iii) Solid or viscous pollutants in amounts which will cause obstruction to the flow
159 in the WWTF resulting in interference;
- 160 (iv) Any pollutant, including oxygen demanding pollutants and solids, released in
161 a discharge at a flow rate or pollutant concentration which will cause interference
162 with the WWTF;
- 163 (v) Heat in amounts which will inhibit biological activity in the WWTF resulting
164 in interference, but in no case heat in such quantities that result in the discharge
165 from the treatment plant having a temperature that exceeds 40° C (104° F) unless
166 the FDEP, upon request of the Control Authority, approves alternate temperature
167 limits in accordance with rule 62-302.520, F.A.C.;
- 168 (vi) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin
169 in amounts that will cause interference or pass through;
- 170 (vii) Pollutants which result in the presence of toxic gases, vapors, or fumes within
171 the WWTF in a quantity that will cause acute worker health and safety problems;
172 or
- 173 (viii) Any trucked or hauled pollutants, except at discharge points designated by the
174 Control Authority.

175
176 b. **Local Limits.** Each public utility which adopts a pretreatment program in
177 accordance with rule 62-625.500, F.A.C., shall develop and enforce specific limits.

178 The Control Authority (except where the FDEP is acting as the Control Authority)
 179 may develop best management practices (BMPs). Such BMPs shall be considered
 180 local limits and pretreatment standards for the City.
 181 It shall be unlawful for any industrial user to throw, drain, run or otherwise
 182 discharge into a sanitary sewer, or to cause, permit, allow or suffer, be thrown, run,
 183 drained, or otherwise discharged into such sanitary sewer any effluent that is in
 184 excess of the following local limits determined from the WWTF influent design
 185 conditions and FDEP permit limits listed in Table 1. Industrial users shall perform
 186 quarterly monitoring of all effluent lines discharging directly to the City sanitary
 187 sewer system utilizing grab sampling.
 188
 189

Table 1. City Industrial User Discharge Limits

Parameter	Compliance Limit	Units
Total Dissolved Solids (TDS)	500	mg/L
Total Suspended Solids (TSS)	320	mg/L
Biochemical Oxygen Demand, five day (BOD ₅)	320	mg/L
Total Kjeldahl Nitrogen (TKN)	50	mg/L
Total Recoverable Cadmium	5	ug/L
Total Recoverable Chromium	100	ug/L
Total Recoverable Lead	15	ug/L

190
 191 The Control Authority reserves the right to establish more stringent Standards or
 192 Requirements on discharges to the WWTF consistent with the purpose of this ordinance.
 193

194 **Section 18-60. Permitting Process.**

- 195
 196 a. Wastewater Discharge Permits are issued for a specified period of time not to
 197 exceed three years. They define discharge prohibitions, limitations, self-monitoring
 198 requirements, and the User's legal obligations. Non-compliance with any discharge
 199 limits or permit conditions may result in enforcement.
 200
 201 b. There are two types of numeric discharge limits which may be included in the
 202 permit: local limits which are imposed to protect the WWTF; and federal limits that
 203 apply to Federal Categorical industries. The City's current local limits are
 204 established in Section 18-59. When both local and federal limits apply for a
 205 particular pollutant, both limits are enforced by the Control Authority. Discharge
 206 limits can be expressed either as a concentration (C; mg/L) or a mass limit (W;
 207 lbs/day). Mass limits are calculated by multiplying the concentration times the flow
 208 (Q; million gallons per day (mgd)) times a conversion factor of 8.34 (8.34 is a
 209 conversion factor with units (lb x L)/(mg x gallon x 10⁶) as follows:
 210 W (lbs/d) = Q (mgd) x C (mg/L) x 8.34
 211

212 **Section 18-61. Permit Application.**

213

- 214 a. Industries which conduct operations subject to federal and state regulations and
 215 have the potential to impact the City sanitary sewer collection system are required
 216 to apply for a permit.
 217 b. Permit applications can be obtained at the address below and should be completed
 218 and returned within 15 business days. For help completing the application or to
 219 obtain additional program information contact:
 220
 221 City of LaBelle - Public Works Department
 222 481 West Hickpochee Avenue
 223 LaBelle, FL 33935
 224

225 **Section 18-62. Permit Issuance.**
 226

- 227 a. The Industrial Pretreatment Program Control Authority report, together with the
 228 completed permit application, forms the basis for assigning a permit type and for
 229 establishing permit discharge limits and conditions. Industries are categorized,
 230 according to the nature of their discharge, into one of three defined permit
 231 categories:
 232
 233 i. TYPE I – Any user subject to any categorical standards must obtain a Type
 234 I discharge permit.
 235 ii. TYPE II – Any user that is not subject to any categorical standards of Type
 236 I, but meets one of the following conditions must obtain a Type II discharge
 237 permit:
 238 (a) Any user that discharges an average of 25,000 gallons per day (GPD) or
 239 more of process wastewater into the City sewer system (excluding sanitary
 240 or noncontact cooling and boiler blowdown wastewater).
 241 (b) Any user that contributes a process waste stream which makes up more than
 242 5% of the average dry weather hydraulic or organic capacity of any of the
 243 City WWTF ($100 \frac{lbs\ BOD_5}{d}$).
 244 (c) Is determined by the City to possess a reasonable potential for adversely
 245 affecting the WWTF operations or for violating any local, state, or federal
 246 pretreatment standard or requirement.
 247 iii. TYPE III – Any user that may be subject to categorical standards but does
 248 not discharge any regulated wastewater, or any user that is not subject to
 249 Type I or Type II conditions above but in the best professional judgment of
 250 the Control Authority has a reasonable potential to violate any local, state,
 251 or federal pretreatment standards or requirement, must obtain a Type III
 252 discharge permit.
 253

254 **Section 18-63 Permit Revocation.**
 255

- 256 a. The Control Authority may revoke an individual wastewater discharge permit
 257 for good cause, including, but not limited to, the following reasons:

- 258
259 failure to notify the Authority of significant changes to the wastewater prior to the
260 changed discharge;
261 b. failure to provide prior notification to the Authority of changed conditions;
262 c. misrepresentation or failure to fully disclose all relevant facts in the permit
263 application;
264 d. falsifying self-monitoring reports and certification statements;
265 e. tampering with monitoring equipment;
266 f. refusing to allow the Authority timely access to the facility premises and records;
267 g. failure to meet effluent limits;
268 h. failure to pay fines;
269 i. failure to pay sanitary sewer charges;
270 j. failure to meet compliance schedules;
271 k. failure to complete an industrial waste survey or a permit application;
272 l. failure to provide advance notice of the transfer of business ownership of a
273 permitted facility; or
274 m. violation of any pretreatment standard, requirement, these provisions, or any
275 terms of the wastewater discharge permit.
276

277 An individual wastewater discharge permit shall be voidable upon cessation of
278 operations or transfer of business ownership, unless a permit transfer has been approved
279 by the Authority. All existing permits issued to a user are void upon the issuance of a new
280 permit to that user. Failure to acquire a permit will result in the non-compliance penalties
281 outlined in section 7-2
282

283 **Section 18-64. Inspection.**
284

- 285 a. **Facility Inspection.** After the completed permit application is received, the City
286 will schedule a facility inspection which consists of: an interview with industry
287 personnel; a tour of the facility; and a review of written industry records. During
288 the interview, the industry's application, waste generating processes, wastewater
289 composition, and volume of wastewater discharge are reviewed. The facility tour
290 will include an inspection of the entire operation, focusing primarily on operations
291 generating wastewater, pretreatment facilities, and chemical/hazardous waste
292 storage areas. During the tour, City inspectors will identify or confirm for the
293 sampling location(s) that will be used to monitor compliance with the limits of this
294 ordinance. It is the industry's responsibility to provide an accessible and
295 representative sampling location. Following the inspection, Industrial Pretreatment
296 Program Control Authority will review all records including, but not limited to,
297 hazardous waste manifests, Safety Data Sheets, and pretreatment system
298 operations/maintenance logs, Industrial Pretreatment Performance.
299
300 b. **Monitoring.** The industry user must sample its own discharge and have it analyzed
301 by an analytical laboratory certified by the FDH Environmental Laboratory
302 Certification Program (ELCP). The City of LaBelle Utilities Department may also

303 periodically and independently sample an industry's discharge to determine
 304 compliance with this ordinance. City sampling may be done with or without prior
 305 notice to the industry. Samples collected by the City are analyzed by a Laboratory
 306 certified by the FDH ELCP.

307

308 **Section 18-65. Enforcement.**

309

- 310 a. Enforcement Response Plan. The Control Authority conducting the inspection who
 311 determines that a violation exists shall immediately notify the Owner that a
 312 violation exists and must be addressed promptly. The Control Authority may issue
 313 the Industrial User a Notice of Violation (NOV) stating the deficiencies and nature
 314 of the violation(s).

315

316 If the Industrial User responds with an explanation for the violation acceptable to
 317 the City, and a plan for rectifying the situation, or corrects a deficiency within the
 318 prescribed time, enforcement ceases at the discretion of the Control Authority.

319

- 320 b. Non-Compliance Fines. Below is the Administrative Fine Structure for
 321 Noncompliance with The City of LaBelle Pretreatment Regulations:

322

<u>Nature of Violation</u>	<u>Fine Amount Assessed Per Violation Per Day</u>
<u>Late Submittal of Required Report (< 30 Days Past Due)</u>	<u>\$100.00</u>
<u>Discharge Violation</u>	<u>\$500.00</u>
<u>Violations Which Place the Industrial User:</u> <u>66% or more of all discharge measurements in a six-month period exceed the daily maximum limit or the average limit for the same pollutant parameter.</u> <u>33% or more of all discharge measurements in a six-month period exceed the daily maximum limit or the average limit for the same pollutant parameter.</u> <u>Discharge(s) which cause pass through, or interference at the WWTF or which endanger the health or the WWTF personnel, the general public, or the environment.</u> <u>Violation(s) of compliance date milestones.</u> <u>Failure to submit required reports and/or required reports submitted thirty (30) days or more past due date.</u>	<u>\$1,000.00</u>

<u>Nature of Violation</u>	<u>Fine Amount Assessed Per Violation Per Day</u>
<u>Failure to accurately report noncompliance.</u>	
<u>Any other violation(s) which the Control Authority deems detrimental to implementation of the local pretreatment program.</u>	
<u>Falsification of Reports</u>	<u>\$2,000.00 plus Termination of Service</u>
<u>Entry Denial and/or Unprecedented Delay of Entry</u>	<u>\$2,000.00 plus Termination of Service</u>

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Note: Administrative Fines are subject to modification at the discretion of the Control Authority. Administrative Fines more than 30 days past due are subject to an additional penalty of \$5.00 per day of violation (plus interest); where each day of continued violation is deemed a separate violation.

Section 7-3. Cost Recuperation for the City of LaBelle

The charge for the cost recuperation shall include any and all replacement costs incurred by the City to remove the captured material from Non-compliant Industrial Users. Costs shall include, but not be limited to: labor, material and equipment rental or use fees, captured material landfill transportation and disposal fees, and administrative fees. The Control Authority will provide the Industrial User with supporting materials documenting the labor charges and associated fees incurred by the Control Authority for the above referenced work.

Section 3. Codification. This ordinance shall be incorporated into the City of LaBelle Code. The sections of this Ordinance can be renumbered or re-lettered to the appropriate word or phrase to accomplish codification. Omissions, grammatical, and typographical errors, as well as clarifications of ambiguous wording that do not affect the intent of this Ordinance, may be authorized by the Mayor without need for a public hearing.

Section 4. Severability. In the event that any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Conflicts. The provisions of this article shall supersede any provisions of existing ordinances in conflict herewith to the extent of said conflict.

Section 6. Effective Date. This ordinance shall become effective four (4) months after the date of enactment.

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PASSED AND DULY ADOPTED this ____ day of _____, 2020.

CITY COMMISSION OF THE CITY OF LABELLE, FLORIDA

By: _____
David A. Lyons, Mayor

ATTEST:

By: _____
Thomas A. Smith, Clerk-Commissioner

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: _____
Derek Rooney, City Attorney

Vote:	AYE	NAY
Mayor Lyons	_____	_____
Commissioner Smith	_____	_____
Commissioner Wilkins	_____	_____
Commissioner Akin	_____	_____
Commissioner Kelley	_____	_____

ITEM 2

LABELLE RIVERSIDE

SMALL-SCALE

COMPREHENSIVE

PLAN AMENDMENT



CITY OF LABELLE, FLORIDA
Planning Staff Report
For
LaBelle Riverside Small-Scale Comprehensive Plan Amendment

TYPE OF CASE: Comprehensive Plan Amendment (Small-Scale Map Amendment)

STAFF REVIEWER: Alexis Crespo, AICP

DATE: September 10, 2020

APPLICANT: LaBelle Riverside, Inc. c/o Tom Flood (Privately Initiated)

AGENT: Shellie Johnson, AICP

REQUEST: Amend the City of LaBelle Future Land Use Map from the “Residential” and “Commercial” future land use categories to “Outlying Mixed Use”.

LOCATION: 615 W. Cowboy Way (See Exhibit A - Location Map)

PROPERTY SIZE: 9.35 +/-acres

FUTURE LAND USE DESIGNATION, CURRENT ZONING AND LAND USE:

Existing Future Land Use Designation:	Residential & Commercial
Existing Zoning:	Multi-Family Residential (R-3) & Business Professional (B-1)
Land Use:	Vacant

SURROUNDING LAND USE:

North: FLU – Residential
Zoning – Residential Medium Density (R-1)
Land Use – Right-of-Way (Cowboy Way); Mobile Homes

South: FLU – Agriculture (Hendry County)
Zoning – Agriculture (A-2)
Land Use – Right-of-Way (Mary Street); Public (David Pratt Park)

East: FLU – Residential High Density (Hendry County)
Zoning – Residential High Density (RG-3)
Land Use – Residential (Single-Family & Mobile Homes)

West: FLU – Residential High Density (Hendry County)
Zoning – Residential High Density (RG-3)
Land Use – Residential (Single-Family & Mobile Homes)

STAFF NARRATIVE:

LaBelle Riverside, Inc (“Applicant”) is requesting approval of a Small-Scale Comprehensive Plan Amendment to amend the Future Land Use Designation for 9.35+/- acres from “Residential” and “Commercial” to “Outlying Mixed Use”. The Applicant is concurrently requesting a rezone of the property from Multi-Family (R-3) and Business Professional (B-1) to the Planned Unit Development (PUD) zoning district.

The subject property is bound on two (2) sides by publicly-maintained roadways: Cowboy Way to the north and Orange Avenue to the south. The western property boundary abuts single-family dwellings, mobile homes and commercial uses oriented toward the Cowboy Way frontage. The eastern boundary abuts a large single-family parcel that is partially vacant. The southwest corner of the project is adjacent to single-family residences. The subject property is currently vacant with access to City water and sewer.

The subject property abuts unincorporated Hendry County lands to the south east and west that are designated as Residential High Density. This future land use category allows residential uses up to 10 dwelling units per acre and mixed-use development with commercial uses up to a Floor Area Ratio of 1.0 (for example, a one acre property could be developed with up to 43,560 SF of commercial uses under this FAR limitation).

BACKGROUND:

The subject property was annexed into the City in 2007 per Ordinance 2007-029 and was approved with two future land use categories (FLUC): “Commercial” and “Residential-Urban”. The Commercial portion of the property is approximately 1.1+/- acres and located on the frontage of Cowboy Way. The Residential FLUC covers approximately 8.34+/- acres in the southern portion of the property.

In 2007, the Residential-Urban FLUC permitted up to fifteen (15) dwelling units per acre. However, in 2011 the City initiated an amendment to the City’s Comprehensive Plan to eliminate the Residential-Urban Category and introduce the Residential and Outlying Mixed Use categories. The amendment was adopted in 2011 and reduced the maximum density in the Residential FLUC to three (3) dwelling units per acre.

The property was the subject of a Comprehensive Plan Amendment and PUD rezone in 2018 known as “Pacific Tomato Growers”. The applications proposed a farmworker housing project consisting of 466 beds, as well as on-site recreational facilities. Due to significant neighborhood opposition from residents in the unincorporated lands to the east and west of the property, the applications were ultimately withdrawn, following a recommendation of denial from the Local Planning Agency.

