



# CITY OF OKEECHOBEE

55 SE THIRD AVENUE  
OKEECHOBEE, FL 34974

**MAY 16, 2023**

**6:00 PM**

## LIST OF EXHIBITS

***Mayor***

Dowling R. Watford, Jr.

***Vice Mayor***

Monica Clark

***Council Members***

Noel Chandler

Bob Jarriel

David McAuley

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Warrant Register

April, 2023

Exhibit 1

Ordinance No. 1273

Exhibit 2

Ordinance No. 1274



Okeechobee, FL

# Check Report

By Check Number

Date Range: 04/01/2023 - 04/30/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: CapVeh Fund-Capital Vehicle Fund Truist Checking</b>						
Culpepper & Terpenin	Culpepper & Terpening, Inc.	04/13/2023	Regular	0.00	1,275.00	1946
Garber Chevrolet Bu	Garber Chevrolet Buick GMC	04/20/2023	Regular	0.00	109,311.00	1947
City Electric Supply	City Electric Supply	04/27/2023	Regular	0.00	2,037.74	1948

## Bank Code CapVeh Fund Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	8	3	0.00	112,623.74
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>8</b>	<b>3</b>	<b>0.00</b>	<b>112,623.74</b>

## Check Report

Date Range: 04/01/2023 - 04/30/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: GenFund-General Fund Checking-Truist Checking</b>						
City Of Okeechobee P	City Of Okeechobee Payroll Account	04/05/2023	EFT	0.00	108,119.35	162
Building Code Admini	Building Code Administrators and	04/13/2023	EFT	0.00	331.19	163
Florida Building Com	Florida Building Commission	04/13/2023	EFT	0.00	246.59	164
1644	PRM - Health Insurance	04/13/2023	EFT	0.00	60,260.82	165
1770	PRM - Life, LTD & STD	04/13/2023	EFT	0.00	1,498.71	166
1770	PRM - Life, LTD & STD	04/13/2023	EFT	0.00	2,453.52	167
1645	PRM - Vision & Dental	04/13/2023	EFT	0.00	2,363.83	168
2032	The Standard	04/13/2023	EFT	0.00	24,248.89	169
City Of Okeechobee P	City Of Okeechobee Payroll Account	04/19/2023	EFT	0.00	113,896.56	170
467	PRM - Property & Casualty	04/27/2023	EFT	0.00	67,796.00	171
	**Void**	04/27/2023	EFT	0.00	0.00	172
Comcast	Comcast	04/06/2023	Regular	0.00	120.00	45779
Comcast	Comcast	04/06/2023	Regular	0.00	201.30	45780
1374	Jack Boon	04/06/2023	Regular	0.00	76.00	45781
1574	Salem Trust Company	04/06/2023	Regular	0.00	13,566.00	45782
1827	Soler Automotive	04/06/2023	Regular	0.00	4,763.84	45783
Verizon	Verizon Wireless	04/06/2023	Regular	0.00	411.67	45784
AdvanceAuto	Advance Auto Parts	04/13/2023	Regular	0.00	35.19	45785
America's Office Sou	America's Office Source	04/13/2023	Regular	0.00	295.87	45786
1988	Ardex	04/13/2023	Regular	0.00	60.68	45787
2207	Arrigo Dodge	04/13/2023	Regular	0.00	5,919.47	45788
BOA- 2709 fka 0257 a	Bank of America - 2709 fka 0257 Admin	04/13/2023	Regular	0.00	957.61	45789
BOA- 9616	Bank of America - 9616 PD#2	04/13/2023	Regular	0.00	2,266.85	45790
BOA- 9928 fka 2303 P	Bank of America - 9928 fka 2303 PW	04/13/2023	Regular	0.00	1,185.25	45791
Carr, Riggs & Ingram	Carr, Riggs & Ingram, LLC	04/13/2023	Regular	0.00	6,854.00	45792
CAS Governmental Ser	CAS Governmental Services, LLC	04/13/2023	Regular	0.00	4,414.80	45793
City Electric Supply	City Electric Supply	04/13/2023	Regular	0.00	135.65	45794
Cooling Refrigeratio	Cooling Refrigeration Services, Inc.	04/13/2023	Regular	0.00	239.00	45795
Custom Lifts Inc.	Custom Lifts Inc.	04/13/2023	Regular	0.00	400.00	45796
East Coast Signs & S	East Coast Signs & Shirts	04/13/2023	Regular	0.00	504.00	45797
Fitness Factory	Fitness Factory	04/13/2023	Regular	0.00	200.00	45798
FPU	Florida Public Utilities	04/13/2023	Regular	0.00	87.18	45799
Gilbert Oil Company,	Gilbert Oil Company, Inc.	04/13/2023	Regular	0.00	5,540.10	45800
Glades Air Condition	Glades Air Conditioning	04/13/2023	Regular	0.00	70.00	45801
HealthEquity	HealthEquity	04/13/2023	Regular	0.00	788.46	45802
1892	Highland Pest Control	04/13/2023	Regular	0.00	35.00	45803
ICS	ICS Computers Inc.	04/13/2023	Regular	0.00	2,080.00	45804
IMS	IMS	04/13/2023	Regular	0.00	279.78	45805
1343	India Riedel	04/13/2023	Regular	0.00	346.21	45806
105	Jones Equipment Company, Inc.	04/13/2023	Regular	0.00	500.00	45807
2253	MacVicar Consulting, Inc.	04/13/2023	Regular	0.00	250.00	45808
Morris-Depew Associa	Morris-Depew Associates, Inc.	04/13/2023	Regular	0.00	9,506.25	45809
2055	Northlake Veterinary Hospital	04/13/2023	Regular	0.00	267.49	45810
314	Okeechobee County Sheriffs Office	04/13/2023	Regular	0.00	18,489.99	45811
1727	Okeechobee Dodge Chrysler Jeep	04/13/2023	Regular	0.00	110.89	45812
222	Okeechobee News c/o Independent Newspape	04/13/2023	Regular	0.00	1,020.30	45813
OUA	Okeechobee Utility Authority	04/13/2023	Regular	0.00	99.48	45814
2043	O'Reilly Auto Parts	04/13/2023	Regular	0.00	32.98	45815
2064	Red Ink Printing	04/13/2023	Regular	0.00	53.95	45816
1574	Salem Trust Company	04/13/2023	Regular	0.00	340.41	45817
554	Scott's Quality Cleaning	04/13/2023	Regular	0.00	211.25	45818
2183	Select Shred	04/13/2023	Regular	0.00	30.00	45819
1670	Sherwin-Williams Co.	04/13/2023	Regular	0.00	8.31	45820
1827	Soler Automotive	04/13/2023	Regular	0.00	265.00	45821
1474	St. Lucie Battery & Tire	04/13/2023	Regular	0.00	790.40	45822
StopStick	StopStick, Ltd	04/13/2023	Regular	0.00	1,190.00	45823
350	Superior Water Works, Inc.	04/13/2023	Regular	0.00	82.50	45824
Supplyline	Supplyline	04/13/2023	Regular	0.00	231.97	45825
Taylor Rental	Taylor Rental - Okeechobee	04/13/2023	Regular	0.00	58.79	45826
1813	Thompson Reuters	04/13/2023	Regular	0.00	104.36	45827

