



CITY OF OKEECHOBEE, FLORIDA
APRIL 18, 2023, REGULAR CITY COUNCIL MEETING
MEETING MINUTES

I. CALL TO ORDER

Mayor Watford called the regular meeting of the City Council for the City of Okeechobee to order on April 18, 2023, at 6:05 P.M. in the City Council Chambers, located at 55 Southeast (SE) 3rd Avenue, Room 200, Okeechobee, Florida. The invocation was offered by Pastor Emmaline Harris of Joseph Outreach Ministry; followed by the Pledge of Allegiance led by Council Member McAuley.

II. ATTENDANCE

Roll was taken by City Clerk Lane Gamiotea to establish a quorum. Members present: Mayor Dowling R. Watford, Jr., Vice Mayor Monica M. Clark, Council Members Noel A. Chandler, Robert "Bob" J. Jarriel, and David R. McAuley.

III. AGENDA AND PUBLIC COMMENTS

A. There were no requests for items to be added, deferred, or withdrawn from the agenda. However, Mayor Watford noted Item VI.C would be discussed before Item VI.B.

B. Motion and second by Council Member Jarriel and Vice Mayor Clark to approve the agenda as amended.
Motion Carried Unanimously.

C. There were no comment cards submitted for public participation for issues not on the agenda.

IV. PRESENTATIONS AND PROCLAMATIONS

A. Mayor Watford proclaimed the week of April 30 through May 6, 2023, as Municipal Clerks Week. The Proclamation was presented to Clerk Gamiotea, Deputy Clerk Heather Prince, and Administrative Secretary Katie Rogers and was read into the record as follows: **"Whereas, the Office of the Municipal Clerk, a time honored, vital part of local government exists throughout the world and is the oldest among public servants; and Whereas, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops, and the annual meetings of their state, provincial, county, and international professional organizations. Now Therefore, I, Dowling R. Watford, Jr., by virtue of the authority vested in me as Mayor of the City of Okeechobee, Florida, do hereby Proclaim the week of April 30 through May 6, 2023, as "Municipal Clerks Week." I further expand appreciation to our City Clerk, Lane Gamiotea, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent."**

V. CONSENT AGENDA

Motion and second by Council Members Jarriel and McAuley to:

A. Dispense with the reading and approve the Minutes from March 21, 2023, and April 4, 2023 [as presented];

B. Approve the February 2023 Warrant Register [in the amounts: General Fund, \$450,096.18; Public Facilities Improvement Fund, \$16,063.25; Capital Improvement Projects Fund, \$1,709.00; Industrial Development Fund, \$306,996.00 and Appropriations Grant Fund, \$675.00; as presented] and the March 2023 Warrant Register [in the amounts: General Fund, \$434,090.72; Public Facilities Improvement Fund, \$48,777.36; Capital Improvement Projects Fund, \$125,957.40; Industrial Development Fund, \$6,885.00; and Appropriations Grant Fund, \$675.00 as presented]; and

C. Reappoint Karyne Brass and Butch Berlin as Regular Members and Jon Folbrecht as an Alternate Member to the Planning Board, the Board of Adjustment, and the Design Review Board, terms being May 1, 2023, through April 30, 2026 [as presented in **Exhibit 1**].

Motion Carried Unanimously.

VI. NEW BUSINESS

A. In honor of Autism Awareness Month, Okeechobee County Sheriff Noel Stephen, Police Chief Donald Hagan, Okeechobee County Fire Rescue Chief Earl Wooten, and Public Relations Deputy Jack Nash presented information about a new program, Safer Alternative For Everyone ("S.A.F.E.") and its purpose to be implemented within the City and County to better the communication between its residents and all emergency first responders when arriving at an incident or scene.

VI. NEW BUSINESS CONTINUED

- A. Continued. The completely voluntary S.A.F.E. program provides for family members/caregivers of individuals who may be on the autism spectrum, have cognitive disabilities, physical disabilities, or other special needs, to register those individuals regarding critical information before an emergency occurs. By doing this, a notification will be provided when first responders are dispatched of the potential encounter, making those first responders better prepared to approach an individual depending on their needs. Additionally, when an individual is registered, they will receive decals to be strategically placed on the home entrance door or window, and/or on a vehicle, to alert first responders to be prepared to encounter someone who may not respond as expected in an emergency situation. Sheriff Stephen recently learned about the program through the Florida Sheriff's Association, it was initiated by Santa Rosas County Sheriff Robert Johnson. The information about implementing the Program was well received by the Council, all were congratulated for their efforts. An enrollment flyer and decal were distributed, a copy of which has been added to the official minute file.
- B. Utilizing a 16-slide power point presentation, Code Enforcement City Attorney Greg Hyden reviewed the proposed changes as recommended by Staff, to the Code Enforcement fine reduction procedures, as presented in **Exhibit 2** and provided below:

Code Section 18-38(b), delete the existing paragraph, and add: Fine reductions are only authorized for properties that have been brought into full compliance with City's Code of Ordinances and in which the property owner has no other open code violations or liens on any other property in the City. In evaluating a request for a reduction of any fine he/she has imposed, the Magistrate shall use the following criteria:

- 1) The recommendation of the City Administrator or his/her designee as to the amount of the lien reduction.
- 2) The gravity of the underlying code violation which gave rise to the fine imposed by the Magistrate.
- 3) The number of times within the last five years that an applicant has applied to the City for lien reductions at the property.
- 4) Whether the property has any liens or expired permits.
- 5) Whether there are any outstanding balances owed to the City by the property owner. A fine imposed by the Magistrate may be reduced by a maximum of 60 percent.