The request to amend the FLUC to Outlying Mixed Uses would allow the property to be developed with a variety of housing types and neighborhood and general commercial uses, as was previously allowed by the Residential-Urban category, albeit with slightly lower density. The integration of the uses would provide a distinctive commercial area along Cowboy Way with multi-family uses, while implementing an appropriate buffer and transition to the neighboring lower density areas in the County. This proposal allows for mixed-use development patterns that allow residents to walk to nearby goods and services, rather than relying solely on automobiles for daily needs.

The subject property will have the Town Center sub-area designation under the Outlying Mixed Use FLUC, as the site is greater than 8 acres and less than 16 acres. Town Centers allows for higher density residential, retail, office, and service uses. Town Centers are encouraged on moderate sized parcels that typically exist on the edges of the core of LaBelle. Commercial development in the Town Center is limited to a maximum floor area ratio (FAR) of 0.75 and residential density is limited fourteen (14) units per acre. Thus, the density and FAR would be lesser than what is approved on abutting Hendry County lands upon approval of the Outlying Mixed-Use category.

In this category, non-residential uses must be concentrated along major street frontages where properties have direct access to a collector or arterial street, such as Cowboy Way, with interconnection between the remainder of the development. This category also encourages a mix of elements such as pedestrian connectivity, open/recreational space, and street design that discourages impacts to surrounding residential areas.

The requested Future Land Use Map amendment is supported by the following findings:

- The amendment will provide a unified future land use category that requires a cohesive and master-planned development via the PUD rezoning process. During the PUD process conditions can be implemented to further support the goals, objectives and policies of the Comprehensive Plan.
- The amendment will allow for a mixed-use infill parcel with sufficient land area to address transition of density, buffering, on-site recreation, water management, and sensitive site design to protect and enhance the surrounding, established residential areas.
- The City has an abundance of Residential FLUC that limits development to single-family dwellings. Opportunities to create mixed-use higher density development in strategic areas served by water, sewer and the arterial roadway network are integral to achieving diverse housing options in the City.
- The abutting Hendry County lands are similarly designated for higher density residential land uses and commercial/mixed-use development.
- The amendment supports development of various housing types, specifically those types that are limited in the City's current housing market, such as multi-family housing.

- The site has direct access to a major arterial roadway. The points of access limit intrusion into the surrounding residential areas.
- The application has demonstrated adequate public infrastructure exists to support the proposed increase in density and intensity in an urbanized area of the City.
- The amendment is consistent with the City and County's future land use and zoning designations surrounding the subject property.

COMPREHENSIVE PLAN COMPLIANCE:

Future Land Use Objective 1.2 (Balanced Urban Growth)

The proposed map amendment will facilitate a compact development pattern that provides opportunities to efficiently use and develop infrastructure, land and other resources and services by concentrating more intensive growth in a mixed-use land use designation.

Future Land Use Policy 1.3.2 (Outlying Mixed Use Land Use Category)

The proposed map amendment will provide an opportunity to infill and develop an integrated Town Center that will serve as a buffer and transition between differing neighborhoods and the arterial roadway frontage. The amendment will require a Planned Unit Development rezone that will be reviewed for compatibility of commercial and residential components with the surrounding area.

Housing Element Policies 3.11.2 & 3.11.3 (New Housing Developments)

The proposed map amendment will allow for residential development of an infill parcel adjacent to established areas of the City, and where adequate and necessary public facilities and services are available.

Infrastructure Element Policy 4.1.1 (Infrastructure Level of Service)

Water and Wastewater services are available to the subject property. An analysis of capacity will be required at the time of site construction permitting.

Infrastructure Element Policy 4.3.2 (Surface Water & Groundwater Quality)

The subject property under consideration for a map amendment would have the ability connect to potable water and sanitary sewer services, eliminating the potential for well and septic tanks on the property, and thereby supporting the City's policy to uphold the quality of public surface and groundwater supply sources.

Infrastructure Element Policy 4.5 (Storm Drainage)

The site will require approval of an Environmental Resource Permit from the South Florida Water Management District and local site construction plan review prior to site development to ensure water quality and storage is provided.

Recreation and Open Space Element 6.2.1 (Open Space)

As part of the Planned Unit Development process that would be required with the proposed map amendment, the development will provide the required open space and ensure access to recreational amenities.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request for a Small-Scale Comprehensive Plan Map Amendment from the "Residential" and "Commercial" categories to the "Outlying Mixed-Use" category.

LOCAL PLANNING AGENCY RECOMMENDATION:

The Local Planning Agency unanimously recommended **APPROVAL** of the Applicant's request for a Small-Scale Comprehensive Plan Map Amendment from the "Residential" and "Commercial" categories to the "Outlying Mixed-Use" category during the July 9th meeting.

SUGGESTED MOTIONS:

APPROVAL:

I make a motion to approve transmittal of the request for a Small-Scale Comprehensive Plan Map Amendment for the Subject Property from the Residential and Commercial categories to the Outlying Mixed-Use Future Land Use Category to the Department of Economic Opportunity.

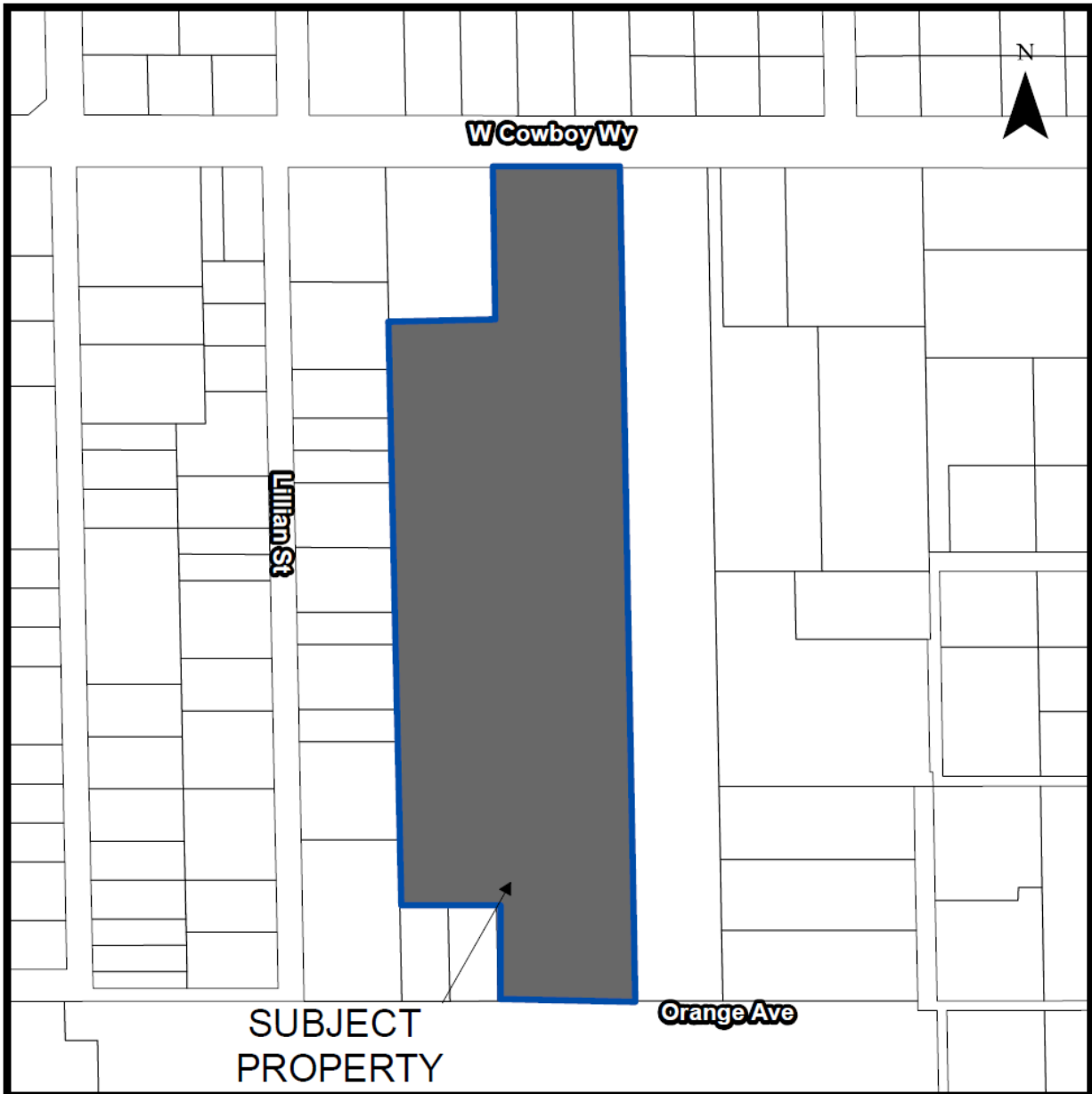
DENIAL:

I make a motion to deny the transmittal of the request for a Small-Scale Comprehensive Plan Map Amendment from the Residential and Commercial categories to the Outlying Mixed-use Category to the Department of Economic Opportunity.

The request does not meet the goals, objectives and policies of the Comprehensive Plan:

- 1) Why?

EXHIBIT A
LOCATION MAP



**EXHIBIT B
CURRENT FUTURE LAND USE MAP**

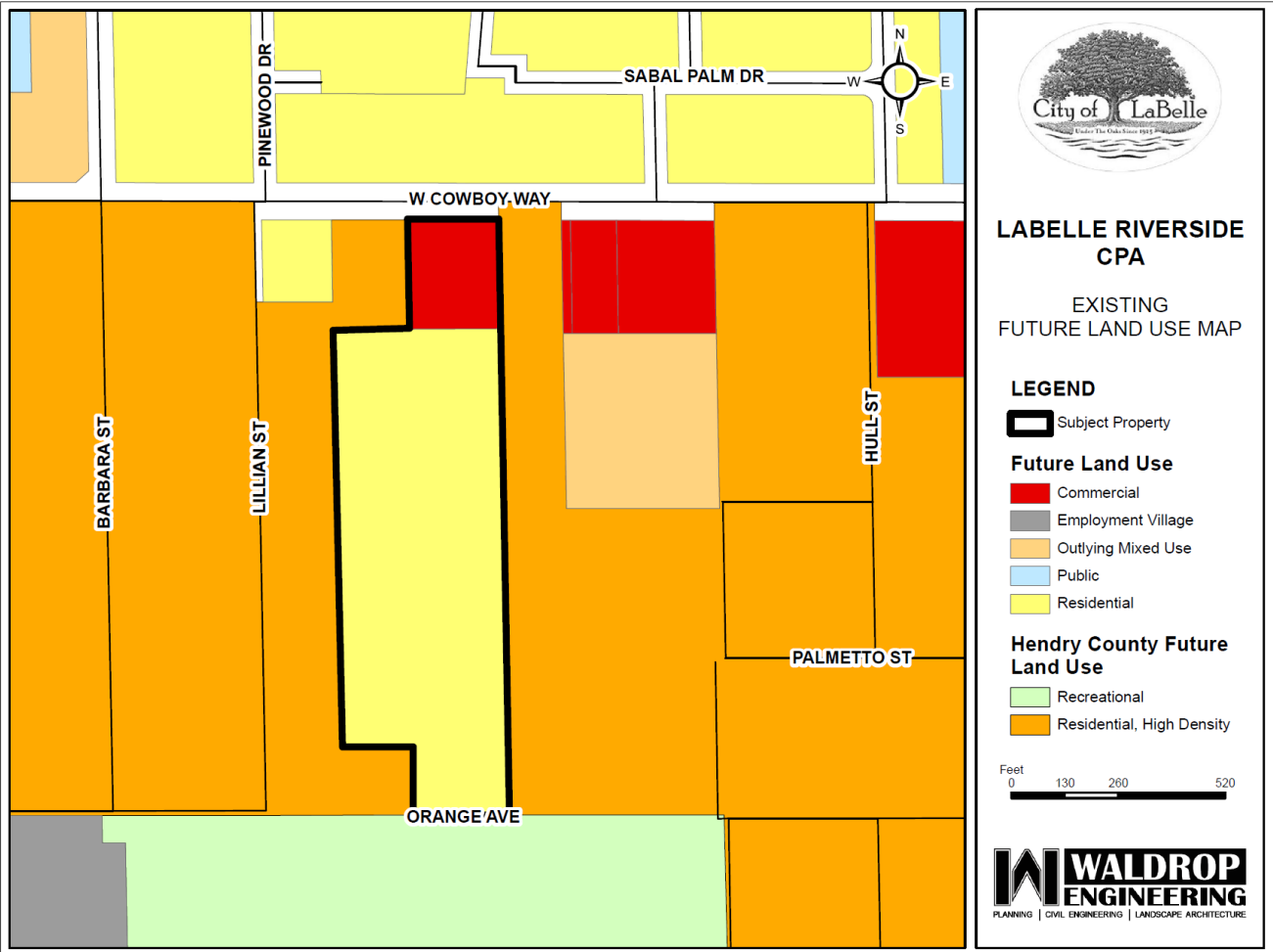
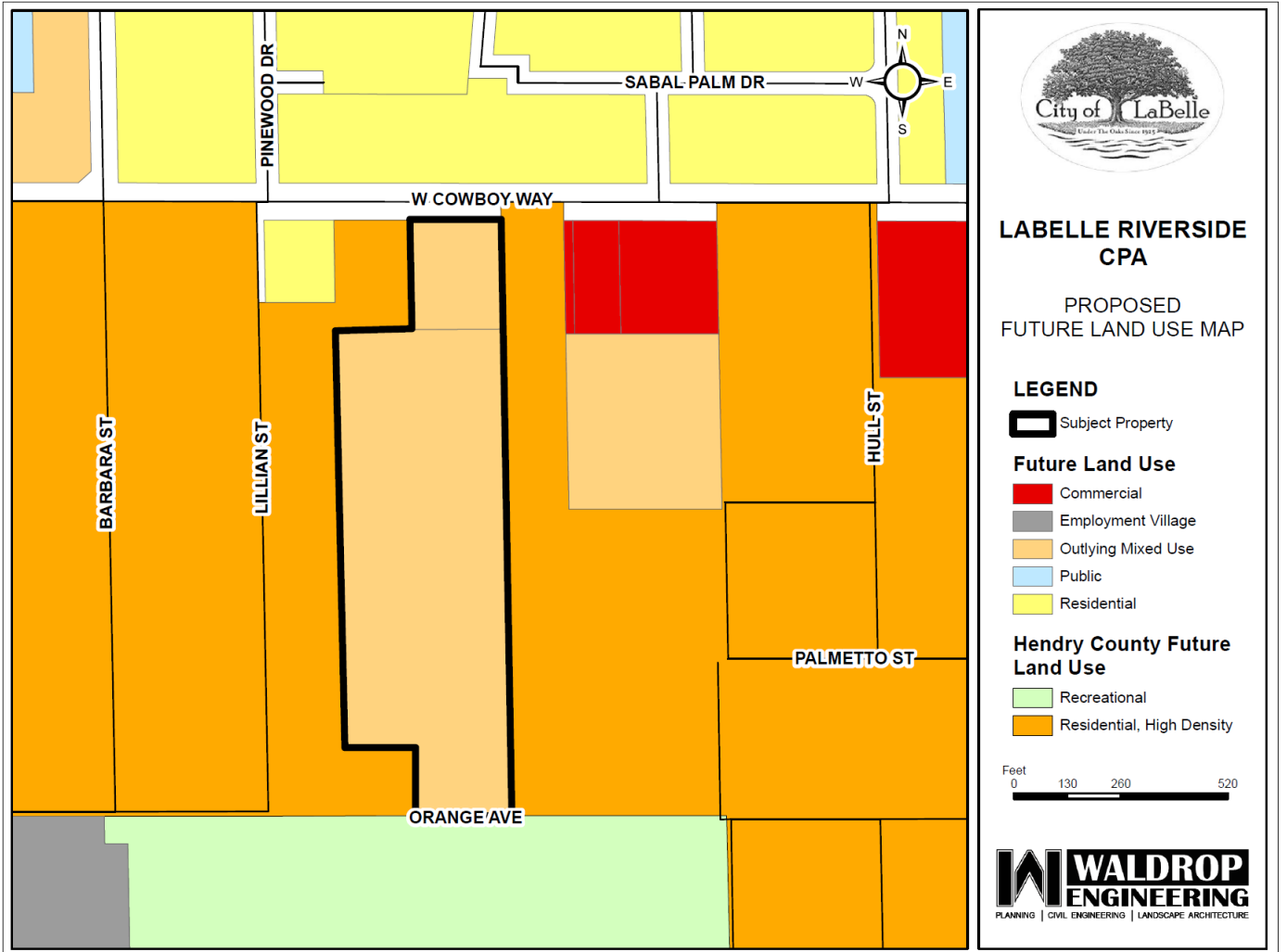