## Check Report

Date Range: 04/01/2023 - 04/30/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1906	Thread Works Embroidery, LLC	04/13/2023	Regular	0.00	52.00	45828
Tire Zone	Tire Zone of Okeechobee, Inc.	04/13/2023	Regular	0.00	255.73	45829
1516	Total Roadside Services, Inc.	04/13/2023	Regular	0.00	281.00	45830
1861	TransUnion Risk & Alternative Data	04/13/2023	Regular	0.00	75.00	45831
TCMA	Treasure Coast Medical Associates	04/13/2023	Regular	0.00	2,915.00	45832
1544	UniFirst Corp	04/13/2023	Regular	0.00	585.29	45833
W&W	W&W Lumber Company of Okeechobee	04/13/2023	Regular	0.00	366.25	45834
WEX	WEX Bank	04/13/2023	Regular	0.00	5,549.92	45835
204	William Saum	04/13/2023	Regular	0.00	974.74	45836
FPU	Florida Public Utilities	04/20/2023	Regular	0.00	58.22	45837
1491	Home Depot Credit Services	04/20/2023	Regular	0.00	614.44	45838
Verizon	Verizon Wireless	04/20/2023	Regular	0.00	72.14	45839
Verizon	Verizon Wireless	04/20/2023	Regular	0.00	813.71	45840
AdvanceAuto	Advance Auto Parts	04/27/2023	Regular	0.00	380.03	45841
American Drilling Se	American Drilling Services, Inc.	04/27/2023	Regular	0.00	119.40	45842
AFLAC	American Family Life Assurance Co.	04/27/2023	Regular	0.00	316.88	45843
BOA- 9852 fka 8540	Bank of America - 9852 fka 8540	04/27/2023	Regular	0.00	209.35	45844
C&C Industrial Enter	C&C Industrial Enterprise. LLC	04/27/2023	Regular	0.00	74.53	45845
CenturyLink-Fiber	Century Link	04/27/2023	Regular	0.00	1,826.54	45846
CenturyLink-Local	CenturyLink	04/27/2023	Regular	0.00	2,119.17	45847
621	City Of Okeechobee - Petty Cash	04/27/2023	Regular	0.00	20.00	45848
Comcast	Comcast	04/27/2023	Regular	0.00	226.30	45849
Communications Inter	Communications International, Inc.	04/27/2023	Regular	0.00	217.00	45850
Dawn Hoover	Dawn Hoover	04/27/2023	Regular	0.00	50.00	45851
Eli's Western Wear I	Eli's Western Wear Inc.	04/27/2023	Regular	0.00	125.00	45852
Everglades Farm Equi	Everglades Farm Equip. Co., Inc.	04/27/2023	Regular	0.00	535.85	45853
FDC Supplies	FDC Supplies	04/27/2023	Regular	0.00	117.85	45854
FPL	Florida Power & Light Company	04/27/2023	Regular	0.00	747.36	45855
FPL	Florida Power & Light Company	04/27/2023	Regular	0.00	3,127.24	45856
GALLS, LLC	GALLS, LLC	04/27/2023	Regular	0.00	172.75	45857
Gilbert Oil Company,	Gilbert Oil Company, Inc.	04/27/2023	Regular	0.00	17,728.45	45858
Gilbert Outdoors	Gilbert Outdoors	04/27/2023	Regular	0.00	271.60	45859
Harris	Harris Corporation	04/27/2023	Regular	0.00	738.00	45860
HealthEquity	HealthEquity	04/27/2023	Regular	0.00	13.50	45861
1105	Indian River Crime Laboratory	04/27/2023	Regular	0.00	10,251.75	45862
1374	Jack Boon	04/27/2023	Regular	0.00	46.32	45863
2174	James Shaw	04/27/2023	Regular	0.00	35.00	45864
1866	JC Newell Const. Inspect. Services, Inc.	04/27/2023	Regular	0.00	5,356.00	45865
JonathanFolbrecht	Jonathan Folbrecht	04/27/2023	Regular	0.00	35.00	45866
105	Jones Equipment Company, Inc.	04/27/2023	Regular	0.00	246.00	45867
1532	Karyne Brass	04/27/2023	Regular	0.00	35.00	45868
1071	LegalShield	04/27/2023	Regular	0.00	14.95	45869
117	Liberty National Life Ins. Co.	04/27/2023	Regular	0.00	179.28	45870
1895	Mac L Jonassaint	04/27/2023	Regular	0.00	35.00	45871
MissionSquare	MissionSquare	04/27/2023	Regular	0.00	231.74	45872
MissionSquare	MissionSquare	04/27/2023	Regular	0.00	2,500.00	45873
Okeechobee Auxiliary	Okeechobee Auxiliary Police, Inc.	04/27/2023	Regular	0.00	300.00	45874
BOCC	Okeechobee County - BOCC	04/27/2023	Regular	0.00	150,514.75	45875
BOCC	Okeechobee County - BOCC	04/27/2023	Regular	0.00	200.00	45876
BOCC	Okeechobee County - BOCC	04/27/2023	Regular	0.00	165.00	45877
143	Okeechobee Discount Drug	04/27/2023	Regular	0.00	299.94	45878
1727	Okeechobee Dodge Chrysler Jeep	04/27/2023	Regular	0.00	166.45	45879
OUA	Okeechobee Utility Authority	04/27/2023	Regular	0.00	1,686.13	45880
2043	O'Reilly Auto Parts	04/27/2023	Regular	0.00	77.39	45881
1564	Philip Baughman	04/27/2023	Regular	0.00	35.00	45882
2165	Richard Chartier	04/27/2023	Regular	0.00	35.00	45883
1574	Salem Trust Company	04/27/2023	Regular	0.00	9,750.38	45884
1574	Salem Trust Company	04/27/2023	Regular	0.00	5,423.22	45885
1482	Sirchie Finger Print Laboratories	04/27/2023	Regular	0.00	161.72	45886
1827	Soler Automotive	04/27/2023	Regular	0.00	6,618.68	45887
Sprint	Sprint	04/27/2023	Regular	0.00	77.01	45888

Check Report

Date Range: 04/01/2023 - 04/30/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1474	St. Lucie Battery & Tire	04/27/2023	Regular	0.00	689.95	45889
Tire Zone	Tire Zone of Okeechobee, Inc.	04/27/2023	Regular	0.00	498.73	45890
1516	Total Roadside Services, Inc.	04/27/2023	Regular	0.00	281.00	45891
1939	United Way	04/27/2023	Regular	0.00	36.00	45892
W&W	W&W Lumber Company of Okeechobee	04/27/2023	Regular	0.00	613.11	45893
743	Walmart/Capital One	04/27/2023	Regular	0.00	143.46	45894
2244	Waste Management	04/27/2023	Regular	0.00	48,721.61	45895

