



CITY OF OKEECHOBEE, FLORIDA
JUNE 20, 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 June 20, 2023, at 6:05 P.M. in the City Council Chambers, located at 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida. The invocation was offered by Pastor Chad Keathley, Okeechobee Church of God; 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- A. There were no requests for items to be added, deferred, or withdrawn from the agenda.
- B. Motion by Vice Mayor Clark, second by Council Member McAuley to approve the agenda as published.
Motion Carried Unanimously.
- C. One comment card was submitted by Mr. John Hayford, Executive Director of the Okeechobee Utility Authority, providing an update on the Southwest (SW) Service Area Project, Treasure Island Project, and the SW 5th Avenue Project. As a community outreach, the OUA is hosting a Town Hall Meeting style meeting on June 27, 2023, at The Gathering, all property owners within the SW Service Area were sent invitations, and all the public is welcome to attend. In closing he noted the OUA's Board was looking forward to the Council finalizing the adoption of the mandatory connection ordinance, which will assist them in accruing grants and/or loans.

IV. CONSENT AGENDA

- A. Motion by Council Member Jarriel, second by Vice Mayor Clark to approve the May 2023 Warrant Register [in the amounts: General Fund, \$607,209.45; Public Facilities Improvement Fund, \$82,763.75; Capital Improvement Projects Fund, \$12,120.04; and Appropriations Grant Fund, \$675.00; [as presented]. **Motion Carried Unanimously.**

V. MAYOR WATFORD OPENED THE QUASI-JUDICIAL PUBLIC HEARING AT 6:21 P.M.

The following items are quasi-judicial in nature. In accordance with section 286.0115, Florida Statutes (FS), an opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, may be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you do not wish to be either cross-examined or sworn, your testimony will be given its due weight. The general public may request the Board to ask questions of staff or witnesses on their behalf. Any person presenting documents to the Council should provide the City Clerk with a minimum of 10 copies. Further details of the quasi-judicial procedure may be obtained from the Clerk. No verbatim record by a certified court reporter is made of these proceedings. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at these proceedings upon which any appeal is to be based (see Section 286.0105, FS). In accordance with the Americans with Disabilities Act and Section 286.26, FS, persons needing a special accommodation to participate in this proceeding should contact the City Clerk's office at 863-763-9814 seventy-two (72) hours in advance of this proceeding.

- A. Motion and second by Council Members Chandler and McAuley to read by title only proposed Ordinance No. 1273, regarding Rezoning Petition No. 23-001-R, submitted by Rene Griffith, Registered Agent, on behalf of the property owner, Be A Man Buy Land, LLC, to rezone 0.36+/- unplatted acres from Holding (H) to Industrial (IND). The property is a triangular-shaped vacant, unaddressed parcel, located contiguous to the West-side of the East City Limits Boundary Line, North of the railroad tracks, and South of Northeast 12th Avenue. The proposed use is outdoor storage. Planning Staff and Planning Board recommend approval [as presented in **Exhibit 1**]. **Motion Carried Unanimously.**

City Attorney John Fumero read the title of proposed Ordinance No. 1273 as follows: "**AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF OKEECHOBEE BY REZONING A CERTAIN TRACT OF LAND MORE PARTICULARLY DESCRIBED HEREIN, FROM H TO IND; PETITION NO. 23-001-R; AMENDING THE ZONING MAP ACCORDINGLY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**"

Motion by Council Member Chandler, second by Vice Mayor Clark to adopt proposed Ordinance No. 1273.

Attorney Fumero administered an oath to Ms. Griffith, 4260 SE Federal Highway, Stuart, FL and Mr. Ben Smith, City Planner of Morris-Depew Associates, Inc., 2914 Cleveland Avenue, Ft. Myers, FL.

V. QUASI-JUDICIAL PUBLIC HEARING CONTINUED

- A. Continued. Planner Smith, attending electronically via Zoom, presented the Planning Staff Report which finds the request is consistent with the City's Comprehensive Plan. Clerk Gamiotea stated for the record 22 courtesy notices were mailed to the surrounding property owners, advertisements, and one sign were properly posted, with no objections or comments received to date. There were no comments from the Council. **Roll Call Vote: Chandler – Yea, Clark – Yea, Jarriel – Yea, McAuley – Yea, Watford – Yea. Motion Carried.**

MAYOR WATFORD CLOSED THE QUASI-JUDICIAL PUBLIC HEARING AT 6:27 P.M.