EXHIBIT C PROPOSED FUTURE LAND USE MAP



LABELLE RIVERSIDE CPA

PROPOSED FUTURE LAND USE MAP

LEGEND

Subject Property

Future Land Use

- Commercial
- Employment Village
- Outlying Mixed Use
- Public
- Residential

Hendry County Future Land Use

- Recreational
- Residential, High Density

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**CITY OF LABELLE
ORDINANCE 2020-12
LABELLE RIVERSIDE COMPREHENSIVE PLAN AMENDMENT**

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AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP FOR A 9.3+/-ACRE PROPERTY LOCATED IMMEDIATELY SOUTH OF COWBOY WAY AND ¼ MILE EAST OF DR. MARTIN LUTHER KING JR. BLVD; AMENDING THE CITY COMPREHENSIVE PLAN DESIGNATION FOR THE PROPERTY FROM THE “COMMERCIAL” AND “RESIDENTIAL” DESIGNATIONS TO THE “OUTLYING MIXED USE” DESIGNATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City of LaBelle has considered an amendment to the Future Land Use Map for real property located at 615 W. Cowboy Way, City of LaBelle, Florida, further described in Exhibit “A”, attached hereto; and has considered public comment on the same, and,

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WHEREAS, in the exercise of its authority pursuant to Sections 163.3187 and 1643.3184, Florida Statutes, the City has determined it necessary and desirable to amend the City Comprehensive Plan Future Land Use Map so that the property for comprehensive planning purposes is changed from the “Commercial” and “Residential” future land use category to the “Outlying Mixed Use” future land use category as shown on Exhibits “B” and “C” attached hereto; and,

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WHEREAS, amending the City Comprehensive Plan Future Land Use Map is appropriate in consideration of the property’s access and frontage on Cowboy Way, available infrastructure, and surrounding land use pattern; the amendment will promote, protect, and improve the general health, safety, good order, appearance, convenience, and general welfare of the public, and will help accomplish the goals of the objectives of the City’s Comprehensive Plan.

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NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of LaBelle, Florida:

Section 1. The forgoing recitals are true and correct and are incorporated herein by this reference.

Section 2. After being read by title at a public hearing on July 9, 2020 before the Local Planning Agency, and duly advertised public hearings on August 13, 2020, and September 10, 2020, Ordinance 2020-12 is hereby adopted, amending the City Comprehensive Plan Future Land Use Map so that the Comprehensive Plan designation for the property is hereby changed from “Commercial” and “Residential” to the City Comprehensive Plan designation “Outlying Mixed Use”.

Section 3. The City has determined that the Comprehensive Plan designation of “Outlying Mixed Use” as shown in the proposed City Comprehensive Plan Future Land Use Map attached

46 hereto as Exhibit "C", is the most appropriate comprehensive plan designation for the affected
47 property and that such comprehensive plan designation will promote, protect, and improve the
48 general health, safety, good order, appearance, convenience, and general welfare of the public and
49 will help accomplish the goals and objectives of the City Comprehensive Plan.
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51 **Section 4.** The small-scale comprehensive plan amendment shall apply to the real property
52 described in Exhibit "A".
53

54 **Section 5.** This ordinance shall become effective in accordance with Florida Statutes.
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56 **Section 6.** If any Court of competent jurisdiction shall determine any portion or provision of
57 this ordinance unconstitutional or invalid, that portion shall be severed, and the remainder of the
58 ordinance shall remain in full force and effect and given its ordinary meaning.
59

60 **Section 7.** The City Commission hereby directs the Deputy Clerk to forward certified copies
61 of this adopted ordinance within seven (7) days of the effective date hereof, to the Clerk of Circuit
62 Court of Hendry County and the County Administrator for Hendry County.
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65 **PASSED AND ADOPTED** in open session this ____ day _____, 2020.
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68 THE CITY OF LABELLE, FLORIDA
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71 By: _____
72 David A Lyons, Mayor
73

74 Attest:

75 _____
76 Thomas A. Smith, Clerk-Commissioner
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78 APPROVED AS TO FORM AND
79 LEGAL SUFFICIENCY:
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82 By: _____
83 Derek Rooney, City Attorney
84

85	Vote:	AYE	NAY
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87	Mayor Lyons	_____	_____
88	Commissioner Smith	_____	_____
89	Commissioner Wilkins	_____	_____
90	Commissioner Akin	_____	_____
91	Commissioner Kelley	_____	_____

**EXHIBIT A
LEGAL DESCRIPTION**

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LESS

ROAD RIGHT OF WAY OVER THE NORTH 40 FEET THEREOF.
AND LESS THE EAST 135.45 FEET THEREOF, AS DESCRIBED IN OFFICIAL RECORDS BOOK 667, PAGE 1860, PUBLIC RECORDS HENDRY COUNTY, FLORIDA.

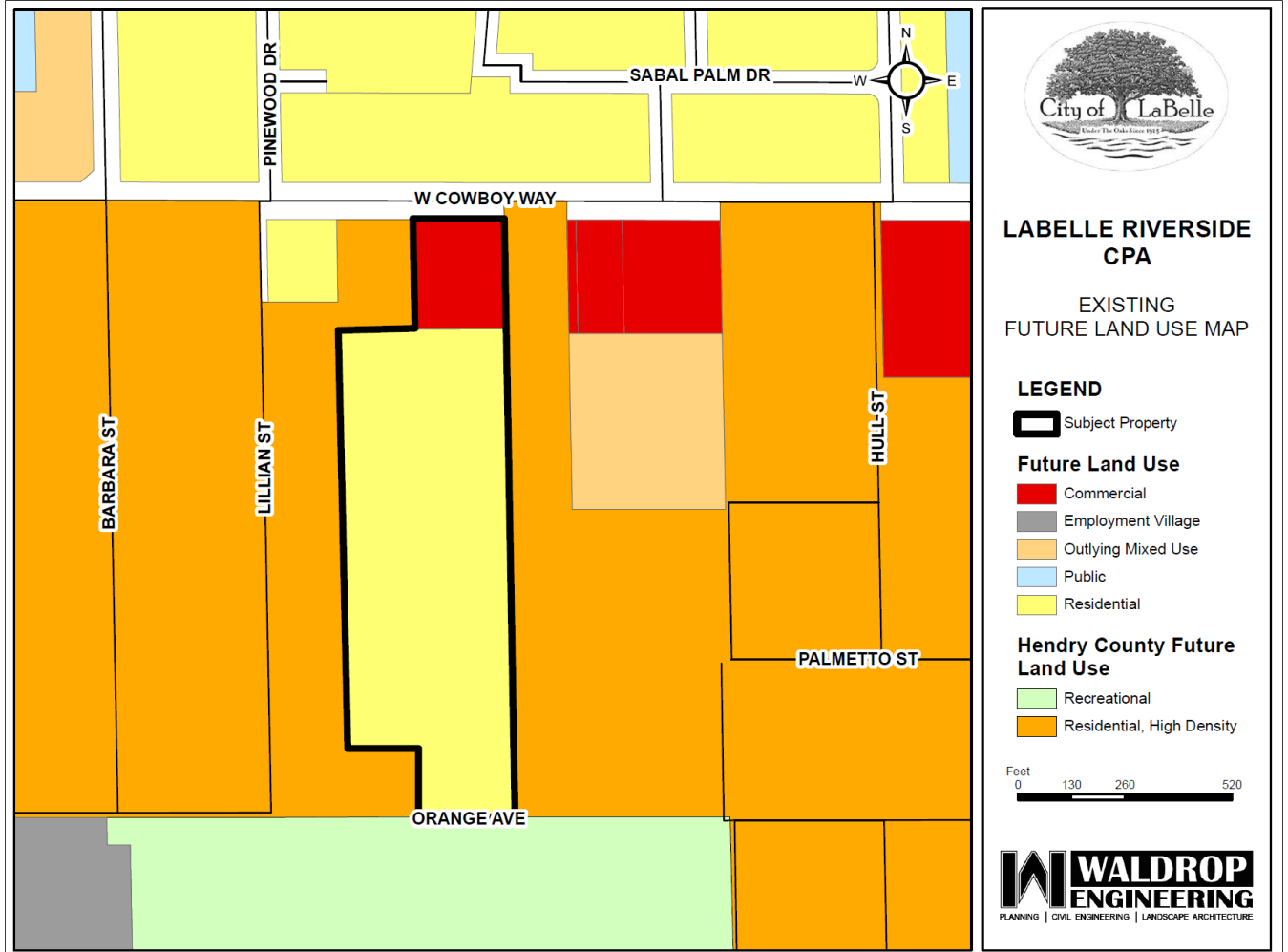
AND TOGETHER WITH:

THE EAST 1/2 OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 17,
LESS THE NORTH 276 FEET THEREOF.

AND LESS THE WEST 150 FEET OF THE SOUTH 145 FEET THEREOF.

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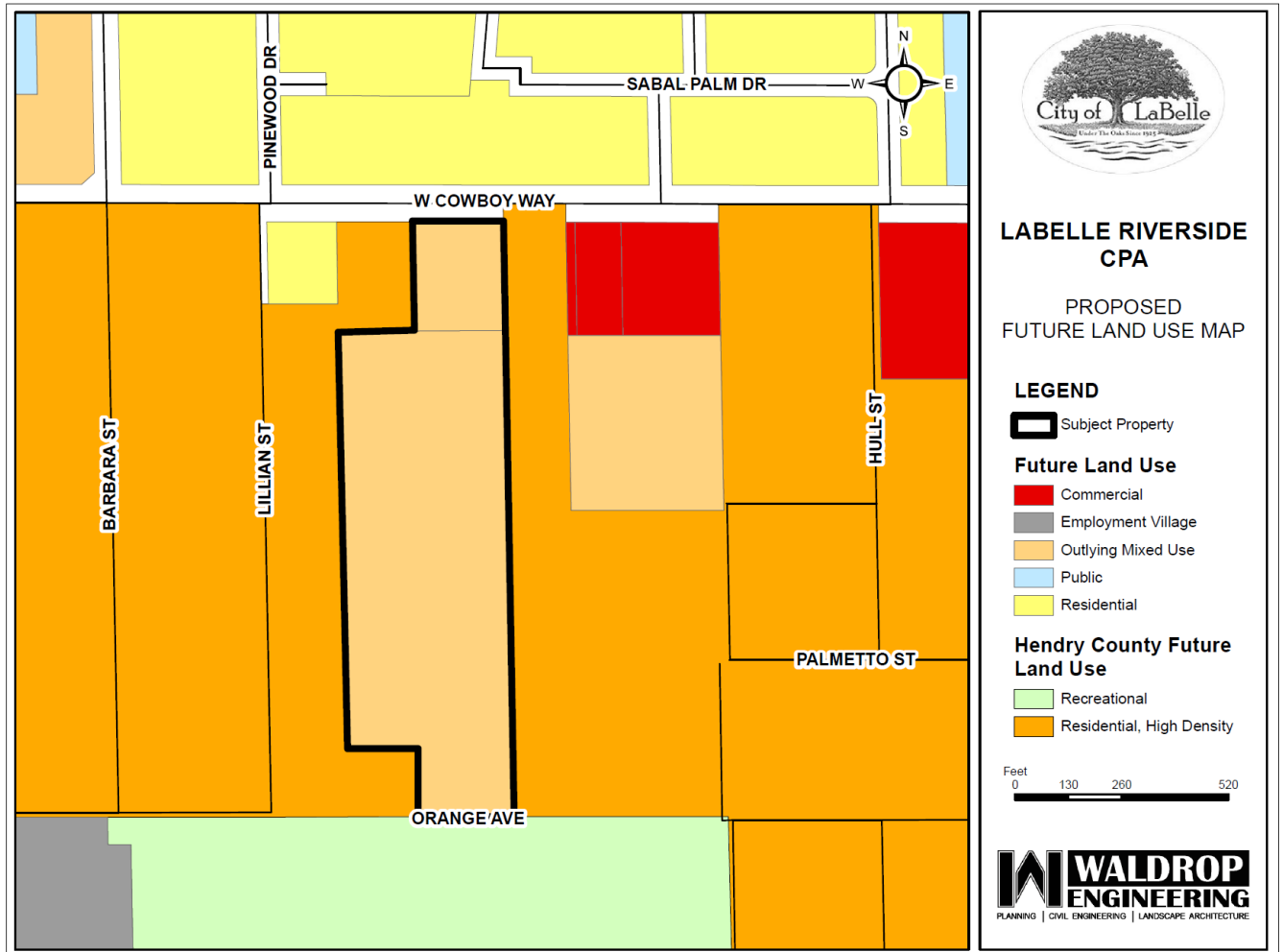
EXHIBIT B CURRENT FUTURE LAND USE MAP



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EXHIBIT C PROPOSED FUTURE LAND USE MAP



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ITEM 3

LABELLE RIVERSIDE

PUD REZONE



CITY OF LABELLE, FLORIDA
Planning Staff Report
For
LaBelle Riverside PUD

Changes made since the Local Planning Agency hearing are highlighted for ease of review.

TYPE OF CASE: PUD Rezone

STAFF REVIEWER: Alexis Crespo, AICP

DATE: September 10, 2020

APPLICANT: LaBelle Riverside, Inc. c/o Tom Flood

AGENT: Shellie Johnson, AICP

REQUEST: Rezone the 9.35+/-acre subject property from Multi-Family Residential (R-3) and Business Professional (B-1) to Planned Unit Development (PUD) to allow for a maximum of 93 multi-family dwelling units and 5,000 SF of commercial uses

LOCATION: South of Cowboy Way and ¼ mile east of Martin Luther King Jr. Blvd. (See Location Map)

PROPERTY SIZE: 9.35+/-acres

FUTURE LAND USE DESIGNATION, CURRENT ZONING AND LAND USE:

Existing Future Land Use Designation: Residential & Commercial (Outlying Mixed Use Future Land Use Map Amendment Pending)

Existing Zoning: Multi-Family Residential (R-3) &

Land Use: Agriculture (citrus crops)

SURROUNDING LAND USE:

North: FLU – Residential
Zoning – Residential Medium Density (R-1)
Land Use – Right-of-Way (Cowboy Way); Mobile Homes

South: FLU – Agriculture (Hendry County)
Zoning – Agriculture (A-2)
Land Use – Right-of-Way (Mary Street); Public (David Pratt Park)

East: FLU – Residential High Density (Hendry County)
Zoning – Residential High Density (RG-3M)
Land Use – Residential (Single-Family & Mobile Homes)

West: FLU – Residential High Density (Hendry County)
Zoning – Residential High Density (RG-3M)
Land Use – Residential (Single-Family & Mobile Homes)

STAFF NARRATIVE:

LaBelle Riverside, Inc. (“Applicant”) is requesting approval of a Planned Unit Development (PUD) Rezone of the 9.35+/-acre subject property to allow for the development of 5,000 SF of commercial uses, 93 multi-family dwelling units, private on-site recreational amenities, and supportive infrastructure. The Applicant is concurrently seeking a Future Land Use Map amendment to re-designate the property from “Commercial” and “Residential” to the “Outlying Mixed-Use” future land use category.

The subject property is generally located south of Cowboy Way and ¼ mile east of Dr. Martin Luther King Jr. Blvd. The subject property is currently undeveloped and contains a metal shed and miscellaneous structures.