Bank Code GenFund Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	167	117	0.00	372,689.04
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	11	11	0.00	381,215.46
	<b>178</b>	<b>128</b>	<b>0.00</b>	<b>753,904.50</b>

## Check Report

Date Range: 04/01/2023 - 04/30/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: Grant Fund 305-Industrial Development Fund						
CraigSmith	Craig A Smith	04/27/2023	Regular	0.00	1,377.00	1394

## Bank Code Grant Fund 305 Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	1,377.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>1</b>	<b>1</b>	<b>0.00</b>	<b>1,377.00</b>

Check Report

Date Range: 04/01/2023 - 04/30/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: Grant Fund 307-Appropriations Grant Fund</b>						
CAS Governmental Ser	CAS Governmental Services, LLC	04/13/2023	Regular	0.00	675.00	1393

Bank Code Grant Fund 307 Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	675.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>1</b>	<b>1</b>	<b>0.00</b>	<b>675.00</b>

## Check Report

Date Range: 04/01/2023 - 04/30/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: PubFac Fund-Public Facility Fund-Truist Checking</b>						
CW Roberts Contracti	CW Roberts Contracting, Inc.	04/06/2023	Regular	0.00	1,167.38	3623
BOA- 9928 fka 2303 P	Bank of America - 9928 fka 2303 PW	04/13/2023	Regular	0.00	1,135.22	3624
Culpepper & Terpenin	Culpepper & Terpening, Inc.	04/13/2023	Regular	0.00	985.00	3625
FERGUSON WATERWOR	FERGUSON WATERWORKS	04/13/2023	Regular	0.00	9,989.60	3626
JMC	JMC Landscaping Services, Inc.	04/13/2023	Regular	0.00	3,849.58	3627
1670	Sherwin-Williams Co.	04/13/2023	Regular	0.00	5.00	3628
1491	Home Depot Credit Services	04/20/2023	Regular	0.00	339.90	3629
FPL	Florida Power & Light Company	04/27/2023	Regular	0.00	5,845.04	3630
1155	Safety Products Inc.	04/27/2023	Regular	0.00	259.27	3631

## Bank Code PubFac Fund Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	10	9	0.00	23,575.99
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>10</b>	<b>9</b>	<b>0.00</b>	<b>23,575.99</b>

## All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	187	131	0.00	510,940.77
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	11	11	0.00	381,215.46
	<b>198</b>	<b>142</b>	<b>0.00</b>	<b>892,156.23</b>

## Fund Summary

Fund	Name	Period	Amount
001	GENERAL FUND	4/2023	753,904.50
301	PUBLIC FACILITY FUND	4/2023	23,575.99
304	CAPITAL PROJECTS FUND	4/2023	112,623.74
305	INDUSTRIAL DEVELOPMENT FUND	4/2023	1,377.00
307	APPROPRIATIONS GRANT FUND	4/2023	675.00
			<b>892,156.23</b>

## **ORDINANCE NO. 1273**

**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 HOLDING TO INDUSTRIAL; PETITION NO. 23-001-R; AMENDING THE ZONING MAP ACCORDINGLY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Okeechobee, Florida has adopted Ordinance No. 402 in which a revised Official Zoning Map was adopted for said City; and

**WHEREAS**, Be A Man Buy Land, LLC has heretofore filed Petition No. 23-001-R, pursuant to the Land Development Regulations of the City of Okeechobee for the purpose of rezoning a certain tract of land consisting of approximately 0.36 acres from Holding to Industrial; and

**WHEREAS**, said Petition was reviewed by the City's Planning Consultant who determined, based on initial findings and review, that such Petition is consistent with the Comprehensive Plan; and

**WHEREAS**, said Petition being reviewed by the City's Planning Board at a duly advertised Public Hearing held on April 20, 2023, determined that such Petition is consistent with the Comprehensive Plan; and

**WHEREAS**, the City Council agreed with the recommendation of the Planning Board and hereby finds Rezoning Petition No. 23-001-R to be consistent with the City's Comprehensive Plan and deems it in the best interest of the inhabitants of said City to amend aforesaid revised Zoning Map as hereinafter set forth.

**NOW, THEREFORE**, be it ordained before the City Council of the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City; that:

### **SECTION 1: LEGAL DESCRIPTION.**

The following described land consisting of approximately 0.36 acres, as the subject property, located in the City of Okeechobee, to-wit:

UNPLATTED LANDS OF THE CITY NORTH HALF OF NORTHWEST  
QUARTER OF SOUTHEAST QUARTER LYING NORTH OF SAL  
RAILROAD SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST,  
OKEECHOBEE COUNTY, FLORIDA.

### **SECTION 2: ZONING MAP AMENDMENT.**

That the aforesaid Revised Zoning Map of the City of Okeechobee be amended to reflect the subject property to be changed from Holding to Industrial.

### **SECTION 3: CONFLICT.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

### **SECTION 4: SEVERABILITY.**

If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**SECTION 5: EFFECTIVE DATE.**

This Ordinance shall become effective thirty-one (31) days after its adoption if the associated Zoning Map Amendment, No. 23-001-R, is adopted and not timely challenged. If the Comprehensive Plan is timely challenged, this ordinance shall become effective on the date the State Land Planning Agency, or the Administration Commission enters a final order determining the Zoning Map Amendment to be in compliance.

**INTRODUCED** for First Reading and set for Final Public Hearing on this 16<sup>th</sup> day of **May 2023**.

ATTEST:

Lane Gamiotea, CMC, City Clerk

Dowling R. Watford Jr., Mayor

**PASSED AND ADOPTED** after Second and Final Public Hearing this 20<sup>th</sup> day of **June 2023**.

As required by City Charter Section C-4.1.C, ordinances shall be adopted by roll call on final reading and recorded, the vote was as follows:

	Yes	No	Abstained	Absent
Council Member Chandler:				
Council Member/Vice Mayor Clark:				
Council Member Jarriel:				
Council Member McAuley:				
Mayor Watford:				

ATTEST:

Lane Gamiotea, CMC, City Clerk

Dowling R Watford Jr., Mayor

**REVIEWED FOR LEGAL SUFFICIENCY:**

John J. Fumero, City Attorney

Rezoning Petition No. 23-001-R, requests to rezone 0.36± unplatted acres from Holding to Industrial, located contiguous to the West-side of the East City Limits Boundary Line, North of the railroad tracks, and South of NE 12<sup>th</sup> Avenue. The proposed use is outdoor storage.