VI. MAYOR WATFORD OPENED THE PUBLIC HEARING AT 6:28 P.M.

- A. Motion and second by Council Members Jarriel and McAuley to read by title only, proposed Ordinance No. 1274, amending and creating Code Enforcement Fine Reduction Procedures within Chapter 18 of the Code of Ordinances [as presented in **Exhibit 2**]. **Motion Carried Unanimously.**

Attorney Fumero read title of proposed Ordinance No. 1274 into the record as follows: **"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OKEECHOBEE, FLORIDA; RELATING TO REQUESTS FOR CODE ENFORCEMENT FINE REDUCTIONS, AMENDING PART II OF THE CODE OF ORDINANCES OF THE CITY OF OKEECHOBEE WITHIN CHAPTER 18 CODE ENFORCEMENT, ARTICLE II CODE ENFORCEMENT PROCEDURE, BY SPECIFICALLY AMENDING SECTION 18-38 POWERS OF MAGISTRATE; SPECIFICALLY AMENDING SECTION 18-39 FINE REDUCTION REQUEST PROCESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE."**

Motion and second by Council Members Jarriel and Chandler to adopt proposed Ordinance No. 1274. There were no comments from the public or Council. **Roll Call Vote: Chandler – Yea, Clark – Yea, Jarriel – Yea, McAuley – Yea, Watford – Yea. Motion Carried.**

- B. Motion by Council Member Chandler, second by Vice Mayor Clark to read by title only, proposed Ordinance No. 1272, regarding Land Development Regulations (LDRs) Text Amendment Application No. 23-001-TA, amending and creating regulations for Mobile Food Dispensing Vehicles (MFDV) (food trucks) within Chapters 14 and 90 of the Code of Ordinances [as presented in **Exhibit 3**]. **Motion Carried Unanimously.**

Attorney Fumero read the title of proposed Ordinance No. 1272 into the record as follows: **"AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; RELATING TO THE REGULATION OF THE OPERATION OF MFDV WITHIN THE CITY LIMITS, LDR TEXT AMENDMENT APPLICATION NO. 23-001-TA; AMENDING PART II OF THE CITY CODE OF ORDINANCES OF THE CITY OF OKEECHOBEE WITHIN CHAPTER 14 BUSINESSES, BY SPECIFICALLY AMENDING ARTICLE VI MFDV, ALLOWING FOR OPERATION OF MFDV AT HOUSES OF WORSHIP AND IN THE COMMERCIAL PROFESSIONAL OFFICE (CPO), LIGHT COMMERCIAL (CLT), HEAVY COMMERCIAL (CHV), CENTRAL BUSINESS DISTRICT (CBD), AND IND ZONING DISTRICTS AND ALLOWING FOR OPERATION OF MFDV IN CONJUNCTION WITH A TEMPORARY USE PERMIT; AND WITHIN CHAPTER 90 ZONING, BY SPECIFICALLY AMENDING ARTICLE III DISTRICT AND DISTRICT REGULATIONS, ALLOWING FOR MFDV AS A SPECIAL EXCEPTION USE IN THE CPO, CLT, CHV, CBD, IND, PUBLIC USE (PUB), AND RURAL HERITAGE (RH) ZONING DISTRICTS AND ARTICLE IV, SUPPLEMENTARY DISTRICT REGULATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE."**

Motion and second by Council Members Chandler and McAuley to approve the first reading and set July 18, 2023, as the final adoption date for proposed Ordinance No. 1272.

Planner Smith reviewed 2020 legislation that pre-empted local governments from prohibiting MFDV in all zoning districts. The proposed Ordinance was discussed at a Planning Board Workshop on March 16, 2023, and Planning Board meetings on April 20, 2023, and May 16, 2023. Mayor Watford opened the floor for public comment. There were no comments from the public. Following a discussion, Council Member Jarriel made a motion to amend proposed Ordinance No. 1272, to only allow the operation of MFDV within the IND zoning districts. Motion failed due to lack of a second.

Motion by Vice Mayor Clark, second by Council Member Jarriel to amend proposed Ordinance No. 1272 to only allow MFDV in zoning districts restaurants are currently allowed in. Planner Smith clarified the motion to amend would remove allowing MFDV by special exception use in the PUB and RH zoning districts. **Motion to Amend Carried Unanimously. Vote on Motion As Amended Carried Unanimously.**

MAYOR WATFORD CLOSED THE PUBLIC HEARING AT 7:17 P.M.

