



CITY OF OKEECHOBEE, FLORIDA
AUGUST 15, 2023, REGULAR CITY COUNCIL MEETING
AND SECOND BUDGET WORKSHOP
MEETING MINUTES

I. CALL TO ORDER

Mayor Watford called the regular meeting of the City Council for the City of Okeechobee to order on August 15, 2023, at 5:03 P.M. in the City Council Chambers, located at 55 Southeast (SE) 3rd Avenue, Room 200, Okeechobee, Florida. The invocation was offered by Mayor Watford; followed by the Pledge of Allegiance led by Council Member Chandler.

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. Staff requested changes to the published agenda: New Business was moved to occur before the Public Hearing for Ordinance Adoption Continued From July 18, 2023. The following documents were distributed: Revised page 2 for the August 1, 2023, Minutes; a revised memorandum to Exhibit 1; additional materials for Exhibit 5; and additional materials and a revised Exhibit 9.

B. Motion and second by Council Members Jarriel and McAuley 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. CONSENT AGENDA

Motion and second by Council Members Jarriel and Chandler to:

A. Dispense with reading and approve the Minutes from July 18, 2023 [as revised]; and

B. Approve the July 2023 Warrant Register [in the amounts: General Fund, \$591,534.70; Public Facilities Improvement Fund, \$21,372.29; Capital Improvement Projects Fund, \$13,132.50; and Appropriations Grant Fund, \$675.00; as presented].

Motion Carried Unanimously.

V. NEW BUSINESS

A. Ms. Connie Vanassche, Vice President, and Mr. Jim Spratt, Legislative Director, of CAS Governmental Services, LLC, reviewed the highlights presented in **Exhibit 3** for the City's Legislative Priorities, State Fiscal Year (FY) 2024-25 that will be presented to the local Delegation. Appropriation Funding requests will include \$1,200,000.00 for the hardening of the Public Safety Building, and \$1,000,000.00 for stormwater quality improvements. Issues of concern are unfunded mandates and attacks on home rule which fiscally constrain our area as a Rural Area of Opportunity with unemployment rates above State averages and poverty level that is above State averages. Seek support for the Lake Okeechobee System Operating Manual project, with Resolution No. 2021-07 outlining the City's position; Broadband Expansion Programs; continued financial commitment to the widening of State Road (SR) 70, and more electronic based advertising. Requests to increase or maintain State funded programs: Florida Department of Environmental Services water quality grants, Florida Recreation Development Assistance Program matching funds for new outdoor recreational projects and improvements to existing parks, Florida Commerce/Department of Economic Opportunity, Rural Infrastructure Programs grant for infrastructure projects to promote growth in rural areas, Historical Preservation Programs, and Rural and Family Lands Protection Programs. Issues of financial concern are the City's opposition to any new stormwater or water quality rule requirement that could impact new developments in the future, State mandated exemptions, removing or altering the City's authority to levy local business taxes, and reforming the communications services taxes. The final section lists other local agencies or initiatives the City supports. This item was for informational purposes only.

B. Motion by Vice Mayor Clark, second by Council Member McAuley to adopt proposed Resolution No. 2023-07, releasing the City's Right of First Refusal to purchase Lots 1 and 2, CITY OF OKEECHOBEE COMMERCE CENTER, Plat Book 7, Pages 7 through 14, Okeechobee County Public Records [as presented in **Exhibit 4**].

V. NEW BUSINESS CONTINUED

- B.** Continued. City Attorney Greg Hyden read the title of proposed Resolution No. 2023-07 into the record as follows: **"A RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA, RELEASING THE CITY'S RIGHT OF FIRST REFUSAL TO PURCHASE OKEECHOBEE COMMERCE CENTER LOTS 1 AND 2; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE."**

Motion Carried Unanimously.