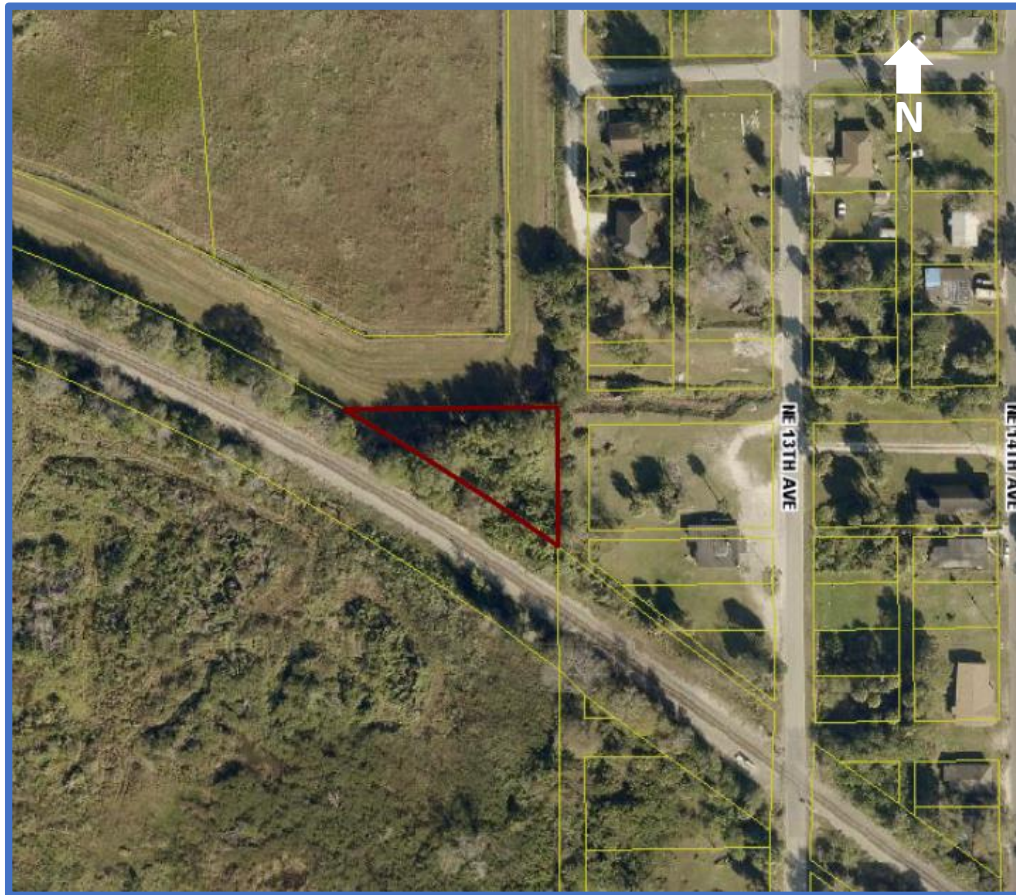
This Petition was heard before the Planning Board on April 20, 2023. The motion was as follows:

Motion by Member Chartier, seconded by Member Folbrecht to recommend approval to the City Council for Rezoning Petition No. 23-001-R, as presented in [Exhibit 2, which includes the findings as required for granting Petitions per Code Section 70-340; and the Planning Consultant's analysis of the findings and recommendation for approval]. The recommendation will be forwarded to the City Council for consideration at Public Hearings tentatively scheduled for May 16, 2023, and June 20, 2023.

Motion Carried Unanimously.

# 23-001-R

## Rezoning Staff Report



Applicant | Be A Man Buy Land, LLC  
Parcel Identification | 2-15-37-35-0A00-00003-A000



*Prepared for The City of Okeechobee*

## General Information

**Owner:** Be A Man Buy Land, LLC

**Applicant:** Be A Man Buy Land, LLC

**Primary Contact/Agent:** Rene Griffith, (772) 546-4101

**Parcel Identification:** 2-15-37-35-0A00-00003-A000

## Legal Description

UNPLATTED LANDS OF THE CITY N1/2 OF NW 1/4 OF SE 1/4 LYING NORTH OF SAL RR 15 37S 35E.

## Future Land Use, Zoning, and Existing Use of Subject Property

	Existing	Proposed
<b>Future Land Use</b>	Industrial	Industrial
<b>Zoning</b>	Holding	Industrial
<b>Use of Property</b>	Vacant	Open storage
<b>Acreage</b>	.36	.36

## Future Land Use, Zoning, and Existing Use of Surrounding Properties

	Future Land Use	Zoning	Existing Use
<b>North</b>	Industrial	Industrial	Vacant
<b>East</b>	Urban Residential Mixed Use (Okeechobee County)	Residential Mixed (Okeechobee County)	Retail
<b>South</b>	Commercial	Heavy Commercial	Railroad; Vacant
<b>West</b>	Commercial	Heavy Commercial	Vacant

## Description of Request and Existing Conditions

The request for consideration by the Okeechobee County Planning Board is a Rezoning Application, to change the zoning designation of a vacant 0.36-acre parcel from Holding to Industrial. The applicant is availing themselves of the Holding Rezoning program, which encourages property owners to rezone land which is zoned Holding and provides for reduced application fees and application submittal requirements as an incentive to do so.

## Consistency with LDC Section 70-340

City LDC Section 70-340 requires that applicants for rezoning requests must address the following standards.

*1) The request is not contrary to comprehensive plan requirements*

**Applicant Response:** No, the proposed request is not contrary to the comprehensive plan requirements. The current zoning for the property is Holding and the Future Land Use for the property is Industrial. The applicant is requesting a rezoning to Industrial. The City Council has encouraged property owners in the past located in the Holding zoning district to rezone to other zoning districts which are supported by the Future Land Use Map.

**Staff Response:** The subject property is designated Industrial on the City of Okeechobee Future Land Use Map. The City of Okeechobee Comprehensive Plan does not mention the Holding zoning district or contemplate it as appropriate in any FLU category though it does identify the Industrial (IND) zoning district as an appropriate district within the Industrial FLU category. This rezoning request is consistent with the comprehensive plan.

*2) The use is specifically authorized under the zoning district regulations applied for.*

**Applicant Response:** Yes, the Future Land Use for the subject property is Industrial.

**Staff Response:** The Applicant has identified open storage as the proposed use of the property. "Outdoor sales and storage, building trades contractor" is listed as an permitted use within the Industrial (IND) zoning district.

*3) Approval of the request will not have an adverse effect on the public interest.*

**Applicant Response:** The proposed use will not have an adverse effect on the public interest as the Future Land Use is Industrial.

**Staff Response:** The subject property is triangularly shaped and is designated Industrial FLU. The Okeechobee Commerce Center, the City's designated industrial park, is adjacent to the north. The railway is adjacent to the south and west, with vacant property beyond designated heavy commercial zoning. The eastern border of the property is also the City's eastern border. The area of unincorporated Okeechobee County that lies to the east is mixed use residential and commercial, though the property immediately adjacent to the east contains an existing retail use. Industrial uses at this location will not have an adverse effect on the public interest.

*4) The use is appropriate for the location proposed, is reasonably compatible with adjacent uses, and is not contrary or detrimental to urbanizing land use patterns.*

**Applicant Response:** The proposed use is appropriate for the location proposed, is reasonably compatible with adjacent land uses and is not contrary to or detrimental to urbanizing land use patterns as the Future Land Use for the subject property is Industrial and the adjacent properties in the City surrounding the subject property are either zoned Industrial or Holding.