VII. UNFINISHED BUSINESS

- A. Continued discussion [from June 6, 2023] on the Motion on the floor made by Council Members Chandler and McAuley to adopt proposed Resolution No. 2023-02, amending the schedule of rates, fees, and charges for building permits and plan reviews by the Building Official [as presented in **Exhibit 4**]. **Motion Failed Unanimously.**

VIII. NEW BUSINESS

- A. Ms. Deborah Perez of WM, (f/k/a Waste Management) provided an update on the changes to the collection methods and requirements, as approved in the Sixth Amendment to the Franchise Agreement. WM will be providing 96-gallon beige carts for yard waste, 65-gallon blue carts for recyclables, and 96-gallon green carts for garbage to City residents in October or November 2023. In order for WM to collect any waste, it must be in the correctly designated cart, or the customers will be charged additional fees. She reviewed the annual Consumer Price Index which was increased in 2022 and acknowledged the confusion due to WM being late in providing the information to the customers.
- B. Mr. Ilan Kaufer gave an update on Florida Power and Light (FPL) operations utilizing a 15-slide power point presentation, which has been incorporated into the official Minute File, labeled as Exhibit 8. He reviewed the measures taken for annual storm preparation, including their commitment to partnering with local leaders to identify critical infrastructure, and the restoration process. Highlighted FPL's commitment to delivering the best energy value, the Okeechobee Clean Energy Center, and the Solar Energy Center.
- C. Motion by Vice Mayor Clark, second by Council Member Jarriel to name Mayor Watford as the Voting Delegate for the Florida League of Cities Annual Conference on August 10 through 12, 2023 [as presented in **Exhibit 5**]. **Motion Carried Unanimously.**
- D. Motion and second by Council Members Chandler and Jarriel to renew the Public Risk Group Health Insurance contract for 2023-24 [as presented in **Exhibit 7**, distributed at the meeting]. Following a discussion, **Motion Carried Unanimously.**
- E. Motion by Council Member Jarriel, second by Vice Mayor Clark to read by title only, proposed Ordinance No. 1276, for LDRs Text Amendment Application No. 23-003-TA, adding storm shutter regulations within Chapter 90 of the Code of Ordinances [as presented in **Exhibit 6**]. **Motion Carried Unanimously.**

Attorney Fumero read into the record the title of proposed Ordinance No. 1276 as follows: **"AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING PART II OF THE CITY OF OKEECHOBEE CODE OF ORDINANCES, SUBPART B LDRS, CHAPTER 90 ZONING, ARTICLE III DISTRICTS AND DISTRICT REGULATIONS, DIVISION 1 GENERALLY, ADDING A NEW SECTION 90-84, DEFINING PERIODS DURING WHICH STORM SHUTTERS MAY NOT REMAIN IN PLACE AND PROVIDING EXCEPTIONS, AS SUBMITTED IN LAND DEVELOPMENT TEXT AMENDMENT APPLICATION NO. 23-003-TA; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE."**

Motion by Council Member Chandler, second by Vice Mayor Clark to approve the first reading and set July 18, 2023, as the final adoption date for proposed Ordinance No. 1276. **Motion Carried Unanimously.**

- F. Motion and second by Council Members Jarriel and McAuley to change the times of the August 1 and August 15, 2023, meetings to begin at 5:00 P.M., [Budget Workshops to be held at the end of the meeting]. **Motion Carried Unanimously.**

IX. CITY ATTORNEY UPDATE

- Involved in reviewing all items/materials on agenda.

X. CITY ADMINISTRATOR UPDATE

- Announced the students involved in the Junior Leadership Camp, organized by the Okeechobee County Economic Development Corporation, would be visiting for tours of City Hall and participating in a Mock City Council Meeting on June 26, 2023;
- Funding for the improvements to City Hall, but not for the police radios, was included in the signed Budget by Governor DeSantis.
- Continuing to work with the South Florida Water Management District on the stormwater permit for the Commerce Center.

XI. COUNCIL COMMENTS

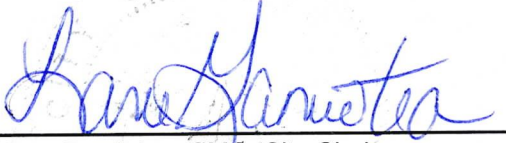
Council Member Jarriel suggested the City begin looking at employee insurance plans earlier in the year.

Vice Mayor Clark asked all to remember Council Member Jarriel's wife, who was admitted to the ICU earlier in the day.

XII. ADJOURNMENT

There being no further items of discussion, Mayor Watford adjourned the meeting at 8:26 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.