- C.** Motion by Council Member Jarriel, second by Vice Mayor Clark to approve Preliminary Plat Application No. 23-003-TRC/PP, consisting of 16.2+/- acres to create a new subdivision with five lots titled, PARK STREET COMMERCE CENTER, from four unplatted parcels of land together with Lots 1 to 12 of Block 4, the abandoned East to West Alley within Block 4, and a portion of abandoned Northeast (NE) 2nd Street located North of Block 4, PRICE ADDITION as recorded in Plat Book 2, Page 17, Okeechobee County public records; and including approving that the Plat constitutes an abandonment of the unimproved and unutilized portion of NE 12th Avenue, f/k/a Mobley Street, lying West of Block 4, PRICE ADDITION, submitted by Adam Ramsey, Registered Agent for Park Street Okeechobee, LLC; property owner William R. Grigsby, Jr., located in the 1100 to 1200 blocks along the North side of North Park Street/SR 70 East, just West of the eastern City Limits/NE 13th Avenue [as presented in **Revised Exhibit 5**].

City Planner Ben Smith reviewed the recommendations by the Technical Review Committee (TRC) and staff comments from his firm for the engineering and surveying portion of the Application. Attorney Peter J. Sweeney of Block and Scarpa, P.A., for the Applicant, responded to questions from the Council.

Motion by Council Member Jarriel, second by Vice Mayor Clark, **to amend the motion to approve Application No. 23-003-TRC/PP with the following conditions:**

1. Legal descriptions on the Title Commitment and Plat must be consistent prior to the final Plat approval.
2. All typographical errors on the Plat must be corrected prior to final Plat approval.
3. All easements and shared storm water management facilities shall be dedicated to a designated Property Owner's Association, to be created.
4. Submit detailed Infrastructure Plans that meet all applicable standards and Codes and found sufficient prior to final Plat approval.
5. Applicant to obtain [and submit] Florida Department of Transportation Permit or Drainage Exception.
6. Remove the signage easement within the existing NE 13th Avenue right-of-way (ROW) from the Plat.
7. Lift station must comply with Okeechobee Utility Authority (OUA) standards.
8. Applicant shall construct all roadways within the project, excluding the portion of future NE 13th Avenue North of 3rd Street, provided that, upon completion of the Project Roadways, the City shall take dedication of the Project Roadways and be solely responsible for the ongoing maintenance and management of the Project Roadways without contribution from the Applicant.
9. Applicant to submit proposed Agreement for the County and City to review for conveyance of land from the County to the City for NE 13th Avenue ROW North of 3rd Street, to be reviewed for sufficiency by City Attorney.
10. Staff's review of the Park Street Commerce Center Developers Agreement.
11. Staff's review of the Declaration of Covenants, Conditions, Easements, and Restrictions for Park Street Commerce Center.

Motion to Amend Carried Unanimously.

Motion as Amended Carried Unanimously.

Note Per City Code: The Council's conditional approval does not constitute acceptance of the final Plat, rather, it shall be deemed an expression of acceptance for the layout submitted on the preliminary Plat as a guide to the preparation of the final Plat and approval of construction plans for required improvements and required supplementary materials.

A Special Council Meeting may be called for September 14, 2023, to conduct a Public Hearing at 6:00 P.M. to consider approving the final Plat application, so long as the Applicant submits all the required documents within the timeframe required to meet Staff review and advertising deadlines.

- D.** Motion and second by Council Members Chandler and Jarriel to award a contract for Bid No. PW 05-11-07-23 for Sidewalk Improvements to American Design Engineering Construction Inc., [in the amount of \$159,050.00, with locations and scope of work presented in **Exhibit 6**].

Motion Carried Unanimously.

- E.** Motion and second by Council Members Jarriel and McAuley to approve Piggyback Agreement Addendum No. 6 with Okeechobee Medical Providers, Inc. to continue medical services with Treasure Coast Medical Associates which is based on the same rates as the last year [as presented in **Exhibit 7**].

Motion Carried Unanimously.

V. NEW BUSINESS CONTINUED

F. Motion by Vice Mayor Clark, second by Council Member Jarriel to approve an Agreement with Kimley-Horn and Associates for civil engineering services as provided in RFQ No. ADM 01-32-07-21 in the amount not to exceed \$34,416.56 for the SE 4th Street Drainage Improvement Project, Florida Department of Environmental Protection Agreement No. LPQ0007 [as presented in **Exhibit 8**].
Motion Carried Unanimously.