The property is surrounded by a mix of non-residential and residential uses, including single-family dwellings, mobile homes, and farmworker housing to the east and west. Along the Cowboy Way frontage, the land use pattern includes commercial and light industrial uses. A large park known Davis Pratt Park, abuts the property to the south.

All lands to the south, east and west are within unincorporated Hendry County. These lands are designated as Residential High Density. This future land use category allows residential uses up to 10 dwelling units per acre and mixed-use development with commercial uses up to a Floor Area Ratio of 1.0 (for example, a one acre property could be developed with up to 43,560 SF of commercial uses under this FAR limitation). The surrounding lands are also zoned Residential High Density Mobile Home (RG-3M).

BACKGROUND

The property was the subject of a Comprehensive Plan Amendment and PUD rezone in 2018 known as “Pacific Tomato Growers”. The applications proposed a farmworker housing project consisting of 466 beds, as well as on-site recreational facilities. Due to significant neighborhood opposition from residents in the unincorporated lands to the east and west of the property, the applications were ultimately withdrawn, following a recommendation of denial from the Local Planning Agency.

PROPOSED DEVELOPMENT

The layout of the community is shown on the Master Concept Plan, attached as Exhibit D. The project is accessed via one (1) entrance from Cowboy Way. A pedestrian access

to Davis Pratt Park is provided to the south. The Applicant is proposing a 10-foot wide streetscape buffer along the Cowboy Way frontage as required by the LDC.

The Master Concept Plan demonstrates a commercial outparcel containing 5,000 SF of commercial space along the Cowboy Way frontage, with the bulk of the property proposed for multi-family buildings and accessory recreational uses. The proposed Schedule of Use limits this parcel to neighborhood commercial/lower intensity commercial uses.

The majority of the property is proposed for multi-family residential uses, totaling 93 dwelling units in six (6) buildings with a maximum of 2 stories. 5-foot Type "A" buffers are provided along the western and eastern property lines. The LDC does not require perimeter buffers where multi-family uses abut single-family uses, thus this is an enhancement to the City's design requirements.

The private, on-site recreational uses, including community building and community gathering areas, are sensitively located in the central part of the site away from external property lines.

The minimum parking requirement for multi-family dwelling units in the LDC is 1.5 spaces per unit. Staff is recommending a condition to ensure parking is provided in accordance with the LDC and include a minimum parking requirement at the amenity locations, which can also provide for overflow guest parking.

The Property will connect to the City's potable water and sanitary sewer system via developer-funded improvements and extensions of existing utility lines. Wastewater service will be provided via gravity sewer mains, an onsite lift station, and a force main to the nearest viable connection point. Two potential connection points are an existing 4" force main approximately 1,000 feet east of this project near the Hendry LaBelle Civic Park, and an existing 4" force main approximately 2,000 feet east of this project near LaBelle Elementary School. The City of LaBelle Superintendent of Public Works has noted that utility capacity will be determined at the time of site construction plan permitting.

The City of LaBelle Fire Chief has commented that the site must connect to municipal water services to provide adequate flow to an on-site hydrant system and sprinklers within the buildings.

The Property contains 58 significant oaks trees. The MCP proposes to preserve 41 significant oak trees. Staff has included the standard condition to require mitigation of the trees proposed for removal via on-site replanting.

COMPATIBILITY

The proposed Schedule of Use limits this parcel to neighborhood commercial/lower intensity commercial uses, which is appropriate to locate adjacent to the proposed multi-family uses and along the Cowboy Way frontage.

A streetscape buffer is provided in accordance with the LDC to enhance views along the public roadway. The MCP provides for a 5-foot wide Type "A" buffers along the eastern

and western property lines, in addition to a 6' tall privacy (opaque) fence, which is in excess of the LDC requirements.

The proposed density is approximately 10 du/acre, which is consistent and below the maximum attainable density allowed in the Town Center sub-district of the Outlying Mixed-Use future land use category. This density strikes a balance between lower density single-family uses to the east and west, and the higher intensity commercial frontage along Cowboy Way. It is also appropriate to locate higher density residential uses proximate to public facilities, such as parks and schools, which are in the immediate area. Building heights are appropriately limited to 45 feet.

Based upon the conditions for streetscape plantings and perimeter buffers, architectural consistency throughout the project, standards for perpetual maintenance of common areas, and the City's intent to direct higher density development to areas with existing infrastructure, Staff finds the PUD compatible with the surrounding neighborhood.

FUTURE LAND USE/COMPREHENSIVE PLAN COMPLIANCE

The Property is proposed for designation within the Outlying Mixed-Use future land use category and is further designated as a "Town Center" based upon the parcel size of 9.35+/-acres. Town Centers include developments up to 14 acres in size and are intended for higher residential density, office, and commercial retail uses. Non-residential uses will be concentrated along major street frontages and will have direct access to a collector or arterial street with interconnection between developments strongly encouraged.

The site has frontage on Cowboy Way, an arterial roadway, which provides an opportunity for both commercial frontage and higher density residential in a mixed-use development. In addition to compliance with the underlying future land use category, the PUD is consistent with the following Goals, Objectives and Policies of the City's Comprehensive Plan:

Future Land Use Objective 1.2 (Balanced Urban Growth)

The PUD will facilitate a compact development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services by concentrating more intensive growth in a mixed-use land use designation. The site is located in an urbanized portion of the City with available infrastructure to serve the project.

Future Land Use Policy 1.3.2 (Outlying Mixed Use Land Use Category)

The PUD is consistent with the intent of the Outlying Mixed-Use future land use category provide for integrated mixed-use development. The proposed density of 10 du/acre is below the maximum permitted density of 14 du/acre allowed in the Town Center sub-district, for parcels 14 acres in size or less. This subdistrict encourages higher density residential development and commercial in locations with direct access to arterial and collector streets. The development has been proposed in the form of a Planned Unit Development, as required by this policy.

Transportation Element Objective 2.4 (Provision of Multi-modal Transportation)

As conditioned, the PUD will ensure that internal sidewalks are constructed to provide a variety of transportation opportunities for residents.

Housing Element Policy 3.1.1 (Affordable Housing)

The PUD directly supports the City's policy to encourage and promote development controls that provide flexibility and innovation in residential design, and permit a range of housing types, sizes, styles, and price ranges.

Housing Element Policies 3.11.2 & 3.11.3 (New Housing Developments)

The PUD will allow for residential development in areas within, or adjacent to, established growth areas of the City, and where adequate and necessary public facilities and services are available.

Infrastructure Element Policy 4.3.2 (Surface Water & Groundwater Quality)

The PUD will connect to potable water and sanitary sewer services, eliminating the potential for well and septic tanks on the property, and thereby supporting the City's policy to uphold the quality of public surface and groundwater supply sources.

Recreation and Open Space Element Policy 6.7.1 & 6.7.3 (Private Parks)

As conditioned, the PUD will provide for private, on-site recreation space and landscaping for aesthetic and energy conservation purposes. The site is also proximate to public parks.

STAFF RECOMMENDATION:

Staff finds that the PUD is consistent with the Land Development Code and the Comprehensive Plan and recommends **APPROVAL** with the following conditions:

1. The Rezone request applied to the property is described in Exhibit 'A'.
2. The PUD is limited to a maximum of 93 multi-family dwelling units and 5,000 SF of commercial uses.
3. Allowable uses shall be limited to those listed in the Schedule of Uses, attached as Exhibit 'B'.
4. Development Standards will conform to the Development Standards Table, attached as Exhibit 'C'.
5. All development must conform to the general design of the Master Concept Plan contained in Exhibit 'D' and the requirements of the Land Development Code.
6. All residential buildings (including amenity structures), signage and accessory structures within the development must have consistent architectural theme and color palette.
7. Site construction plans must demonstrate an internal sidewalk system to connect the residential buildings to on-site amenities and recreational areas, parking, and to the external sidewalk network.
8. Development must connect to the City's potable water and sanitary sewer system. A demonstration of capacity will be required at the time of development,

in addition to sufficient water pressure for a hydrant system and sprinklers within the building, if required by the Florida Building Code and NFPA fire prevention code.

9. The developer/owner or their designee, which may include a property owners association (POA) or homeowner's association (HOA) must maintain common areas, parking areas, and infrastructure within the community. If a POA/HOA is established, documents must be provided to the City at the time of site construction plan permitting.
10. A minimum of 30% of the development, or 2.8+/- acres, of open space shall be provided within the PUD. At minimum of 10%, or 0.93+/-acres of the site must be in the form of useable open space as defined in the Land Development Code, and which may include both passive and active recreational uses.
11. A minimum of 1.5 parking spaces per dwelling unit must be provided on the site construction plans. This may include parking spaces in private garages and driveways for townhome dwelling types. In addition, the amenity site must include a minimum of three (3) parking spaces.
12. Dumpsters, recycling facilities and service areas must be setback a minimum of 25 feet from the PUD boundary and screened via an opaque wall or fence.
13. A streetscape buffer must be provided along Cowboy Way in accordance with the LDC. A 6-foot tall opaque fence and a 5-foot wide Type A buffer must be provided along the eastern and western property lines.
14. This PUD authorizes the removal of seventeen (17) significant oak trees, to be replanted on-site with Live Oak trees in accordance with LDC Section 4-80.16.5. If additional significant oak trees must be removed to develop the project in accordance with the Master Concept Plan, the removal of any additional trees must be mitigated in accordance with LDC Section 4-80.16.5 without further review by the Commission.
15. The PUD Master Concept Plan will remain valid for not more than five (5) years from the date of City Commission approval. Horizontal construction must commence within five (5) years or the MCP will be deemed vacated. Upon such time a new PUD zoning approval must be filed and approved by the City Commission. A one (1) time extension of three (3) years may be submitted to the City prior to vacation of the MCP for administrative approval, where Staff determines the LDC regulations applicable to the development of the PUD have not substantially changed. If Staff determines the LDC regulations have substantially changed since adoption of the PUD, the extension must be reviewed by the City Commission during one (1) public hearing.

LOCAL PLANNING AGENCY RECOMMENDATION:

The LPA recommended that the PUD is consistent with the Land Development Code and the Comprehensive Plan and recommended **APPROVAL** with modified conditions as contained herein during their July 9th meeting.

SUGGESTED MOTION(S):

APPROVAL:

I make a motion to approve LaBelle Riverside PUD.

APPROVAL WITH CONDITIONS:

I make a motion to approve LaBelle Riverside PUD, with the following condition(s):

1) as outlined in the staff report;

OR

2) as outlined in the staff report and amended as follows;

OR

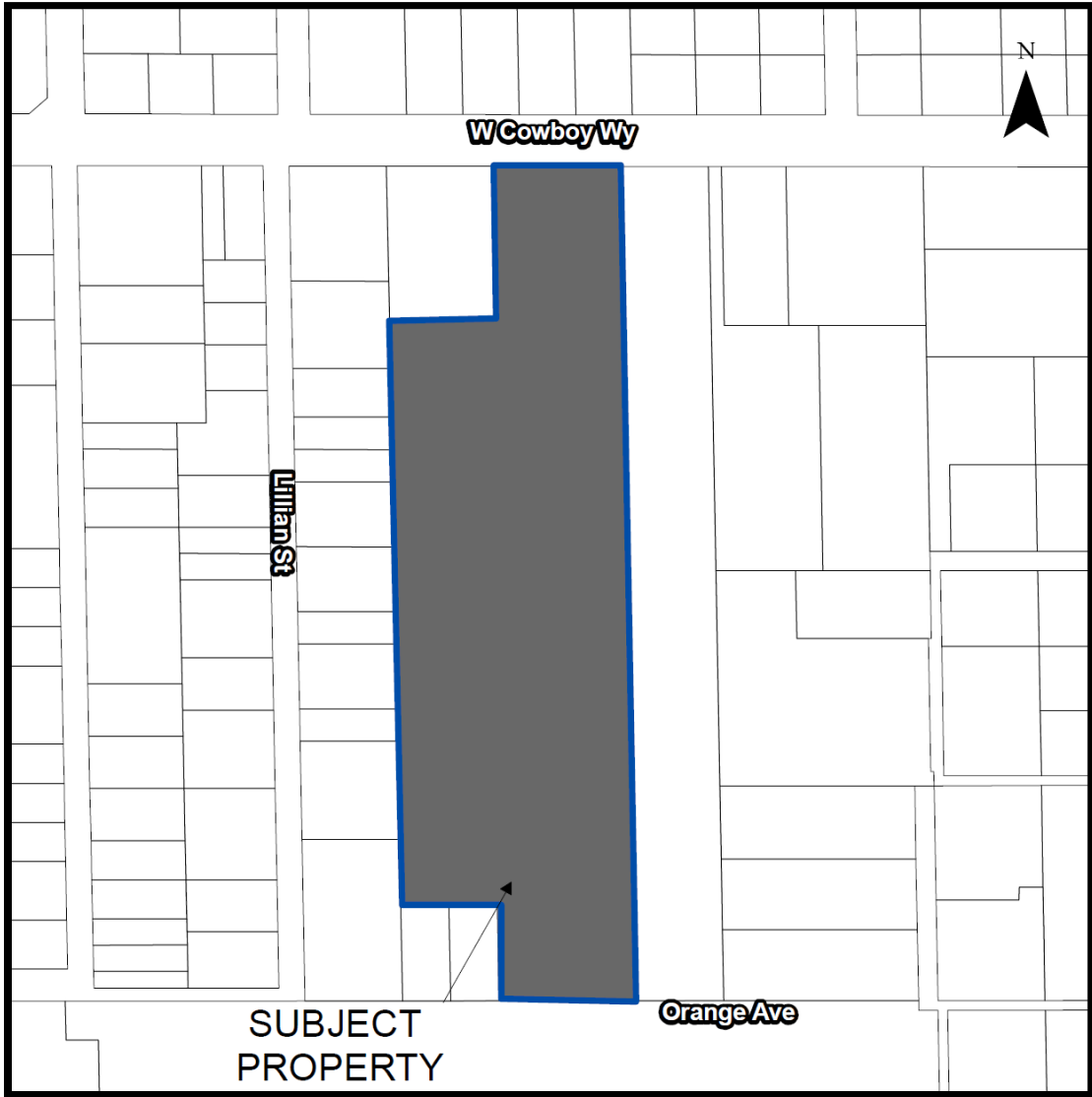
3) with the following conditions:

DENIAL:

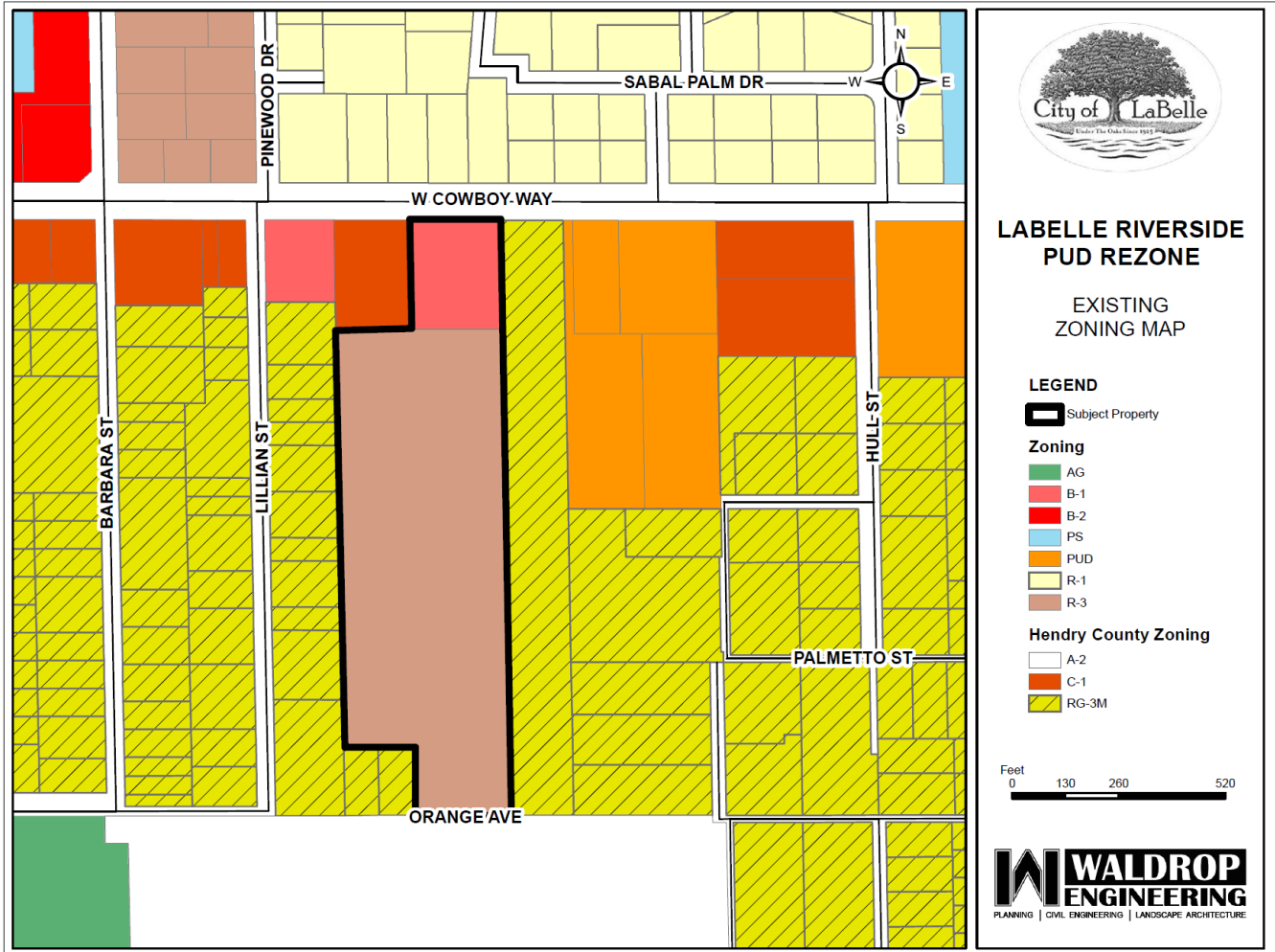
I make a motion to deny LaBelle Riverside PUD. The request does not meet the rezoning/PUD criteria:

1) Why?