Add a **Code Section 18-38(c)** to read, Any aggrieved party may appeal an order of the Magistrate to the Circuit Court as provided in Florida Statute 162.11, including but not limited to the Magistrate's determination of a fine reduction.

Add **Code Section 18-39**, Fine Reduction Request Process.

- a) The City Administrator shall establish a process consistent with this section in which property owners may request a fine reduction imposed by a Magistrate.
- b) Property owners wishing to request a fine reduction shall complete a Request for a Fine Reduction Application and submit it to the City Administrator or his/her designee along with the applicable fee.
- c) Upon receipt of a completed Request for a Fine Reduction, the City shall schedule an inspection of the property and determine whether there are any other liens or expired permits. The fine shall be tolled until the inspection is completed.
- d) If, after inspection, the property is found to be in compliance, a hearing before the Magistrate shall be scheduled. If the property is found not to be in compliance, the property owner shall be promptly notified in writing and be given a reasonable period of time to correct the violation(s) and request a re-inspection. If the property owner fails to correct the violation(s) and/or request a re-inspection within the time frame set forth by the City, the Request for Fine Reduction shall be denied, and the fines will retroactively accrue.
- e) The City Administrator shall direct Code Enforcement to evaluate each request prior to making a recommendation to the Magistrate. In making its recommendation to the Magistrate, Code Enforcement shall use the following criteria:
 - 1) The gravity of the underlying code violation which gave rise to the fine imposed by the Magistrate.
 - 2) The length of time in which the property was not in compliance with the City's Code of Ordinances.
 - 3) Whether the property owner was proactive in bringing the property into compliance with the City's Code of Ordinances.
 - 4) Whether there are any exigent circumstances that were the underlying reason for untimely compliance with the City's Code of Ordinances.
 - 5) Whether the property is subject to a foreclose proceeding.

The presentation also included a four-page Request for Fine Reduction Application and Instructions to be adopted and implemented along with an application fee. **Following discussion, the Council did not object to, or offer by consensus or other action, amendments to the proposed changes; they will be presented at a future meeting in a proposed ordinance for a first reading.**

VI. NEW BUSINESS CONTINUED

- C. Motion and second by Vice Mayor Clark and Council Member Jarriel to approve the Fiscal Year (FY) 2022-23 proposed Mid-Year Budget Amendments [as presented in **Exhibit 3**]. **Motion Carried Unanimously.** The following reflects the Mid-Year Amendments to the Budget from amounts as adopted in Ordinance No. 1267 on September 26, 2022:

The Projected General Fund Beginning Fund Balance as adopted was \$4,342,501.00 and is now reflected to be \$4,353,367.00 (page 1). Total Projected Revenues increased from \$7,452,866.00 to \$7,499,866.00 (includes revenue totals from Ad Valorem; a \$3,300.00 increase in Other Fees; a \$83,900.00 increase in Intergovernmental; a \$14,300.00 increase in Charges for Current Services; Fines, Forfeitures, and Penalties; a \$149,900.00 increase in Uses of Money and Property due to interest earnings; an \$11,700.00 increase in Other Revenues; Transferred-in from Public Facilities Improvement Fund; and a \$216,100.00 decrease in the Transferred-in amount from Capital Improvement Projects Fund); Total Projected Expenditures increased from \$7,452,866.00 to \$7,499,866.00; leaving a Fund Balance corrected from \$4,342,501.00 to \$4,353,367.00 and now \$4,353,367.00. Pages 2 and 3 provided a detailed Line-Item breakdown of the proposed Revenues and Transfers-in. Only the Amended Projected Expenditures for each Department are listed as follows:

Legislative/City Council (pages 4 and 5), Total Personnel Costs \$97,590.00; Total Supplies and Other Services increased from \$85,176.00 to \$89,176.00; **FY 2022-23 Proposed Total from \$182,766.00 to \$186,766.00.** The \$4,000.00 increase to Line Item 001-511-3400 Other Contract Services was due to the Council approving the request from CAS and Associates to increase their contract for lobbying services after the budget was adopted.

Executive/City Clerk (pages 8 and 9), Total Personnel Costs \$208,666.00; Total Supplies and Other Services increased from \$114,420.00 to \$118,920.00; **FY 2022-23 Proposed Total from \$323,086.00 to \$327,586.00.** Line Item 001-2512-3103 Municipal Code was reduced by \$14,000.00; the projected costs to conduct the Salary and Personnel Evaluation Study/Services. It was added to the correct Line Item 001-2512-3400 Other Contractual Services and increased by \$4,500.00 to adjust the projected amount based on a newer quote for the Study/Services. A proposed piggyback agreement will be presented at a future meeting.