**Staff Response:** As a point of clarification (the applicant may not be aware), the property to the immediate south and west was recently rezoned from Holding to Heavy Commercial. Based on the pattern of land uses as described in the staff response above, staff find that the proposed use is reasonably appropriate for the location proposed, is compatible with adjacent uses, and is consistent with prevailing land use patterns.

- 5) *Approval of the request will not adversely affect property values or living conditions, nor be a deterrent to the improvement or development of adjacent properties.*

**Applicant Response:** The proposed use will not adversely affect property values or living conditions or be a deterrent to the improvement or development of adjacent property as the properties in the City surrounding the subject property are either zoned Industrial or Holding.

**Staff Response:** The proposed use should not adversely affect property values or living conditions, nor be a deterrent to the improvement or development of adjacent properties.

- 6) *The use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood.*

**Applicant Response:** The Future Land Use for the subject property is Industrial and the properties surrounding the subject property are either Holding, Industrial or Residential Mixed and, therefore, the change in zoning is consistent with the area and there shouldn't be any nuisance or hazard to the neighborhood.

**Staff Response:** The property is not large enough to accommodate many types of industrial uses, large structures, or significant buffering. However, there is adequate area to provide the minimum landscape buffering and to provide a 5-foot-tall fence on the east side in accordance with LDC 90-454. The property will be subject to all standards and regulations set forth by the Land Development Code, including all required setbacks, buffers, and screening.

- 7) *Approval of the request will not create a density pattern that would overburden public facilities such as schools, streets, and utility services*

**Applicant Response:** No, the proposed use is for outdoor storage and therefore would not overburden public facilities such as schools, streets and utility services.

**Staff Response:** No residential density is proposed.

- 8) *Approval of the request will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety*

**Applicant Response:** No, the proposed use is for outdoor storage and therefore would not create traffic congestion, flooding, drainage problems, or affect public safety.

**Staff Response:** Industrial use of this property is unlikely to create any traffic congestion, flooding or drainage problems, or otherwise affect public safety.

9) *The use has not been inordinately burdened by unnecessary restrictions.*

**Applicant Response:** As of date, the proposed use has not been inordinately burdened by unnecessary restrictions.

**Staff Response:** There are no active uses associated with this property that staff is aware of and the proposed use has not been inordinately burdened by unnecessary restrictions.

### Recommendation

Based on the materials provided by the applicant and the above analysis, we find that this request to rezone the subject parcel from Holding to Industrial (IND) is consistent with the City's Comprehensive Plan, reasonably compatible with adjacent uses, and is consistent with the pattern of land use. Staff recommend approval of this request.

Submitted by:



Ben Smith, AICP

Director of Planning

April 10, 2023

Okeechobee Planning Board Hearing April 20, 2023

City Council Public Hearing: (tentative) May 16, 2023, and June 20, 2023.