G. Motion by Council Member McAuley, second by Vice Mayor Clark to close City Hall for the entire day on September 1, 2023 [allowing the contractor additional time to begin the termite fumigation of City Hall and the Public Safety Building so to decrease the possibility of not being able to reopen City Hall on Tuesday, September 5, 2023, this amends action taken on May 16, 2023].
Motion Carried Unanimously.

VI. MAYOR WATFORD OPENED THE PUBLIC HEARING FOR ORDINANCE ADOPTION CONTINUED FROM JULY 18, 2023, AT 6:11 P.M.

A. The floor was opened for discussion on the Motion made by Vice Mayor Clark, seconded by Council Member Chandler to adopt proposed Ordinance No. 1276 for Land Development Regulations Text Amendment Application No. 23-003-TA, adding storm shutter regulations within Chapter 90 of the Code of Ordinances, presented in **Revised Exhibit 1**.

Motion by Council Member Jarriel, second by Vice Mayor Clark **to amend proposed Ordinance No. 1276 as follows:** ordinance title, remove "PERIODS DURING WHICH STORM SHUTTERS MAY NOT REMAIN IN PLACE AND PROVIDING EXEMPTIONS" and add "STORM SHUTTERS PROTOCOL FOR COMMERCIAL AND RESIDENTIAL STRUCTURES". In Section 2 of the ordinance: second paragraph replace Section 90-84 title from "Periods during which storm shutters may not remain in place; exceptions" to "Storm Shutters Protocol for Commercial and Residential Structures." Delete paragraph (a) "During the period starting on December 1 and ending May 31, inclusive." Renumber paragraphs (b) and (c) to (3) and (4). Reword paragraph (3) removing references to hurricane season and the Storm Protection Extended Duration Notice form title, to read, "Notwithstanding the above, residents who are planning to be away from the City may be permitted to install storm shutters, storm panels or hurricane protection devices even when no storm warning or watch has been issued by providing notification to the City General Services Department. The Notice shall include statements which certify that the residence will remain vacant during the resident's absence from the City and the exact duration of such vacancy. The Notice will be made available on the City Website."

Vice Mayor Clark made a **motion to amend the amendment** to add the word "form" after Notice in the last sentence of paragraph (3), second by Council Member Jarriel. **Roll Call Vote on the Motion to Amend the Amendment:** Chandler-Yea, Clark-Yea, Jarriel-Yea, McAuley-Yea, Watford-Yea.
Motion to Amend the Amendment Carried.

Roll Call Vote on Motion to Amend as Amended: Chandler-Yea, Clark-Yea, Jarriel-Yea, McAuley-Yea, Watford-Yea.
Motion to Amend as Amended Carried.

Mayor Watford opened the floor for public comments. Mrs. Lane Gamiotea expressed her objection in adopting the proposed Ordinance as now amended, stating two weeks after a storm to remove shutters may not be enough time and they are now requiring residents to put shutters up and take them down all throughout the hurricane season. Since May, the public has inquired about the proposed Ordinance. Up until tonight, the wording did not regulate shutters during hurricane season and that is what was conveyed to the public. Vice Mayor Clark added she wanted to keep some of the language allowing some shutters to stay up under certain circumstances.

Motion by Vice Mayor Clark, second by Council Member McAuley **to postpone to September 5, 2023, the motion on the floor** to adopt proposed Ordinance No. 1276 as amended.
Motion Carried Four to One with Jarriel voting No.

B. The floor was opened for discussion on the Motion made by Council Members Chandler and McAuley to adopt proposed Ordinance No. 1278, amending Chapter 58 of the Code of Ordinances, and requiring connection to the public water and/or sewer systems, presented in **Exhibit 2**. Mr. Tommy Clay, OUA Board of Directors Chairperson, and Mr. John Hayford, OUA Executive Director responded to questions from the Council. Mr. Jeff Sumner, speaking as President of the Okeechobee Economic Council expressed support to adopt the proposed Ordinance. **Roll Call Vote:** Chandler-Yea, Clark-Yea, Jarriel-Yea, McAuley-Yea, Watford-Yea.
Motion Carried.