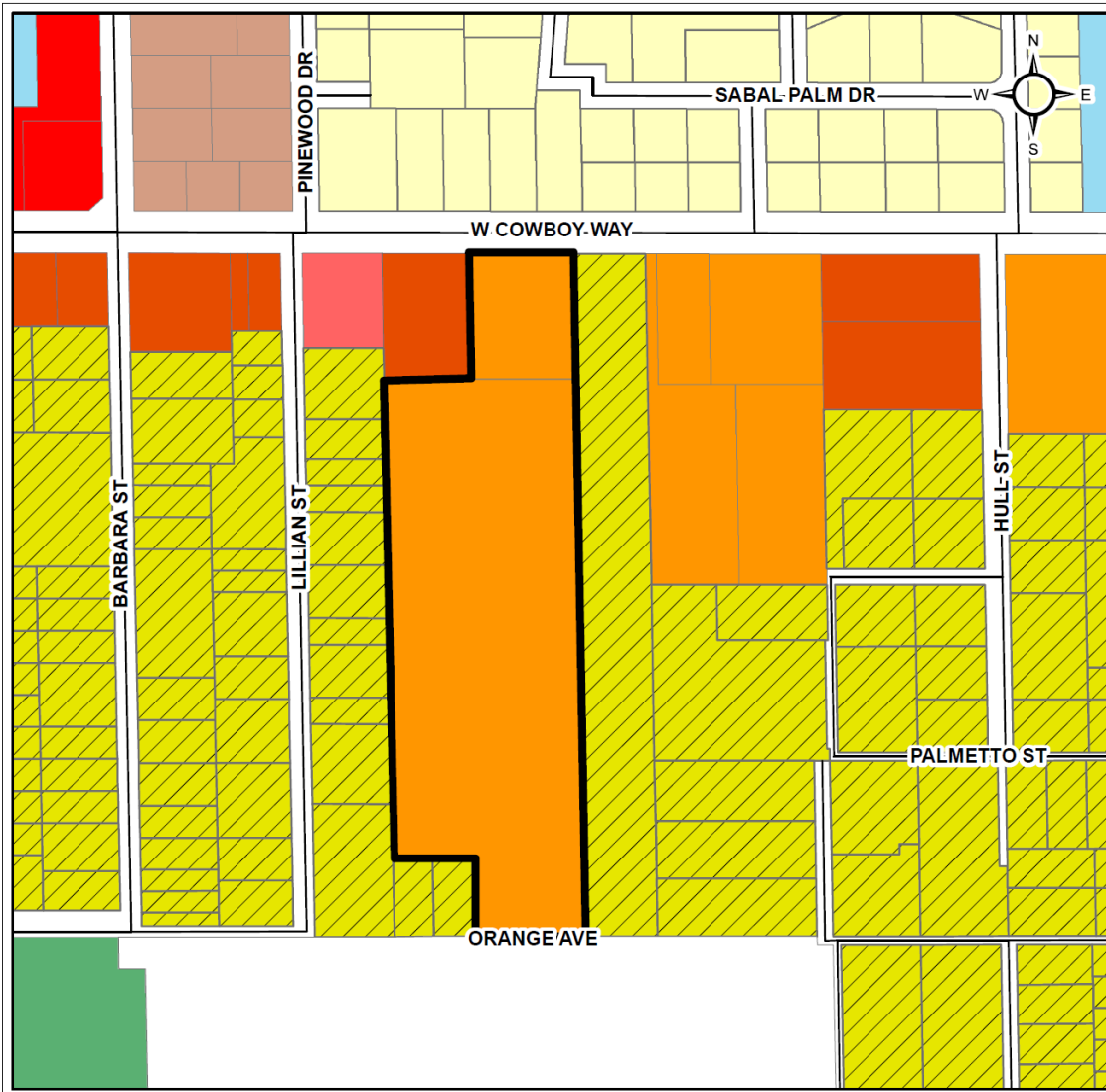
LOCATION MAP



CURRENT ZONING MAP



PROPOSED ZONING MAP



LABELLE RIVERSIDE PUD REZONE

PROPOSED ZONING MAP

LEGEND

Subject Property

Zoning

- AG
- B-1
- B-2
- PS
- PUD
- R-1
- R-3

Hendry County Zoning

- A-2
- C-1
- RG-3M



**EXHIBIT A
LEGAL DESCRIPTION**

ALL OF LOT 2, OF THE W.T .WILLIAMS SUBDIVISION, LOT 2, BEING THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA.

LESS

ROAD RIGHT OF WAY OVER THE NORTH 40 FEET THEREOF.

AND LESS THE EAST 135.45 FEET THEREOF, AS DESCRIBED IN OFFICIAL RECORDS BOOK 667, PAGE 1860, PUBLIC RECORDS HENDRY COUNTY, FLORIDA.

AND TOGETHER WITH:

THE EAST 1/2 OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 17,
LESS THE NORTH 276 FEET THEREOF.

AND LESS THE WEST 150 FEET OF THE SOUTH 145 FEET THEREOF.

EXHIBIT B

SCHEDULE OF USES

Residential Tract

Accessory Residential Uses

Permitted accessory and storage buildings:

Children's playhouses

Patios

Gazebos

Private barbecue pits or pavilions

Noncommercial greenhouses and plant nurseries

Swimming pool

Essential services, such as but not limited to cable, fiber optic, public utilities

Fences and walls in accordance with LDC Chapter 4

Gates and gatehouses

Model Home/Unit

Management Office

Recreational amenities, private, on-site

Residential dwellings (limited to a maximum of 93 dwelling units)

Multi-family dwellings

Signs in accordance with LDC Chapter 4

Commercial Tract

Accessory uses/structures

Daycare

Health care, limited to walk-in clinic

Religious Assemblies/Church

Essential services

Indoor amusement

Animal Sales and Service, limited to pet grooming, retail sales, clinic (no boarding, no outdoor runs)

Financial institutions

Food and beverage sales/establishments, limited to restaurants, wholesale bakeries

Offices, medical and general

Personal services

Retail sales/rental establishments, no heavy equipment, lumberyards, building supplies.

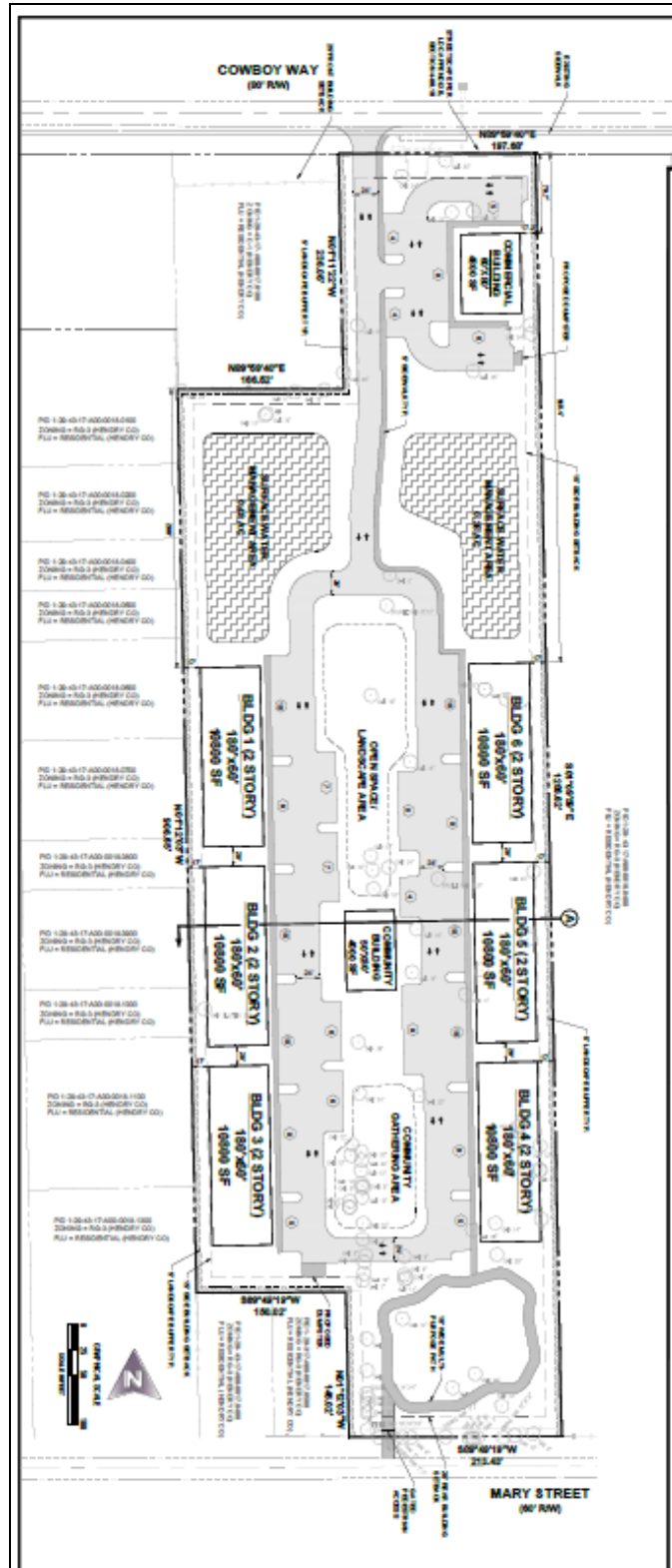
No outdoor storage

**EXHIBIT C
SITE DEVELOPMENT REGULATIONS**

	Multi-Family ¹	Commercial	Amenity/Clubhouse
Min. Lot Size	N/A	5,000 SF	N/A
Min. Depth	N/A	100'	N/A
Min. Width	N/A	50'	N/A
Maximum Height ⁽¹⁾	45' ² stories	35' ² stories	35' ² stories
Maximum Lot Coverage	40%	50%	40%
Minimum Unit Size	800 SF	N/A	N/A
BUILDING SETBACKS			
Street/Front	25'	25'	25'
Side	15'	15'	15'
Rear (Principal)	20'	20'	20'
Rear (Accessory)	5'	10'	5'
Waterbody	20'	20'	20'
Minimum Building Separation	½ Building Height	15'	15'

1. Multi-family buildings must be setback from the PUD perimeter a distance equal to ½ the building height, as defined in the LDC.

**EXHIBIT D
MASTER CONCEPT PLAN (see also 11X17 attached)**



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**CITY OF LABELLE
ORDINANCE 2020-13
LABELLE RIVERSIDE PLANNED UNIT DEVELOPMENT**

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AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF LABELLE ZONING MAP FOR A 9.35+/-ACRE PROPERTY LOCATED IMMEDIATELY SOUTH OF COWBOY WAY AND ¼ MILE EAST OF DR. MARTIN LUTHER KING JR. BLVD; AMENDING THE ZONING DISTRICT FROM BUSINESS PROFESSIONAL (B-1) AND MULTI-FAMILY RESIDENTIAL (R-3) TO THE PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT; PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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WHEREAS, LaBelle Riverside, Inc. is the “Owner” of real property, located at 615 W. Cowboy Way, City of LaBelle, Florida, further described in Exhibit “A”, attached hereto;

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WHEREAS, the City of LaBelle adopted the Outlying Mixed-Use future land use category on the subject property to allow for development of master-planned communities providing a full range of residential and non-residential uses; and

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WHEREAS, the Owner, filed an application to rezone the subject property to Planned Unit Development to allow for the development of a residential community consistent with the City’s intent for the Outlying Mixed-Use future land use category; and

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WHEREAS, after duly advertised public hearings held on July 9, 2020 before the LaBelle Local Planning Agency “LPA”, and on August 13, 2020 and September 10, 2020 before the City Commission; and,

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WHEREAS, the City Commission for the City of LaBelle has determined that the requested PUD rezoning is in compliance with the land use designation of “Outlying Mixed-Use” and approval of the rezoning application will further the goals and objectives of the City of LaBelle Comprehensive Plan; and,

WHEREAS, the subject application and plans have been reviewed by City of LaBelle Planning Department in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of LaBelle, Florida:

Section 1. The forgoing recitals are true and correct and are incorporated herein by this reference.