## Supplemental Exhibits

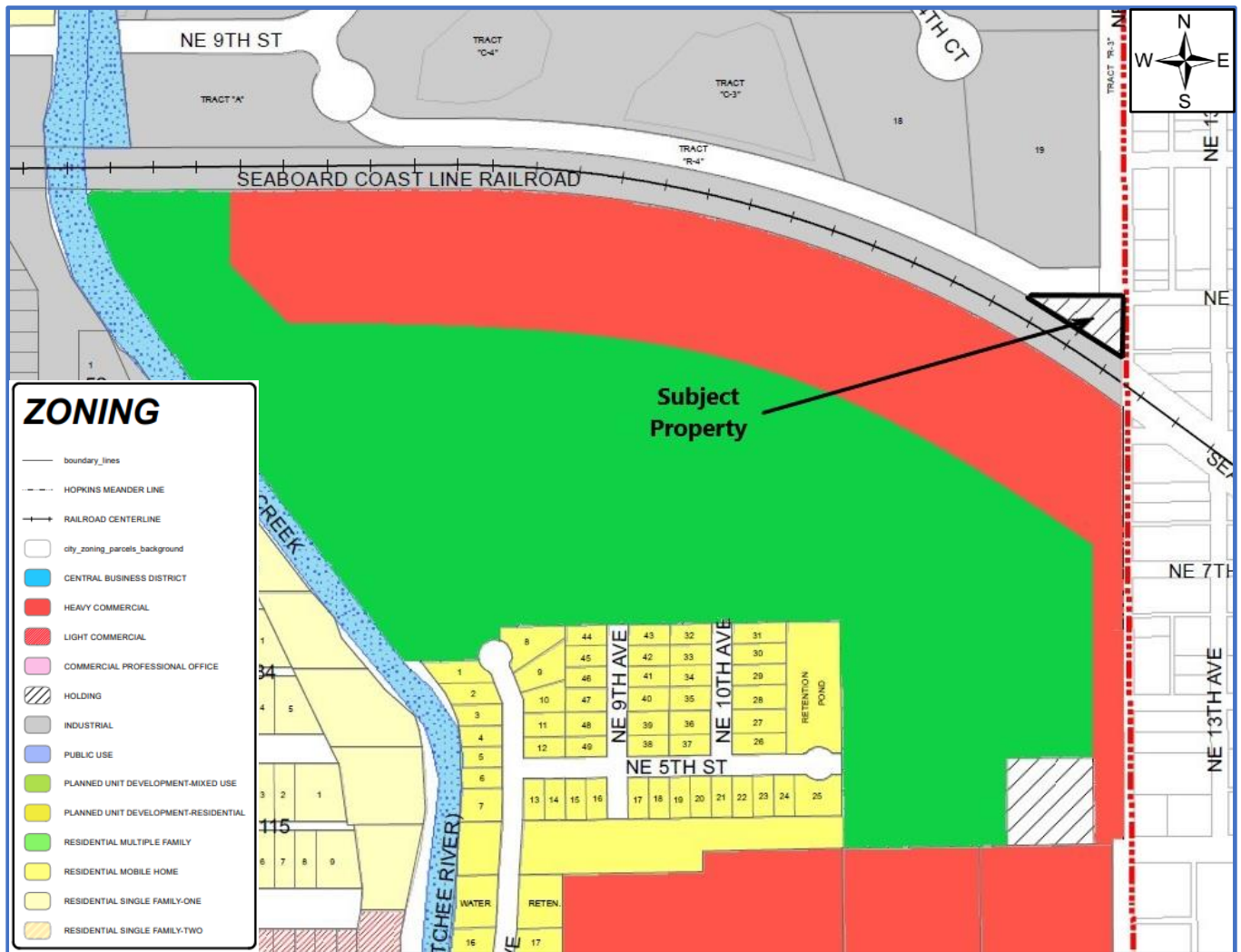


Exhibit A: Existing Zoning Map

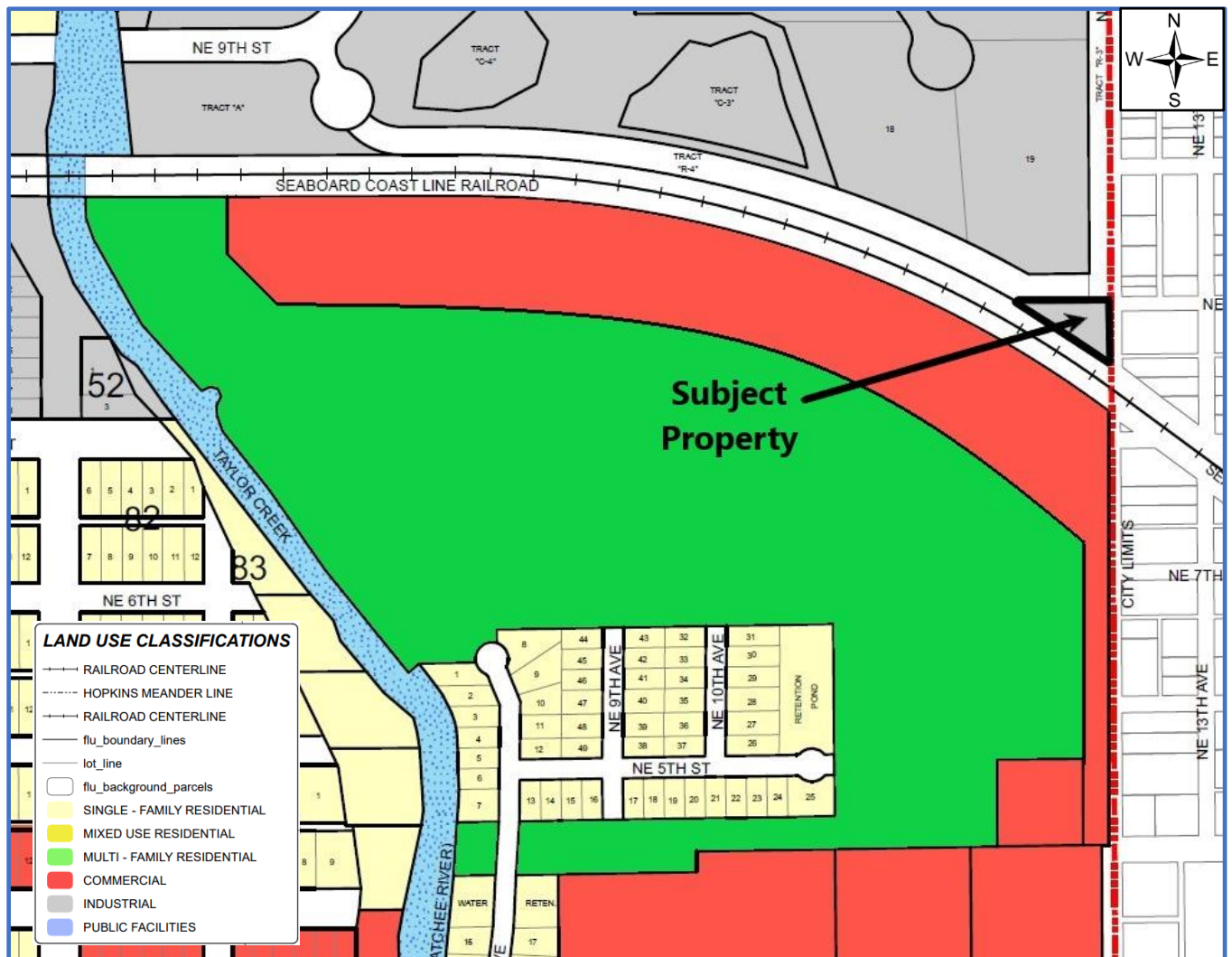
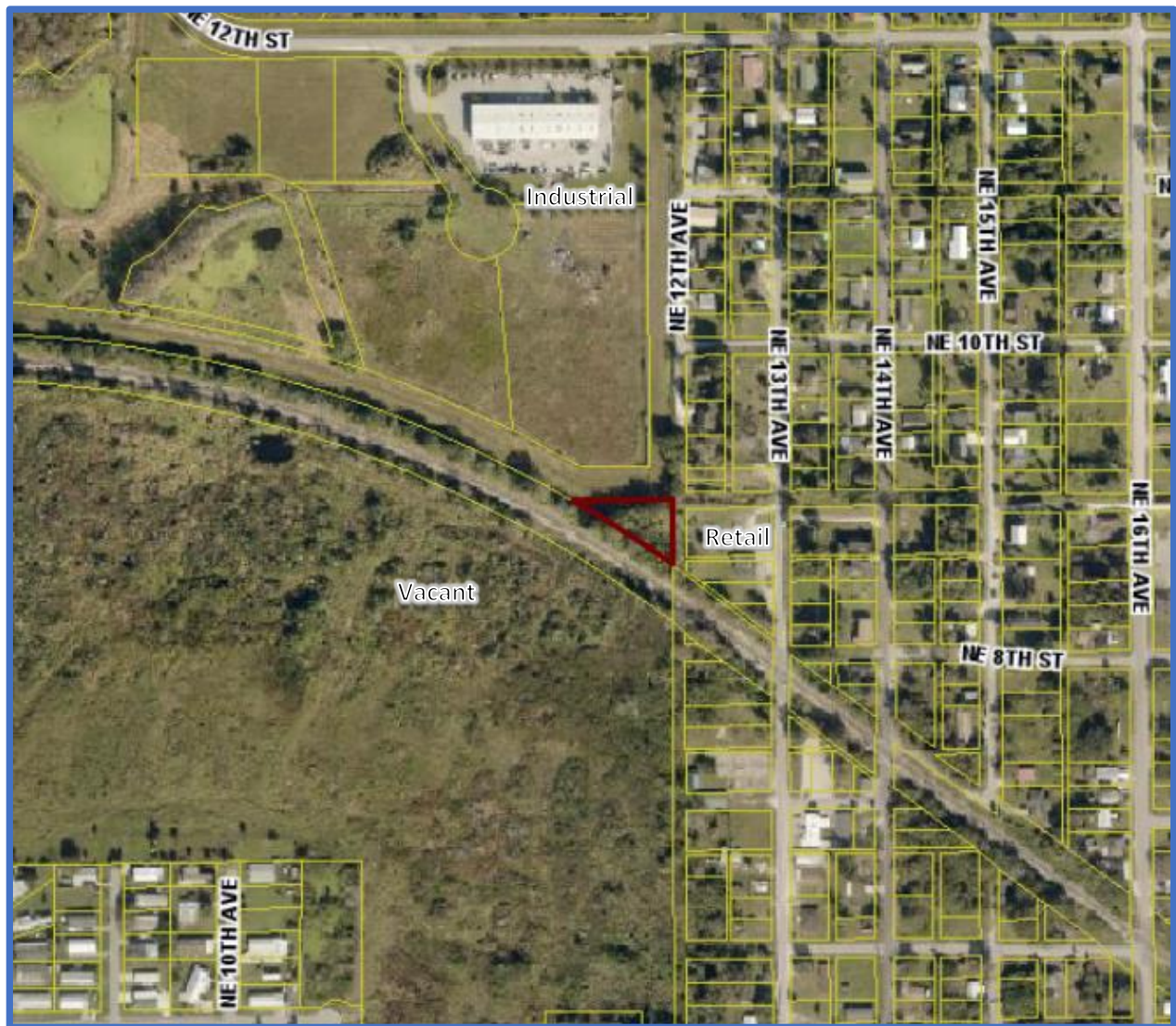