MAYOR WATFORD CLOSED THE PUBLIC HEARING AT 7:05 P.M.

VII. CITY ATTORNEY UPDATE

- Continuing to work on: an amendment to the Code regarding TRC meetings; merging the Police Officer's and Fire Fighter's Pension Funds; a medical marijuana dispensary ban ordinance; title to Cattlemen's Square, Block L of FLAGLER PARK; and work with the Clerk's Office to address ordinances that require amendments due to the new Charter.
- Drafted the First Right of Refusal, Resolution No. 2023-07.
- Reviewed amendments to proposed Ordinance No. 1276.
- Provided a Release of Lien requested by Mary Kroger, satisfaction of grant requirement.

VIII. CITY ADMINISTRATOR UPDATE

- Reminded Council to respond to email invitation to participate in the Labor Day Rodeo, September 2 through 4, 2023.
- Announced the City was awarded a \$20,000.00 grant from the Central Florida Regional Planning Council to conduct a marketing and feasibility study.

IX. COUNCIL COMMENTS

Council Member Jarriel reminded everyone, the Labor Day Rodeo was scheduled for 6:30 P.M., and expressed his preference to regulate storm shutters year-round for safety reasons.

X. MAYOR WATFORD RECESSED THE REGULAR MEETING AT 7:10 P.M. AND RECONVENED BY OPENING THE SECOND BUDGET WORKSHOP AT 7:20 P.M.

- A. The purpose of the Second Budget Workshop was to discuss the revisions to the proposed FY 2023-24 Budget based on the consensus during the First Budget Workshop and new information received. A **Revised Exhibit 9** was distributed at the meeting, correcting/updating the Intergovernmental revenues to \$2,181,952.00, on pages one through six. Corrected on page 23, the Fire Services Contract to 768,000.00. Updated page 26, revenues on Local Option Gas Tax to \$410,900.00 and Local Alternative Fuel User Fee to \$249,318.00.

Pages one through four were again presented with different summaries for the General Fund Budget with each page having a different Millage Rate option and difference in the amount of funds needed to transfer-in from the Capital Improvement Project Fund (reserves) to balance the Budget. Option one, page one, current Millage Rate, 6.8987. Option two, page two, reducing the current Millage Rate by 25 percent provided a Rate of 6.6487. Option three, page three, the Rollback Millage Rate with the Consumer Price Index applied provided 6.3556. These three options would not require reserve funds. Then, Option four, page four, the Rollback Millage Rate of 6.1801, would require transferring \$74,916.00 from reserves to balance the Budget. Since there was not a consensus from the First Budget Workshop, the General Fund figures were presented utilizing the current Millage Rate, 6.8987. Pages five and six provided a detailed line-item breakdown of the estimated revenues and transfers-in and from other Funds.

The projected expenditures by Department are provided with salaries the same as the First Budget Workshop on pages seven through 25. The differences in figures from the two Workshops or a consensus are noted in bold:

511-Legislative/City Council: **\$175,880.00, increased by \$4,225.00 to include an 8.7 percent annual salary increase effective October 1, 2023, for the Mayor and Council.**

512-Executive/Administration: **\$264,670.00, increased by \$6,300.00 for City Administrator salary.**

1512-Executive/Human Resources (HR): **\$89,140.00, increased \$2,625.00. Line items 001-1512-5200 Operating Supply from zero to \$1,700.00, and 001-1512-5400 Books, Publications, Etc. from \$500.00 to \$1,425.00, of which \$1,525.00 was shifted from the City Clerk's Department.**

2512-Executive/City Clerk: **\$302,065.00, decreased by \$1,525.00. Line Items 001-2512-4909 Miscellaneous from \$2,550.00 to \$1,950.00, and 001-2512-5400 Book, Publications, Etc. from \$2,545.00 to \$1,620.00, to shift specific personnel costs to the HR Department.**

514-Legal Services: \$196,400.00.

513-Finance: \$137,500.00.

519-General Services: \$638,415.00.