Section 2. The above-mentioned Planned Unit Development (PUD) is hereby amended, upon a finding that this is the most appropriate use of the property and this use will promote,

46 protect and improve the health, safety, comfort, good order, appearance, convenience and general
47 welfare of the public subject to the following conditions:

- 48
- 49 1. The Rezone request applied to the property is described in Exhibit 'A'.
- 50 2. The PUD is limited to a maximum of 93 multi-family dwelling units and 5,000 SF of
51 commercial uses.
- 52 3. Allowable uses shall be limited to those listed in the Schedule of Uses, attached as Exhibit
53 'B'.
- 54 4. Development Standards will conform to the Development Standards Table, attached as
55 Exhibit 'C'.
- 56 5. All development must conform to the general design of the Master Concept Plan contained
57 in Exhibit 'D' and the requirements of the Land Development Code.
- 58 6. All residential buildings (including amenity structures), signage and accessory structures
59 within the development must have consistent architectural theme and color palette.
- 60 7. Site construction plans must demonstrate an internal sidewalk system to connect the
61 residential buildings to on-site amenities and recreational areas, parking, and to the external
62 sidewalk network.
- 63 8. Development must connect to the City's potable water and sanitary sewer system. A
64 demonstration of capacity will be required at the time of development, in addition to
65 sufficient water pressure for a hydrant system and sprinklers within the building, if required
66 by the Florida Building Code and NFPA fire prevention code.
- 67 9. The developer/owner or their designee, which may include a property owners association
68 (POA) or homeowner's association (HOA) must maintain common areas, parking areas,
69 and infrastructure within the community. If a POA/HOA is established, documents must
70 be provided to the City at the time of site construction plan permitting.
- 71 10. A minimum of 30% of the development, or 2.8+/- acres, of open space shall be provided
72 within the PUD. At minimum of 10%, or 0.93+/-acres of the site must be in the form of
73 useable open space as defined in the Land Development Code, and which may include both
74 passive and active recreational uses.
- 75 11. A minimum of 1.5 parking spaces per dwelling unit must be provided on the site
76 construction plans. This may include parking spaces in private garages and driveways for
77 townhome dwelling types. In addition, the amenity site must include a minimum of three
78 (3) parking spaces.
- 79 12. Dumpsters, recycling facilities and service areas must be setback a minimum of 25 feet
80 from the PUD boundary and screened via an opaque wall or fence.
- 81 13. A streetscape buffer must be provided along Cowboy Way in accordance with the LDC.
82 A 6-foot tall opaque fence and a 5-foot wide Type A buffer must be provided along the
83 eastern and western property lines.
- 84 14. This PUD authorizes the removal of seventeen (17) significant oak trees, to be replanted
85 on-site with Live Oak trees in accordance with LDC Section 4-80.16.5. If additional
86 significant oak trees must be removed to develop the project in accordance with the Master
87 Concept Plan, the removal of any additional trees must be mitigated in accordance with
88 LDC Section 4-80.16.5 without further review by the Commission.
- 89 15. The PUD Master Concept Plan will remain valid for not more than five (5) years from the
90 date of City Commission approval. Horizontal construction must commence within five

91 (5) years or the MCP will be deemed vacated. Upon such time a new PUD zoning approval
92 must be filed and approved by the City Commission. A one (1) time extension of three (3)
93 years may be submitted to the City prior to vacation of the MCP for administrative
94 approval, where Staff determines the LDC regulations applicable to the development of the
95 PUD have not substantially changed. If Staff determines the LDC regulations have
96 substantially changed since adoption of the PUD, the extension must be reviewed by the
97 City Commission during one (1) public hearing.
98

99 **Section 3. Conflict with other Ordinances.** The provisions of this article shall supersede any
100 provisions of existing ordinances in conflict herewith to the extent of said conflict.
101

102 **Section 4. Severability.** In the event that any portion of this ordinance is for any reason held
103 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a
104 separate, distinct and independent provision, and such holding shall not affect the validity of the
105 remaining portions of this ordinance.
106

107 **Section 5. Effective Date.** This Ordinance shall become effective immediately upon its
108 adoption.
109

110 **PASSED AND ADOPTED** in open session this ____ day _____, 2020.
111

112 THE CITY OF LABELLE, FLORIDA
113

114
115 By: _____
116 David A Lyons, Mayor
117
118

119 Attest: _____
120 Thomas A. Smith, Clerk-Commissioner
121

122 APPROVED AS TO FORM AND
123 LEGAL SUFFICIENCY:
124

125
126
127 By: _____
128 Derek Rooney, City Attorney
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130
131

	Vote:	AYE	NAY
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133			
134	Mayor Lyons	_____	_____
135	Commissioner Smith	_____	_____
136	Commissioner Wilkins	_____	_____
137	Commissioner Akin	_____	_____
138	Commissioner Kelley	_____	_____
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**EXHIBIT A
LEGAL DESCRIPTION**

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144 ALL OF LOT 2, OF THE W.T .WILLIAMS SUBDIVISION, LOT 2, BEING THE WEST 1/2 OF THE
145 EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 43
146 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA.
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148 LESS
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150 ROAD RIGHT OF WAY OVER THE NORTH 40 FEET THEREOF.
151 AND LESS THE EAST 135.45 FEET THEREOF, AS DESCRIBED IN OFFICIAL RECORDS BOOK
152 667, PAGE 1860, PUBLIC RECORDS HENDRY COUNTY, FLORIDA.
153
154 AND TOGETHER WITH:
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156 THE EAST 1/2 OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE
157 NORTHWEST 1/4 OF SAID SECTION 17,
158 LESS THE NORTH 276 FEET THEREOF.
159 AND LESS THE WEST 150 FEET OF THE SOUTH 145 FEET THEREOF.
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EXHIBIT B
SCHEDULE OF USES

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Residential Tract

- Accessory Residential Uses
- Permitted accessory and storage buildings:
 - Children's playhouses
 - Patios
 - Gazebos
 - Private barbeque pits or pavilions
 - Noncommercial greenhouses and plant nurseries
 - Swimming pool
- Essential services, such as but not limited to cable, fiber optic, public utilities
- Fences and walls in accordance with LDC Chapter 4
- Gates and gatehouses
- Model Home/Unit
- Management Office
- Recreational amenities, private, on-site
- Residential dwellings (limited to a maximum of 93 dwelling units)
 - Multi-family dwellings
- Signs in accordance with LDC Chapter 4

Commercial Tract

- Accessory uses/structures
- Daycare
- Health care, limited to walk-in clinic
- Religious Assemblies/Church
- Essential services
- Indoor amusement
- Animal Sales and Service, limited to pet grooming, retail sales, clinic (no boarding, no outdoor runs)
- Financial institutions
- Food and beverage sales/establishments, limited to restaurants, wholesale bakeries
- Offices, medical and general
- Personal services
- Retail sales/rental establishments, no heavy equipment, lumberyards, building supplies. No outdoor storage

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**EXHIBIT C
SITE DEVELOPMENT REGULATIONS**

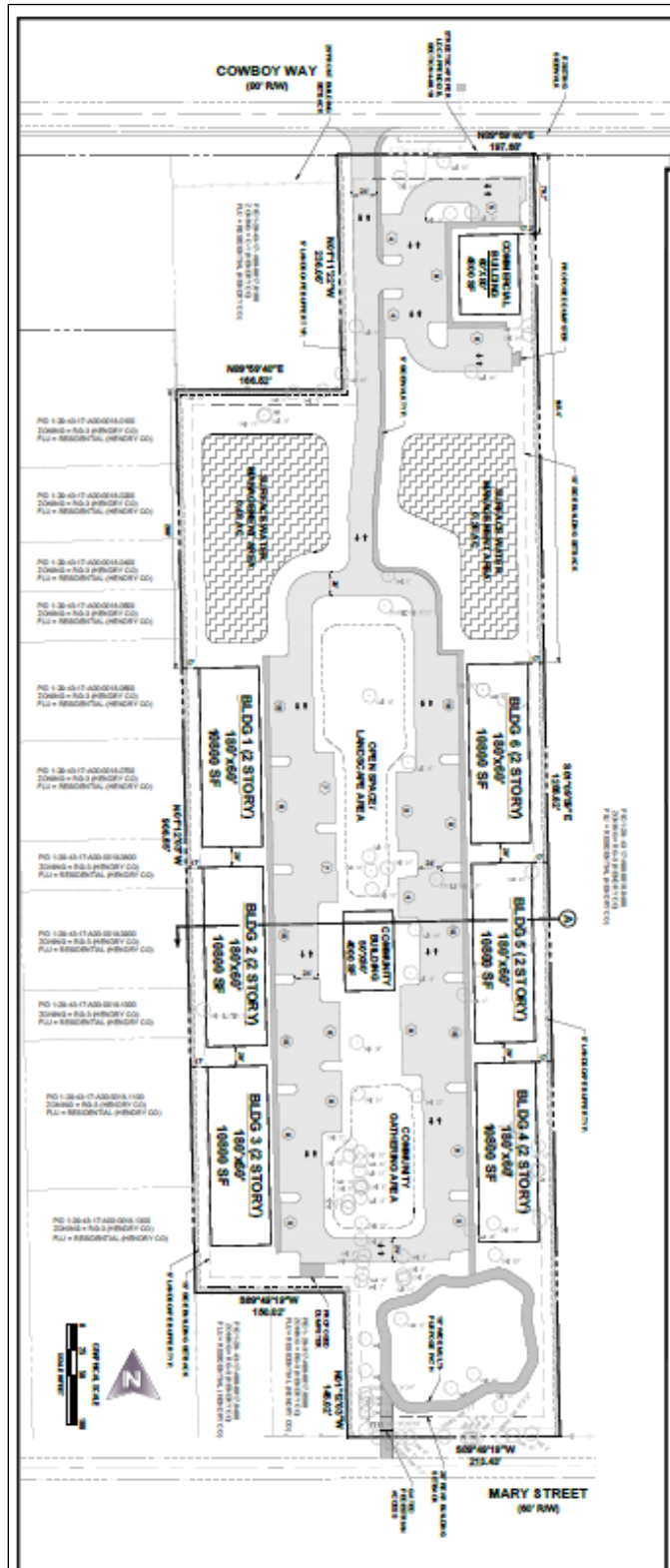
	Multi-Family ¹	Commercial	Amenity/Clubhouse
Min. Lot Size	N/A	5,000 SF	N/A
Min. Depth	N/A	100'	N/A
Min. Width	N/A	50'	N/A
Maximum Height ⁽¹⁾	45' ² / ₂ stories	35' ² / ₂ stories	35' ² / ₂ stories
Maximum Lot Coverage	40%	50%	40%
Minimum Unit Size	800 SF	N/A	N/A
BUILDING SETBACKS			
Street/Front	25'	25'	25'
Side	15'	15'	15'
Rear (Principal)	20'	20'	20'
Rear (Accessory)	5'	10'	5'
Waterbody	20'	20'	20'
Minimum Building Separation	¹ / ₂ Building Height	15'	15'

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1. Multi-family buildings must be setback from the PUD perimeter a distance equal to ¹/₂ the building height, as defined in the LDC.

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EXHIBIT D MASTER CONCEPT PLAN



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ITEM 4

LOCAL STATE OF

EMERGENCY

EXTENSIONS

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CITY OF LABELLE, FLORIDA

RESOLUTION NO. 2020-48

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF LABELLE, FLORIDA RATIFYING THE
DECLARED STATE OF LOCAL EMERGENCY WHICH
PROVIDED FOR EMERGENCY GOVERNMENTAL
OPERATIONS RELATED TO COVID-19 AND ACTIONS
TAKEN IN CONJUNCTION WITH HENDRY COUNTY;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of LaBelle places the highest premium on safety of life and property in the City during natural disasters, including pandemics; and

WHEREAS, both the World Health Organization and federal Centers for Disease Control and Prevention (CDC) recognize the novel and virulent danger posted by COVID-19, having declared it a worldwide pandemic; and

WHEREAS, the Governor of the State of Florida signed Executive Order 20-52, wherein he found that a State of Emergency exists within the State of Florida pursuant to Chapter 252, Florida Statutes; and

WHEREAS, Chapter 252, Florida Statutes, authorizes municipalities to declare a state of local emergency and to waive procedures and formalities otherwise required of municipalities to take whatever prudent action is necessary to ensure the health, safety, and welfare of the City in the event of a state of local emergency; and

WHEREAS, the City of LaBelle relies on the City Commission and staff for leadership during storm events; and

WHEREAS, the Chapter 20 of the Labelle Code authorizes they Mayor to declare a state of emergency to respond to the emergency should a quorum of the City Commission be physically unable to meet; and

WHEREAS, the Mayor pursuant to the aforementioned executed Resolution 2020-15 on May 14, 2020 ratifying Resolutions 2020-08, 2020-09, 2020-10, 2020-11, 2020-12, 2020-13 and 2020-14 to respond to the threat posed by COVID-19; and

WHEREAS, the Mayor pursuant to the aforementioned executed Resolution 2020-22 on June 11, 2020 ratifying Resolutions 2020-17, 2020-19, 2020-20 and 2020-21 to respond to the threat posed by COVID-19; and

WHEREAS, the Mayor pursuant to the aforementioned executed Resolution 2020-30 on July 9, 2020 ratifying Resolutions 2020-23, 2020-27, 2020-28 and 2020-29 to respond to the threat posed by COVID-19; and

49 **WHEREAS**, the Mayor pursuant to the aforementioned executed Resolution 2020-41
50 on August 13, 2020 ratifying Resolutions 2020-36, 2020-37, 2020-38, 2020-39 and 2020-40
51 to respond to the threat posed by COVID-19; and

52
53 **NOW, THEREFORE**, be it resolved by the City Commission of the City of LaBelle, Florida
54 that the City of LaBelle hereby resolves to ratify Resolutions 2020-42, 2020-45, 2020-46,
55 2020-47 to continue to respond to the threat posted by COVID-19.

56
57 **Section 1.** The recitals above are hereby incorporated herein.

58
59 **Section 2.** The Mayor was provided plenary authority on behalf of the City
60 Commission of the City of LaBelle to take all actions necessary for protection of persons and
61 property authorized by law.

62
63 **Section 3.** All actions taken by the Mayor during the state of local emergency
64 including the prior Declaration of Local Emergency, including any extensions thereof is hereby
65 ratified.

66
67 **Section 5.** This Resolution shall take effect immediately upon adoption.

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70 **ADOPTED BY THE CITY COMMISSION** of the City of LaBelle, Florida this
71 _____ day of _____, 2020.

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73
74 **CITY OF LABELLE, FLORIDA**

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76
77 By: _____
78 David A. Lyons, Mayor

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80
81 Attest:
82
83
84 By: _____
85 Thomas A Smith,
86 Clerk-Commissioner

87
88
89 Reviewed for legal sufficiency:

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91
92 By: _____
93 Derek Rooney, Esq., City Attorney

94
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96

		AYE	NAY
97	Vote:		
98			
99	Mayor Lyons	_____	_____
100	Commissioner Smith	_____	_____
101	Commissioner Wilkins	_____	_____
102	Commissioner Akin	_____	_____
103	Commissioner Kelley	_____	_____

TAB G
OLD BUSINESS

TAB H
NEW BUSINESS



 CONSTRUCTION

 HOME SERVICES

 PROPERTIES &
REAL ESTATE

 ROOFING



June 1, 2020

City of LaBelle
Board of Commissioners
LaBelle, FL

RE: Oakwood Terrace

Members of the City Commission,

I am writing to request consideration by the board regarding the waiver all or in part or deferral of permit, impact, and "utility connection" fees pertaining to the development and construction of the Oakwood Terrace project. I am also requesting consideration for "Tax Abatement" on same.

I understand that not all fees can be waived due to existing covenants that the City is subject to, however I do ask that all fees associated with the project be taken into consideration.

The deferral of any fees that can't be waived outright would reduce the amount of up-front costs and allow them to be spread over a defined period of time. This reduction would facilitate project financing and allow for greater flexibility with regard to rent amounts. I am proposing a deferral / installment payment period of 5 years for any un-waived amount. The balance can be secured by a lien on the property.

Tax Abatement would also be a tremendous help with regard to keeping rent amounts lower. Based on an assessed value of \$6.5 million, if the City agrees to the tax abatement, it would mean a savings of roughly \$418.00 per year for each tenant. That is almost \$35/ month that we would be able to lower the rent.

Thank you for your consideration in this matter. I look forward to working with the City to make this project a success.