Exhibit B: Existing Future Land Use Map



*Exhibit C: Existing Land Uses*

<b>City of Okeechobee</b> <b>General Services Department</b> <b>55 S.E. 3<sup>rd</sup> Avenue, Room 101</b> <b>Okeechobee, Florida 34974-2903</b> <b>Phone: (863) 763-3372, ext. 9820</b> <b>Fax: (863) 763-1686</b>	Date: <u>3-9-23</u>	Petition No. <u>23-001-R</u>
	Fee Paid: <u>600.00</u>	Jurisdiction: PB & CC
	1 <sup>st</sup> Hearing: <u>4-20-23</u>	2 <sup>nd</sup> Hearing: <u>5-16 &amp; 6-20-23</u>
	Publication Dates:	
	Notices Mailed: <u>4/5</u>	

Per City of Okeechobee Ordinance No. 1258, property owners of land zoned Holding in the City of Okeechobee may submit requests to rezone their property with reduced application fees and reduced application submittal requirements until July 5, 2023, by filling out this application, paying the application fee and providing the required submittals on the attached checklist.

<b>Holding Property Rezoning Petition</b> <b>APPLICANT INFORMATION</b>	
1	Name of property owner(s): <u>Be A Man Buy Land, LLC</u>
2	Property owner(s) mailing address: <u>4260 SE Federal Highway, Stuart, Florida 34997</u>
3	Property owner(s) phone number: <u>772-546-4101</u>
4	Property owner(s) e-mail address: <u>reneg@beamanbuyland.com</u>
5	Name of petitioner (person signing petition): <u>Rene Griffith, Authorized Agent</u>
6	Petitioner(s) mailing address: <u>4260 SE Federal Highway, Stuart, Florida 34997</u>
7	Petitioner(s) phone number <u>772-546-4101; 7721-341-1918 (cell)</u>
8	Petitioner(s) e-mail address: <u>reneg@beamanbuyland.com</u>
9	Name of contact person (state relationship if other than petitioner): <u>Rene Griffith, Authorized Agent</u>
10	Contact person phone number: <u>same as above</u>
11	Contact person e-mail address: <u>same as above</u>
<b>PROPERTY INFORMATION</b>	
12	Subject property address <u>NE 9th Ave., Okeechobee, Florida</u> Legal description (Subdivision, Lot, Block or indicate Unplatted):  Subject parcel identification number(s): <u>2-15-37-35-0A00-00003-A000</u> ✓ Directions to subject property if no address:  Approx. acreage: <u>.36</u> ✓
13	Is there a current code violation on the subject property: Yes _____ No <u>X</u> _____ Case No. _____
14	Is there a pending sale of the property subject to this being granted:
15	Current Zoning Designation: <u>Holding</u> ✓ Requested Zoning Designation: <u>Industrial</u> _____ Current Future Land Use Designation: <u>Industrial</u> ✓ Describe current use and proposed use of subject property: <u>The property is currently vacant land and the proposed use is for outdoor storage.</u>  Source of potable water: _____ Method of sewage disposal: _____

**COVER LETTER**

**TO:** Registration Section  
Division of Corporations

**SUBJECT:** Be A Man Buy Land, LLC

\_\_\_\_\_  
Name of Limited Liability Company

Dear Sir or Madam:

The enclosed Amendment or Cancellation of Statement of Authority and fee(s) are submitted for filing.

Please return all correspondence concerning this matter to the following:

Joseph Zachary Gazza

\_\_\_\_\_  
Name of Person

Be A Man Buy Land, LLC

\_\_\_\_\_  
Firm/Company

4260 SE Federal Highway

\_\_\_\_\_  
Address

Stuart, Florida 34997

\_\_\_\_\_  
City/State and Zip Code

zach@beamanbuyland.com

\_\_\_\_\_  
E-mail address: (to be used for future annual report notification)

For further information concerning this matter, please call:

Joseph Zachary Gazza

\_\_\_\_\_  
Name of Person

772

at (\_\_\_\_\_) \_\_\_\_\_  
Area Code

546-4101

\_\_\_\_\_  
Daytime Telephone Number

**STREET/COURIER ADDRESS:**

Registration Section  
Division of Corporations  
Clifton Building  
2661 Executive Center Circle  
Tallahassee, Florida 32301

**MAILING ADDRESS:**

Registration Section  
Division of Corporations  
P.O. Box 6327  
Tallahassee, Florida 32314

**AMENDMENT OR CANCELLATION OF STATEMENT OF AUTHORITY**

Pursuant to section 605.0302(2), Florida Statutes, this limited liability company submits the following:

**FIRST:** The name of the limited liability company is: Be A Man Buy Land, LLC

**SECOND:** The Florida Document number of the limited liability company is: L12000097439

**THIRD:** The street address of the limited liability company's principal office is:

4260 SE Federal Highway, Stuart, Florida 34997

The mailing address of the limited liability company's principal office is:

4260 SE Federal Highway, Stuart, Florida 34997

**FOURTH:** The date the statement of authority became effective is: May 9, 2017

**FIFTH:** The statement of authority is cancelled.

**OR**

The amendment to the statement of authority is

Rene S, Griffith f/k/a Rene S. losco may also enter into other

transactions and execute all documents on behalf of, or otherwise

act for or bind, the company, in addition to executing an instrument





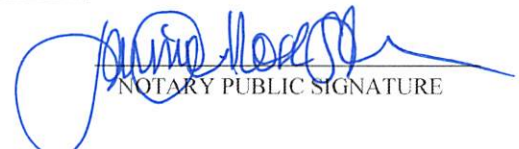






transferring real property held in the name of the  
Joseph Zachary Gazza Company

Signature of authorized representative

Typed or printed name of signature

**Filing Fee: \$25.00**  
**Certified Copy: \$30.00 (optional)**

CITY OF OKEECHOBEE  
55 SE 3<sup>RD</sup> AVENUE  
OKEECHOBEE, FL 34974  
TELE: 863-763-3372 FAX: 863-763-1686  
**LAND USE POWER OF ATTORNEY**