521-Police Department: \$3,445,590.00.

522-Fire Department: **\$878,500.00, decreased by \$130,000.00. Line Item 001-522-3400 Other Contractual Services from \$898,000.00 to \$768,000.00, the County transposed a number on the original information provided. The figure continues to be preliminary as requested materials are reviewed.**

541-Public Works: \$1,777,793.00.

X. SECOND BUDGET WORKSHOP CONTINUED

A. Continued. Public Facilities Improvement Fund, pages 26 and 27, **beginning fund balance decreased from \$1,070,383.00 to \$743,252.00.** Estimated revised **revenues decreased from \$1,150,151.00 to \$1,142,859.00;** projected transportation related expenditures \$1,268,551.00, plus \$350,000.00 to be transferred-out to the General Fund; **ending fund balance decreased from \$602,438.00 to \$267,650.00.**

The Capital Improvement Projects Fund, pages 28 and 29, beginning fund balance of \$3,827,861.00; estimated revenues \$50,000.00; **projected expenditures increased from \$609,360.00 to \$1,000,000.00.** Line item 304-521-6400 Law Enforcement Capital decreased from \$317,360.00 to \$308,000.00 to shift the \$9,360.00 expense to the Law Enforcement Special Fund; add line item 304-549-6404 Infrastructure for asphalt overlay roadway improvements \$400,000.00; and add a line item to Transfer-out to Appropriations Grant Fund \$3,400.00, deleted the -\$83,196.00 transfer-out to General Fund; ending fund balance decreased from \$3,351,697.00 to \$2,874,461.00.

Other Grants Fund, page 30, figures were presented with no estimated revenues or expenditures, this Fund previously documented the Budget for the SE 4th Street/Taylor Creek stormwater improvements.

Industrial Development Grant Fund, page 31, estimated revenues from the America Rescue Plan Act Funds, \$1,409,246.00; projected expenditures related to stormwater infrastructure needs including the Commerce Center, \$1,409,246.00.

Appropriations Grant Fund, page 32, estimated revenues \$240,000.00, **plus \$3,400.00 transfer-in from Capital Improvement Projects Fund;** projected **expenditures** related to SE 8th Avenue Stormwater Improvements Phase II **decreased from \$243,400.00 to \$195,400.00;** ending fund balance increased from zero to \$48,000.00.

Other Grant Capital Fund, page 33, figures were presented as follows: estimated revenues, \$660,000.00 from Federal Grants and \$1,200,000.00 from State Grants; projected expenditures related to City Hall hardening construction and renovations, \$1,739,750.00; end fund balance \$120,250.00.

Law Enforcement Special Fund, page 34, beginning fund balance \$16,890.00; estimated revenues \$1,000.00; projected expenditures **decreased from \$11,500.00 to \$10,500.00.** Line Item 601-549-6400 from \$10,500.00 to \$9,500.00 for body cameras, was shifted from the Capital Improvement Projects Fund; end fund balance \$7,390.00.

To provide Staff direction, a majority consensus from the Council was noted for these topics:
Present the proposed figures at the First Budget Public Hearing on September 5, 2023 using a **Millage Rate of 6.3556.** An informational page was distributed to assist in the discussion of the four options.
Move forward with budgeting the new Human Resources Director position.
Decrease the employee raises from a \$3.00 to \$2.00 per hour effective October 1, 2023, leave the up to 2 percent merit increase, effective June 1, 2023, with annual evaluations. Two pages were distributed at the meeting to assist with this discussion and provide budget impacts with five salary options. To clarify, this excludes the Mayor and Council salaries which is set by the Charter.


XI. MAYOR WATFORD CLOSED THE SECOND BUDGET WORKSHOP AND RECONVENED IN REGULAR SESSION AT 8:25 P.M.

A. There were no unfinished items or issues from the Second Budget Workshop to be discussed.

XII. ADJOURNMENT

Mayor Watford adjourned the meeting at 8:25 P.M.

Notation for the Record: all documents distributed at the meeting have been incorporated within and added to the Official Minute File.

Submitted By:

Lane Gamiotea, GMC, 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.