Regards,

Derek Beck
Owner

City of Labelle "FEES"

Meter Charge - INSIDE CITY		
5/8"	\$	738.07
1"	\$	994.38
1 1/2"	\$	1,656.44
2"	\$	1,980.31
Water Impact Fee	\$	3,378.24
Sewer Impact Fee	\$	3,045.00
Sewer Connection Fee	\$	335.02
Total:	\$	3,380.02
Total for 5/8"	\$	7,496.33
Total for 1"	\$	7,752.64
Total for 1 1/2"	\$	8,414.70
Total for 2"	\$	8,738.57

Meter Charge - OUTSIDE CITY		
5/8"	\$	785.81
1"	\$	1,059.00
1 1/2"	\$	1,764.03
2"	\$	2,109.20
Water Impact Fee	\$	4,222.80
Total for 5/8"	\$	5,008.61
Total for 1"	\$	5,281.80
Total for 1 1/2"	\$	5,986.83
Total for 2"	\$	6,332.00

Project Usage for COMMERICAL:
Estimate Total Gals / by 7 x Impact Fee (105/7 = 15; 15 x 3378.24 = 50,673.60) Water (15 x 3,045 = 45,675) Sewer
Ex: Total FEE 50,673.60 + 45,675 = 96,348.60

Meter Charge - INSIDE CITY		
5/8"	\$	738.07
1"	\$	994.38
1 1/2"	\$	1,656.44
2"	\$	1,980.31
Water Impact Fee	\$	3,378.24
NO SEWER	\$	-
Total for 5/8"	\$	4,116.31
Total for 1"	\$	4,372.62
Total for 1 1/2"	\$	5,034.68
Total for 2"	\$	5,358.55

Culverts:		
15" x 24"	\$	384.80
Bands	\$	36.44
18" x 24" Round	\$	400.00
Installation	\$	100.00
<i>7% Sales Tax Except on Installation</i>		

Other Charges:		
Damaged Meter	Actual Cost	
Trip Charge	\$	15.00
Reconnect Charge after hrs.	\$	68.00
Turn On/New Deposits	\$	27.00
Normal Reconnect Fee	\$	27.00
Broken/Missing Lock	\$	30.00
Returned Check/NSF	\$	42.00
Disconnect Processing Fee	\$	55.00
Broken/Damaged Angle Valve	\$	75.00

*The **ERC** (Estimated Residential Consumption) for Resident is 7000 Gals/Month
Fixed Demand - portion that pays the debt of the water treatment plant (reverse osmosis),
salaries, insurance, and routine maintenance.*

Commodity Charge - unit of (1000 gallons that you use a month)

Annexation - water outside city limits changes to inside must change code
Application for Annexation \$1,000.00
Application for Special Exception \$425.00
Application for Special Exception \$625.00

**LEASE BETWEEN CITY OF LABELLE
AND COUNTRY VILLAGE PROPERTY OWNERS' ASSOCIATION, INC.**

THIS LEASE (the "Lease") is made this ___ day of _____, 2020, between the City of LaBelle, a Florida municipal corporation, hereinafter referred to as the "Tenant", which term shall mean and include its successors and assigns, wherever the context hereinafter so requires or admits; and the Country Village Property Owners' Association, Inc., a Florida not-for-profit corporation, referred to herein as "Landlord", which term shall mean and include the Landlord and its successors and assigns wherever the context hereinafter so requires or admits.

WHEREAS, the Tenant owns a tract of land with Parcel ID No. 2-29-43-10-A00-0001.0000 on which the Hendry-LaBelle Recreation Board is constructing recreational facilities, including baseball fields (hereinafter referred to as the Hendry-LaBelle Regional Sports Complex); and

WHEREAS, in order for one of the baseball fields to have appropriate dimensions, 13,050 square feet (45' X 290') of Landlord's land is needed; and

WHEREAS, Tenant and Landlord desire to enter into this Lease on the terms and conditions set forth below to provide Tenant with the land necessary for the baseball field and appurtenant facilities.

NOW, THEREFORE, in consideration of the covenants and conditions herein contained and for \$10.00 and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Recitals. The above Recitals are true and correct and are incorporated herein by reference.

2. Description of Premises. Landlord leases to Tenant the premises located in LaBelle, Hendry County, Florida, described more particularly as follows:

The approximately 13,050 square foot area adjacent to the Hendry-LaBelle Regional Sports Complex in the approximate location depicted on Exhibit "A" attached hereto and incorporated herein by this reference (hereinafter referred to as the "Recreation Area") together with a _____ foot utility easement in the approximate location depicted on Exhibit "B" attached hereto and incorporated herein by this reference (the "Utility Easement") which such Recreation Area and Easement are part of Parcel ID No. 4-29-43-10-HP1-000B-001.0, Hendry County, Florida with a physical address of 1 Commodore Place, Port LaBelle (the Recreation Area and Utility Easement are collectively referred to herein as the "Premises"). Simultaneously with the execution of this Lease, the parties shall record a document memorializing the Utility Easement in the public records of Hendry County, Florida.

3. Term. The initial term of this Lease shall be for a period of twenty-five (25) years, which term (hereinafter referred to as the "Initial Term") shall commence on _____, 2020 (hereinafter referred to as the "Commencement Date") and shall end on the last day of the 300th month after the Commencement Date, subject to renewal in accordance with the following section.

4. Option to Renew. Provided that Tenant is not in default in the performance of this Lease, Tenant shall have the option to renew the Lease for additional terms of twenty-five (25) years each commencing at the expiration of the Initial Term ("Renewal Term") or commencing at the expiration of any Renewal Term. All of the terms and conditions of the Lease shall apply during a Renewal Term. The option shall be exercised by written notice given to Landlord not less than ninety (90) days prior to the expiration of the Initial Term or any Renewal Term.

5. Rent. In exchange for the use of the Premises, Tenant shall be responsible for procuring the insurance required hereunder and maintaining the Premises at its sole cost and expense.

6. Maintenance. Tenant shall, at its own expense and at all times, maintain the Premises in good and safe condition and shall surrender the same at termination hereof in as good condition as received, normal wear and tear excepted. Tenant shall be responsible for all repairs required during the term of the Lease.

7. Utilities. Tenant shall supply and be responsible for all costs associated with the electricity required for the operation the baseball field. All applications and connections for necessary utility services on the Premises shall be made in the name of Tenant, and Tenant shall be solely liable for utility charges as they become due, including those for sewer, water, gas, electricity and telephone services to the extent applicable.

8. Alterations. Tenant, at its sole discretion, may make any alterations, additions, or improvements in, to or about the Premises including installation of batting and pitching cage(s), lighting and fencing around the boundary of the Premises without the Landlord's consent.

9. Use of Premises, Restrictions on Use and Event Scheduling. The Tenant may use the Premises for recreational purposes only. Tenant may allow third parties to use the Premises for public and private recreational group activities/events. All third party requests for use of the Premises shall be made directly to Tenant and Tenant shall be responsible for scheduling all group activities /events.

10. Compliance With Laws. The Tenant shall comply with all laws, rules, ordinances and regulations of any and all duly constituted authorities having jurisdiction, concerning or affecting the Premises.

11. Easements, Agreements, or Encumbrances. The parties shall be bound by all existing easements, agreements, and encumbrances of record.

12. Property Damage. Tenant shall pay for any and all damage to the Premises and damage to or loss of any of the property or equipment of the Landlord and/or any other property of Landlord or of any person resulting from the activities or use of the Premises by the Tenant or Tenant's agents, licensees, or invitees.

13. Tenant's Property. Any property brought onto the Premises by the Tenant shall be at the sole risk of the Tenant.

14. Liability Insurance. The Tenant will, at its own expense, procure, and at all times during the term of this Lease continue in force and effect, public liability insurance on said Premises against any and all claims for injuries, including death, to persons and/or damages to property occurring in, upon or about the Premises and every part thereof, such liability insurance to be in an amounts no less than: (i) One Million Dollars (\$1,000,000.00) for each person for bodily injury and (ii) Two Million Dollars (\$2,000,000.00) for each accident, for bodily injury, and (iii) One Hundred Thousand Dollars (\$100,000.00) property damage. The Tenant shall provide Landlord with a certificate of insurance evidencing such coverage.

15. Release, Indemnification and Waiver. Tenant, as inducement to the Landlord to enter into this Lease, expressly agrees to the following:

(a) Tenant, with the intention of binding itself, its legal representatives, and assigns, expressly releases and discharges the Landlord from all claims or demands for injury, loss or damage, whatsoever, which Tenant or anyone claiming through or under Tenant, may have against the Landlord arising out of Tenant's use of the Premises except to the extent the injury, loss or damage results from the Landlord's negligence or fault.

(b) Tenant further expressly agrees to assume and bear full and total responsibility for all injury, loss or damage arising out of Tenant's use of the Premises, and will indemnify and hold the Landlord harmless for any and all liability for such injury, loss or damage except to the extent the injury, loss or damage results from the Landlord's negligence or fault, including reimbursing the Landlord for all costs, expenses and reasonable attorney's fees incurred by the Landlord for defending any legal action or claims, including through all appeals.

(c) Notwithstanding the forgoing, Tenant's does not waive or agree to any liability inconsistent with the provisions of Section 768.28, Florida Statutes, as amended.

16. Assignment, Sublease, or License. Tenant shall not be allowed to assign or sublease the Premises, or any right or privilege connected therewith without first obtaining the written consent of Landlord, which such consent shall not be unreasonably, withheld, conditioned or delayed. However, Landlord hereby expressly agrees to the assignment of Tenant's rights and obligations hereunder to the Hendry-LaBelle Recreation Board.

17. Landlord's Remedies on Default. If Tenant defaults in the performance of any of the covenants or conditions hereof, Landlord may give Tenant notice of such default and if Tenant does not cure any such default within fifteen (15) days, after the giving of such notice (or if such default is of such nature that it cannot be completely cured within such period, if Tenant does not commence such curing within such fifteen (15) days and thereafter proceed with reasonable diligence and in good faith to cure such default), then Landlord may terminate this Lease on not less than thirty (30) days' notice to Tenant. On the date specified in such notice, the term of this Lease shall terminate, and Tenant shall then quit and surrender the Premises to Landlord. If this

Lease shall have been so terminated by Landlord, Landlord may at any time thereafter resume possession of the Premises by any lawful means and remove Tenant or other occupants and their effects.

18. Waiver. The failure of either of the parties hereto in one or more instances to insist upon strict performance or observance of one or more of the covenants or conditions hereof, or to exercise any remedy, privilege, or option herein conferred upon or reserved to such party, shall not operate and not be construed as a relinquishment or waiver for the future of such covenant or condition or of the right to enforce the same or to exercise such privilege, option, or remedy, but the same shall continue in full force and effect.

19. Surrender of Possession. Tenant shall, on the last day of the term, or on earlier termination and forfeiture of the lease, peaceably and quietly surrender and deliver the Premises to Landlord.

20. Notices. All notices and demands required hereunder shall be given in writing. All notices and demands shall be sent by hand delivery, commercial overnight carrier, or U.S. certified or registered mail, postage prepaid, addressed as follows:

To Tenant: City of LaBelle
 Attention: City Clerk
 481 West Hickpochee Avenue
 LaBelle, Florida 33935

To Landlord: Country Village Property Owners' Association, Inc.
 Attention: _____
 #1 Commodore Place
 Port LaBelle, Florida 33935

Notices shall be deemed to have been served upon the party to whom addressed upon delivery, unless mailed, in which event upon deposit in the U.S. mail. Either party may change its address by giving written notice of change to the other party.

21. Total Agreement; Construction; Applicable to Successors. This Lease contains the entire agreement between the parties and cannot be changed or terminated except by a written instrument subsequently executed by the parties hereto. This Lease has been negotiated by Tenant and Landlord and this Lease shall not be deemed to have been prepared by either party and each of them shall be deemed to have participated equally in the preparation hereof. This Lease and the terms and conditions hereof apply to and are binding upon the successors and assigns of both parties.

22. Applicable Law. This Lease shall be governed by and construed in accordance with the laws of the State of Florida.

23. Time of the Essence. Time is of the essence and in all provisions of this Lease.

24. Severability. If any term or provision of this Lease shall to any extent be held to be invalid or unenforceable under the applicable law, the remaining provisions of this Lease shall not be affected thereby but shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

TENANT:

Witnesses:

City of LaBelle

Print name: _____

By: _____
Print Name: _____
Title: _____

Print name: _____

LANDLORD:

Country Village Property Owners'
Association, Inc.

Print name: _____

By: _____
Print Name: _____
Title: _____

Print name: _____

8-21-2020

CITY CLERK

BAD DEBT WRITE OFF LIST THUR SEPTEMBER 2020

NAME	ACCT.-#	WATER	SEWER	GARBAGE	OTHER	FINAL BILL	DEPOSIT	WRITE OFF
ABARCA PACHECO, SERGIO DANIEL	1443-8	\$ 239.77	\$ 165.41			\$ 405.18	\$ (155.00)	\$ 250.18
ARRIOLA, ADRIANNA LYNN	1414-3	\$ 127.43	\$ 117.46			\$ 244.89	\$ (168.25)	\$ 76.64
BEARD, JEFFREY LEROY	453-2	\$ 245.19	\$ 179.25	\$ 87.28		\$ 511.72	\$ (205.00)	\$ 306.72
BENITEZ, JESSICA	174-3	\$ 62.91				\$ 62.91		\$ 62.91
BILLIE, ALLEGRA SOLIE	1072-10	\$ 346.55	\$ 79.83	\$ 87.28		\$ 433.83	\$ (140.00)	\$ 293.83
CLARK, FILOMENA	1134-6	\$ 99.02	\$ 104.40	\$ 58.02		\$ 236.87	\$ (205.00)	\$ 31.87
CALZADA, ANA	1449-2	\$ 107.72	\$ 104.40			\$ 212.12	\$ (155.00)	\$ 57.12
CAMARATTA, PAUL	1006-4	\$ 247.63	\$ 77.27	\$ 33.21		\$ 378.25		\$ 378.25
COLEMAN, JAHZI EUGENE MICHAEL	945-3	\$ 139.52	\$ 105.03	\$ 72.99		\$ 317.54	\$ (218.25)	\$ 99.29
COX, SHILO LASHAE	1473-6	\$ 37.39	\$ 42.24	\$ 32.06		\$ 111.69		\$ 111.69
DAVIS, FREDERICK TYRONE	433-2	\$ 151.22	\$ 105.36	\$ 85.50		\$ 342.08	\$ (205.00)	\$ 137.08
DE LA C ESCANDELL PEREZ, GREYS	1204-3	\$ 25.26		\$ 17.75		\$ 43.01		\$ 43.01
DELEON, HECTOR CAMERON	345-3	\$ 124.76			\$ 22.83	\$ 147.59		\$ 147.59
DELLER, SALLY	2034-1	\$ 40.21	\$ 23.52			\$ 63.73		\$ 63.73
DOMINGO, ANIBAL PEREZ	99-5	\$ 36.97				\$ 36.97		\$ 36.97
DOUGLAS, OTOVAE PATRICK	1910-7	\$ 190.56	\$ 149.14	\$ 98.10		\$ 437.80	\$ (205.00)	\$ 232.80
DUNLAP, RUBY	536-0	\$ 44.13	\$ 60.44	\$ 7.46		\$ 51.59		\$ 51.59
EATON III, KENNETH BRUCE	1502-6	\$ 56.72	\$ 60.44	\$ 32.64		\$ 149.80		\$ 149.80
ESTATE OF JEWELL BALLARD	156-0	\$ 413.13			\$ 55.00	\$ 428.13	\$ (40.00)	\$ 428.13
GARCIA, JESSICA	2102-7	\$ 270.24	\$ 172.31	\$ 103.25		\$ 545.80	\$ (205.00)	\$ 340.80
GIRON, SUYIN ESCOBAR	1391-7	\$ 283.69	\$ 178.72		\$ 42.69	\$ 505.10	\$ (155.00)	\$ 350.10
GONZALEZ, ENRIQUE JR	1595-7	\$ 260.26	\$ 178.72	\$ 85.50	\$ 13.33	\$ 359.09	\$ (140.00)	\$ 219.09
HALL, PHEONIX MONORE PATTISON	1393-2	\$ 164.89	\$ 121.08		\$ (55.00)	\$ 285.94	\$ (155.00)	\$ 130.94
JOHNSON, JEANNIE	1178-0	\$ 80.42	\$ 28.66	\$ 55.50		\$ 169.58	\$ (65.00)	\$ 104.58
JOLE, TIFFANY ELISEE	1921-4	\$ 374.27	\$ 220.00			\$ 594.27	\$ (155.00)	\$ 439.27
KUNZ, CRISTAL J	673-6	\$ 31.30		\$ 10.65		\$ 41.95		\$ 41.95
LOMINECK, BARBARA ANN	1893-0	\$ 144.01		\$ 68.64		\$ 212.65	\$ (124.75)	\$ 87.90
LUNA, DANIEL OMAR HERNANDEZ	620-6	\$ 26.64	\$ 36.79	\$ 26.63		\$ 90.06		\$ 90.06
MACIEL, ESTEBAN XAVIER	1414-2	\$ 239.70	\$ 134.75		\$ 34.19	\$ 408.64	\$ (155.00)	\$ 253.64
MILLER, RACHEL ZOE	344-2	\$ 123.12				\$ 123.12	\$ (90.00)	\$ 33.12
NIXION, TIAR QUARASHINA	407-2	\$ 93.03	\$ 76.89	\$ 58.08		\$ 228.00	\$ (205.00)	\$ 23.00
O'REILLY LEON, LEIDYS	1462-5	\$ 90.00	\$ 79.17	\$ 63.83		\$ 233.00	\$ (205.00)	\$ 28.00
PACK, OLA ESTELLE	1632-1	\$ 28.94	\$ 50.98	\$ 23.08		\$ 103.00		\$ 103.00
PASELER, TAMILLA MONYA	872-4	\$ 14.69		\$ 17.75		\$ 32.44		\$ 32.44
PEREZ, JOSE LUIS R & ALICA GAR	220-1	\$ 297.81				\$ 297.81		\$ 297.81
POMPA, NORMA JEAN	1125-6	\$ 327.55	\$ 86.76	\$ 35.50		\$ 465.94		\$ 465.94
RAGHUNANAN, KUMAR	993-3	\$ 93.43	\$ 72.65	\$ 50.00		\$ 216.08	\$ (205.00)	\$ 11.08
RAMIREZ, MIGUEL	672-4	\$ 263.45		\$ 103.25	\$ (55.00)	\$ 366.70	\$ (140.00)	\$ 226.70