General Services (pages 13 and 14), Total Personnel Costs \$178,962.00; Total Supplies and Other Services increased from \$406,675.00 to \$416,675.00; **FY 2022-23 Proposed Total from \$585,637.00 to \$595,637.00.** The \$10,000.00 increase to Line Item 001-519-4906 Repair and Maintenance Building and Equipment is to cover costs recently notified about to fumigate City Hall and the Public Safety Building for termites.

Police Department (pages 15 and 16), Total Personnel Costs increased from \$2,739,260.00 to \$2,767,760.00; Total Supplies and Other Services \$480,998.00; **FY 2022-23 Proposed Total \$3,220,258.00 to \$3,248,759.00.** Line Item 001-521-1200 Regular Salaries increased by \$28,500.00 to cover an unexpected retirement and accrued leave payout and continue other retiree for the remainder of the year. Also, a change in amounts for Line Item 001-521-4600 Repair and Maintenance Vehicles increased by \$8,000.00 and Line Item 001-521-4609 Repair and Maintenance Equipment decreased by \$8,000.00.

The **Public Facility (Transportation) Fund** (pages 21-22), Total Projected Expenditures increased from \$1,150,951.00 to \$1,156,251.00; plus \$350,000.00 to be Transferred-out to the General Fund; leaving a Fund Balance decrease from \$550,483.00 to \$545,183.00. The \$5,300.00 total increase to Line Item 301-549-6400 Public Facilities Machinery and Equipment was brought about by fluctuations in the budget estimates verses actual costs when purchases were approved, \$10,000.00 increase for the truck and other equipment, but a decrease of \$4,700.00 for the backhoe, these items have been approved and purchased.

The **Capital Projects Improvement Fund** (pages 23-24), Total Projected Expenditures increased from \$857,000.00 to \$877,000.00. The \$20,000.00 increase to Line Item 304-541-6400 Public Works Capital is to replace the awning/carport structure destroyed by Hurricane Ian after the budget was adopted. The actual cost will be reimbursed eventually by FEMA Funds. Also, adjustments were made to Line Item 304-521-6400 Law Enforcement Capital, the five replacement cars and equipment was increased from \$175,000.00 to \$225,000.00 and SLERS Radios decreased from \$400,000.00 to \$350,000.00. The Total Transfer-out decreased from \$629,750.00 to \$413,650.00 of which \$83,000.00 Transfers-in to Other Grant Funds, \$10,800.00 Transfers-in to Appropriations Funds, and the previously budgeted \$535,950.00 to Transfer-In to General Fund decreased to \$319,850.00; leaving a Fund Balance increase from \$2,153,650.00 to \$2,349,750.00. The Transfer-out to General Fund amount decreased due to the increase in revenues previously explained.

VI. **NEW BUSINESS CONTINUED**

C. Continued. The **Industrial Development Grant Fund** (page 26), Total Projected Revenues increased from zero to \$1,136,744.00, same amount was increased to Line Item 305-332-1000 American Rescue Plan Act Funds; Total Projected Expenditures increased from \$120,558.00 to \$1,136,744.00 to allocate for the \$1,016,186.00 increase in Line Item 305-538-6300 Stormwater Infrastructure, this was a FY 2021-22 project that has been postponed to be done in the current FY; the Fund Balance was changed from zero to \$120,558.00.

VII. **CITY ATTORNEY UPDATE**

- Reviewing piggyback agreement with CW Roberts, advised of issue with original contract with agency the piggyback was done with;
- Working on options for the proposed tax abatement program to present to the Council;
- Final draft of ordinance regulating hurricane shutters provided to staff, it will be presented to the Planning Board soon;
- Opinion of title for Cattlemen’s Square complete, draft for Centennial Park in progress;
- Work continues on updates to the Code of Ordinances related to the new Charter;
- Draft of ordinance regarding mandatory water and wastewater connections will be completed soon.

VIII. **CITY ADMINISTRATOR UPDATE**

- Reviewing building fees to present increases at a future meeting;
- Proposed ordinance regulating food trucks to be discussed at Planning Board meeting on Thursday, April 20, 2023, encouraged Council to consider attending to listen to public comments or have the City Clerk’s Office email the audio;
- Department reports will be provided at the next Council meeting.

IX. **COUNCIL COMMENTS**


Council Member Jarriel expressed his appreciation for the progress made on proposed ordinances.

Vice Mayor Clark expressed her concerns regarding increasing the fees for building permits.

X. **ADJOURNMENT**

There being no further items of discussion, Mayor Watford adjourned the meeting at 7:08 P.M.

Submitted By:•


Lane Gamiotea, CMC, City Clerk

Please take notice and be advised that when a person decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, s/he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. City Clerk media are for the sole purpose of backup for official records of the Clerk.