SUB-TOTAL \$ 5,943.53 \$2,468.11 \$ 1,313.95 \$ 9,725.59 \$ (3,696.25) \$ 6,238.62

OWNER DECEASED

Incarcerated

NAME	ACCT.-#	WATER	SEWER	GARBAGE	OTHER	FINAL BILL	DEPOSIT	WRITE OFF
BERT COX JR ESTATE	811-0	\$ 3,501.54	\$2,502.81	\$ 53.25		\$ 6,057.60		\$ 6,057.60
CAMPBELL, CELESTE	2190-1	\$ 1,232.65	\$ 639.16	\$ 15.42	\$ 55.00	\$ 1,942.23		\$ 1,942.23
CULLIVER, MARY ESTATE	417-0	\$ 3,894.45	\$3,001.59	\$ 80.00		\$ 6,976.04		\$ 6,976.04
DUBOIS, DONNA	15-0	\$ 3,875.48				\$ 3,875.48		\$ 3,875.48
ESTATE OF DENNIS BARRY	2391-2	\$ 90.00	\$ 5.26			\$ 210.26		\$ 5.26
ESTATE OF DILSEY GRAHAM BROWN	462-0	\$ 1,353.61	\$ 794.21	\$ 53.25	\$ 55.00	\$ 2,256.07		\$ 2,256.07
RAMOS, SALVADOR HERNANDEZ	220-0	\$ 430.09			\$ 55.00	\$ 485.09		\$ 485.09
RIVERA, JULIO JR	925-2	\$ 228.74	\$ 155.62	\$ 97.50	\$ 30.00	\$ 511.86		\$ 306.86
RODRIGUEZ, PEDRO ANTONIO	196-4	\$ 137.52				\$ 137.52		\$ 137.52
SEGURA ALVAREZ, MELQUIADES	82-3	\$ 130.08				\$ 130.08		\$ 40.08
TORRES, SANDRA MARIE	938-1	\$ 269.45	\$ 112.14	\$ 43.52		\$ 425.11		\$ 425.11
VELASQUEZ, LISA	815-2	\$ 248.72	\$ 154.86	\$ 92.87	\$ 55.00	\$ 551.45		\$ 346.45
VILLAGOMEZ, DELIA B	83-4	\$ 114.34			\$ 55.00	\$ 114.34		\$ 24.34
WISNEWSKI, JOSEPHINE E	2000-6	\$ 144.25	\$ 101.65	\$ 68.64		\$ 314.54		\$ 109.54
								\$ -
								\$ -
								\$ -
TOTAL		\$15,650.92	\$7,467.30	\$ 504.45		\$ 23,987.67	\$ (1,000.00)	\$ 29,226.29

Fixed Demand /owner Deceased
Fixed Demand
Fixed Demand
Fixed Demand /owner
Fixed Demand /owner Deceased

PROPOSED BUDGET AND SCOPE-OF-WORK

I. PROPOSED BUDGET

Category	Anticipated Expenditure Amount
Salary and Benefits	\$0
Other Personal/Contractual Services	\$90,000.00
Administrative Expenses (Limited to no more than 5%)	\$0
Expenses	\$0
Operating Capital Outlay	\$0
Fixed Capital Outlay	\$0
Total Expenditures	\$90,000.00

II. BACKGROUND

As documented by Chapter 2020-111, Laws of Florida, Section 6, Specific Appropriation 2626, the Legislature and the Governor allocated \$90,000.00 of nonrecurring funds for “City of LaBelle Lift Station Emergency Generators”:

2626 SPECIAL CATEGORIES, GRANTS AND AIDS - EMERGENCY MANAGEMENT PROGRAMS

FROM GENERAL REVENUE FUND. 3,841,147

From the funds in Specific Appropriation 2626, \$1,841,147 of nonrecurring funds from the General Revenue Fund shall be allocated as follows: (in part)

City of LaBelle Lift Station Emergency Generators
 (HB 3087)(Senate Form 1030).....90,000

III. SCOPE OF WORK

A. Per Chapter 2020-111, Laws of Florida, Section 6, Specific Appropriation 2626 funds are allocated to the Recipient for acquisition of generators, associated equipment and installation at five (5) lift stations.

B. Eligible reimbursable costs for the generator installation include, but not limited to: architectural and engineering services and fees; construction management services and fees; site survey and soil testing; necessary permits and fees; civil and utilities site work; site safety, security and soil erosion and sediment control measures; lightning protection; purchase of generator and associated equipment; installation at Recipient’s .

C. The Recipient shall provide an initial timeline and estimated reimbursement allocation schedule. Table SW-1, “Initial Timeline and Estimated Reimbursement Allocation Schedule” or other similar instrument as approved by the Division may be used.

D. The project must meet all applicable standards, codes, regulations, rules and ordinances.

IV. TASK PRODUCTS

A. Per scope-of-work item III.C, Recipient shall prepare an initial timeline with key milestone activities/tasks schedule, including estimated start and end dates for each activity, and an estimate of state reimbursement request for each activity. Table SW-1 may be used to meet this deliverable.

B If applicable, the Recipient shall provide one (1) set of substantially complete (approximately 90 percent) preliminary design/permit documents (drawings and specifications manual) or other documents as required by authority having jurisdiction for review and comment by the Division.

C. If applicable, the Recipient shall provide one (1) set of near-bid ready or pre-construction design/permit documents (approximately 90 percent) or other documents as required by authority having jurisdiction for review and comment by the Division.

D. If applicable, the Recipient shall provide one (1) set of final or “as-built” construction documents certified by the applicable registered or licensed design professional(s) of record upon completion of the project, or other documents as required by authority having jurisdiction.

E. The Recipient shall provide the Division with copy(s) of pertinent construction and regulatory permits, observation/inspection reports (if any), certificate of completion (or written acceptance of completed work by building official or authority having jurisdiction), and photographs documenting pre-construction conditions and post-construction completed work.

V. DELIVERABLES

Reimbursement for project costs shall be based on the percentage of completion of the project. Any request for reimbursement shall provide adequate and complete source documentation to support all costs related to the project. In some situations the project may not be fully complete prior to requesting reimbursement of costs incurred toward completion of this scope-of-work; therefore, a partial reimbursement may be requested. For full or partial reimbursement requests, the Recipient shall include a sworn Affidavit or American Institute of Architects (AIA) forms G702 and G703, as required below.

A. Affidavit. The Recipient is required to submit an Affidavit signed by the Recipient’s project personnel with each reimbursement request attesting to the following: the percentage of completion of the work that the reimbursement request represents, that

disbursements or payments were made in accordance with all of the agreement and regulatory conditions, and that reimbursement is due and has not been previously requested.

B. AIA Forms G702 and G703. For construction projects where an architectural, engineering or construction management firm provides construction administration services, the Recipient shall provide a copy of the American Institute of Architects (AIA) form G702, *Application and Certification for Payment*, or a comparable form approved by the Division, signed by the contractor and inspection/certifying architect or engineer, and a copy of form G703, *Continuation Sheet*, or a comparable form approved by the Division.

VI. FINANCIAL CONSEQUENCES

If Recipient fails to comply with any term of the grant, the Division shall take one or more of the following actions, as appropriate in the circumstances:

1. Temporarily withhold cash payments pending correction of the deficiency by the recipient;
2. Disallow all or part of the cost of the activity or action not in compliance;
3. Withhold further funding; or,
4. Take other remedies that may be legally available.

VII. SCHEDULE OF WORK

A. By September 30, 2020, the Recipient shall provide the Division with Task Product IV.A for review and approval. Failure to supply the required documentation, or disapproval of this documentation by the Division, shall result in denial or reduction of funds at the sole discretion of the Division.

B. By September 30, 2020 and at least on a quarterly basis thereafter, Recipient shall report on progress in relation to the initial timeline, and submit an invoice for reimbursement for work accomplished in accordance with the Division approved cost reimbursement allocation table referenced in Task Product IV.A.

C. By mutually agreed upon date(s), the Recipient shall provide the Division with Task Products IV.B through IV.E, and Deliverables V.A or B (as applicable) for review and approval. Failure to supply the required documentation, or disapproval of this documentation by the Division, shall result in denial or reduction of funds at the sole discretion of the Division.

D. By June 30, 2021, the Recipient shall provide a copy of the certificate of occupancy or completion, close-out documentation and final payment invoice.

[Type here]

[Type here] City of LaBelle Lift Station Generators

Table SW-1. Initial Timeline and Estimated Reimbursement Allocation Schedule				
Project Name: <u>City of LaBelle Lift Station Emergency Generators</u>				
PROJECT PHASE	Start Date	End Date	DEM Funds (FY 2020-2626)	Other Funds
Board Contract Approval				
Initial Payment of 20% in first quarter (if requested)				
Architectural & Engineering Services Firm Selection				
Site Survey and Soil Testing				
Preliminary Design, 90% complete				
Bid-Ready Design, 100% complete				
Regulatory Review				
Bid Document(s) Development & Award				
Notice to Proceed/Mobilization				
Civil/Site Work Phase				
Construction 25% Complete				
Construction 50% Complete				
Construction 100% Complete				
Administrative Fees; maximum of 5%				
Sub-Totals			\$90,000.00	
TOTAL Estimated Project Cost				

A/E - Architectural and Engineering; DEM – Division of Emergency Management; FY - Fiscal Year

**FIRST AMENDMENT TO THIRD AMENDED AND
RESTATED INTERLOCAL RECREATION AGREEMENT**

THIS AGREEMENT made and entered into this _____ day of _____, 2020, amends that certain agreement made the 11th day of December, 2018, between HENDRY COUNTY, a political subdivision of the State of Florida, hereinafter called “County”, and the CITY OF LABELLE, a municipal corporation existing under the laws of Florida, hereinafter called “City”, providing for recreational programs to residents of the City and unincorporated areas in the western part of the County.

WHEREAS, County and City entered into the Third Amended and Restated Interlocal Recreation Agreement on December 11, 2018, hereinafter called “Agreement”, to cooperate on the provision of recreational facilities and programs within the City and within the unincorporated areas in the western part of the County; and

WHEREAS, the parties desire to amend the Agreement to add lower assessment amounts for recreational vehicle park rental lots, recreational park fee simple lots and hotel/motel rooms.

NOW, THEREFORE, COUNTY AND CITY AGREE TO AMEND THE THIRD AMENDED AND RESTATED INTERLOCAL RECREATION AGREEMENT AS FOLLOWS:

1. Section Two of the Agreement is hereby modified as follows (deletions shown by ~~strike through~~, additions shown by underline):

Section Two: Special Assessments

- 2.1 The City shall assess and collect a special assessment of \$100.00 from each residence and \$50.00 from each recreational vehicle park rental lot, recreational vehicle park fee simple lot and hotel/motel room within the City of LaBelle. Similarly, the County shall assess and collect a special assessment of \$100.00 from each residence and \$50.00 from each recreational vehicle park rental lot, recreational vehicle park fee simple lot and hotel/motel room within the West Hendry County Recreational Municipal Service Benefit Unit. The proceeds from such special assessments shall be jointly appropriated each year, along with such other moneys as determined by City and County, for recreational expenditures consistent with this Agreement except as provided in Section 2.3.
- 2.2 These special assessments may be amended from year to year by subsequent agreement of the City and County, provided, however, that the special assessments adopted by the City and County shall be of an equal amount and shall be adequate to fund the operations of the Board. Operations of the Board shall include scheduled payment of debt, liabilities or other obligations incurred for those purposes set forth in Section 1.4 above. Nothing in this agreement shall preclude either the City or the County from appropriating funds (in

addition to the special assessment) to the Board for any recreational facility included in this Agreement.

- 2.3 Each party retains the right to increase its special assessment relative to and independent of the other for their own purposes provided, however, that the other party does not match the increase. Specifically, "own purposes" means that each party may utilize the incremental increase not mirrored by the other for recreational purposes outside of this Agreement. However, any subsequent increase or match by the other party shall require the first increasing party to appropriate funds for use by the Board consistent with this Agreement in equal proportion to the matching increase.

In all other ways the Third Amended and Restated Interlocal Recreation Agreement is unmodified.

HENDRY COUNTY

ATTEST:

Mitchell Wills, Chairman

Kimberley Barrineau, Ad Interim Clerk

CITY OF LABELLE

ATTEST:

David Lyons, Mayor

Thomas A. Smith, Clerk

TAB I
GENERAL
CORRESPONDENCE
(FYI)

TAB J
STAFF REPORTS



Thomas A. Smith
Commissioner

Daniel W. Akin
Commissioner

Julie C. Wilkins
Commissioner

David Kelley
Commissioner

“The City of Oaks”

David A. Lyons
Mayor

**SEPTEMBER 2020
PLANNING DEPARTMENT REPORT**

I. Planning, Zoning & Site Development Application Activity

Application Name	Application No.	Status	Ordinance No.
Wheeler Grove Comprehensive Plan Amendment	CPA2020-02; PUD2020-02	CPA Transmitted To DEO Final Public Hearing: October 8, 2020	Ordinance 2020-05 2020-06
Oakwood Terrace Site Construction Permit	SIT2020-01	Comments provided to Applicant/Under Review	N/A
7-Eleven N. Lee Street Site Construction Permit	SIT2020-02	Comments provided to Applicant/Under Review	N/A
LaBelle Riverside CPA & PUD	CPA2020-03 & PUD2020-04	Final Public Hearing: September 10, 2020	Ordinance 2020-12 2020-13
Disabled American Veterans PUD Amendment	PUD2020-05	LPA: September 10, 2020 Final Public Hearing: November 12, 2020	
First Baptist Church CPA/Rezone	CPA2020-04 & RZ2020-01	LPA Hearing: October 8, 2020	Resolution TBD
240 Selma Daniels Variance	VAR2020-02	Variance Board Continued due to lack of quorum: September 14, 2020	N/A

II. City-Initiated Land Development Code Amendments

LDC Amendment/Subject Area	Status	Ordinance
Industrial Wastewater Pre-Treatment Ordinance	Local Planning Agency: Jul 9, 2020	2020-11
Ford Park-Sunset Park-Pinewood-Englewood Mobile Home Replacement/New Construction via Administrative Approval	LPA: September 10, 2020 Final Hearing: November 12, 2020	TBD
Migrant Housing/”Family Definition”	In Process	

III. Zoning Map Corrections/City-Initiated Rezoning

- Yeomans Avenue PUD – 2018 City-Initiated Rezone. PUD allows multi-family but not single-family
- Lincoln Avenue I-1 and I-2 Zoning Issue

August Building Department Permits 2020

	Value	Cost
Misc		
Carport 1	2,000	69.00
Sheds 3	14,713.00	3 x 69.00 = 207.00
Shutters 1	8,411.98	96.00
Fence front only 1	300.00	34.00
Pool / enclosure	65,000	581.07
Commercial		
Signs 2	22,200	237.00
Mobile Homes 0		
Electrical 3		199.00
Mechanical 2	13,485	161.00
Addition 1	92,330	428.00
Reroofs 5	59,061	542.64
Value	212,565.98	
Total Collected	2,554.71	