<b>Name of Property Owners:</b> Be A Man Buy Land, LLC						
<b>Mailing Address:</b> 4260 SE Federal Highway, Stuart, Florida 34997						
<b>Home Telephone:</b>	<b>Work:</b> 772-546-4101	<b>Cell:</b> 772-341-1918				
<b>Property Address:</b> NE 13th Ave., Okeechobee, Florida						
<b>Parcel ID Number:</b> 2-15-37-35-0A00-00003-A000						
<b>Name of Applicant:</b> Rene Griffith, Authorized Agent						
<b>Home Telephone:</b>	<b>Work:</b> 772-546-4101	<b>Cell:</b> 772-341-1918				
<p>The undersigned, being the record title owner(s) of the real property described above, do hereby grant unto the applicant stated above the full right and power of attorney to make application to the City of Okeechobee to change the land use of said property. This land use change may include rezoning of the property, the granting of special exception or variances, and appeals of decisions of the Planning Department. It is understood that conditions, limitations and restrictions may be place upon the use or operation of the property. Misstatements upon application or in any hearing may result in the termination of any special exception or variance and a proceeding to rezone the property to the original classification. This power of attorney may be terminated only by a written and notarized statement of such termination effective upon receipt by the Planning Department.</p>						
<p>IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HAND AND SEALS THIS 2nd DAY OF March 20 23.</p> <table style="width: 100%;"><tr><td style="width: 50%; text-align: center;"> OWNER <i>Authorized Agent</i></td><td style="width: 50%; text-align: center;"> WITNESS</td></tr><tr><td style="text-align: center;">_____ OWNER</td><td style="text-align: center;"> WITNESS</td></tr></table> <p>STATE OF FLORIDA COUNTY OF <u>Martin</u></p> <p>The foregoing instrument was acknowledged before me by means of <input checked="" type="checkbox"/> physical presence or <input type="checkbox"/> online notarization, this 2nd day of March, 20 23, by Rene Griffith (Name of Person) who is personally known to me or produced _____ as identification.</p> <div style="display: flex; justify-content: space-between; align-items: center;"><div style="border: 1px solid black; padding: 5px; text-align: center;"><p>JENNIFER ROSE SCHEE Notary Public - State of Florida Commission # HH 308224 My Comm. Expires Sep 5, 2026 Bonded through National Notary Assn.</p></div><div style="text-align: center;"> NOTARY PUBLIC SIGNATURE</div></div>			 OWNER <i>Authorized Agent</i>	 WITNESS	_____ OWNER	 WITNESS
 OWNER <i>Authorized Agent</i>	 WITNESS					
_____ OWNER	 WITNESS					



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

## Detail by Entity Name

Florida Limited Liability Company

BE A MAN BUY LAND, LLC

### Filing Information

<b>Document Number</b>	L12000097439
<b>FEI/EIN Number</b>	46-0687668
<b>Date Filed</b>	07/30/2012
<b>State</b>	FL
<b>Status</b>	ACTIVE
<b>Last Event</b>	LC AMND STMNT OF AUTHORITY
<b>Event Date Filed</b>	04/19/2019
<b>Event Effective Date</b>	NONE

### Principal Address

4260 SE Federal Hwy  
Stuart, FL 34997

Changed: 01/12/2017

### Mailing Address

4260 SE Federal Hwy  
Stuart, FL 34997

Changed: 01/12/2017

### Registered Agent Name & Address

GAZZA, JOSEPH Z  
4260 SE Federal Hwy  
Stuart, FL 34997

Address Changed: 01/12/2017

### Authorized Person(s) Detail

#### **Name & Address**

Title MGRM

GAZZA, JOSEPH Z  
4260 SE Federal Hwy  
Stuart, FL 34997

<b>16</b>	Describe current uses on adjoining properties to the: North: Property to the North is Industrial South: Property to the South is zoned Holding	Properties to the East are in the County and zoned Residential Mix East: West: Properties to the West are zoned Industrial or Holding.
-----------	--	--

### FINDINGS FOR GRANTING A REZONING (City LDC Sec. 70-340)

The Planning Board and Council will consider the following criteria, where applicable, in determining whether to approve or deny rezoning petitions. As the Applicant, please provide your response to each criterion to the best of your knowledge:

1. The request is not contrary to comprehensive plan requirements.
2. The use is specifically authorized under the zoning district regulations applied for.
3. Approval of the request will not have an adverse effect on the public interest.
4. The use is appropriate for the location proposed, is reasonably compatible with adjacent uses, and is not contrary or detrimental to urbanizing land use patterns.
5. Approval of the request will not adversely affect property values or living conditions, nor be a deterrent to the improvement or development of adjacent property.
6. The use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood.
7. Approval of the request will not create a density pattern that would overburden public facilities such as schools, streets, and utility services.
8. Approval of the request will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.
9. The use has not been inordinately burdened by unnecessary restrictions.

### **FINDINGS FOR GRANTING A REZONING**

1. The proposed request is not contrary to the comprehensive plan requirements.

No, the proposed request is not contrary to the comprehensive plan requirements. The current zoning for the property is Holding and the Future Land Use for the property is Industrial. The applicant is requesting a rezoning to Industrial. The City Council has encouraged property owners in the past located in the Holding zoning district to rezone to other zoning districts which are supports by the Future Land Use Map.

2. The use is specifically authorized under the zoning district regulations applied for.

Yes, the Future Land Use for the subject property is Industrial.

3. Approval of the request will not have an adverse effect on the public interest.

The proposed use will not have an adverse effect on the public interest as the Future Land Use is Industrial.

4. The use is appropriate for the location proposed, is reasonably compatible with adjacent land uses, and is not contrary or detrimental to urbanizing land use patterns.

The proposed use is appropriate for the location proposed, is reasonably compatible with adjacent land uses and is not contrary to or detrimental to urbanizing land use patterns as the Future Land Use for the subject property is Industrial and the adjacent properties in the City surrounding the subject property are either zoned Industrial or Holding.

5. Approval of the request will not adversely affect property values or living conditions, nor be a deterrent to the improvement or development of adjacent property.

The proposed use will not adversely affect property values or living conditions or be a deterrent to the improvement or development of adjacent property as the properties in the City surrounding the subject property are either zoned Industrial or Holding.

6. The use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood.

The Future Land Use for the subject property is Industrial and the properties surrounding the subject property are either Holding, Industrial or Residential Mixed and, therefore, the change in zoning is consistent with the area and there should not be any nuisance or hazard to the neighborhood.

7. Approval of the request will not create a density pattern that would overburden public facilities such as schools, streets, and utility services.

No, the proposed use is for outdoor storage and therefore would not overburden public facilities such as schools, streets and utility services.

8. Approval of the request will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.

No, the proposed use is for outdoor storage and therefore would not create traffic congestion, flooding, drainage problems, or affect the public safety.

9. The use has not been inordinately burdened by unnecessary restrictions.

As of date, the proposed use has not been inordinately burdened by unnecessary restrictions.

**Instrument Prepared By and Return To:**

Rene S. Griffith, Esq.  
4260 SE Federal Highway  
Stuart, Florida 34997

Parcel ID: 2-15-37-35-0A00-00003-A000

**QUIT CLAIM DEED**

FILE NUM 2018005095  
OR BK 805 PG 1661  
SHARON ROBERTSON, CLERK & COMPTROLLER  
OKEECHOBEE COUNTY, FLORIDA  
RECORDED 04/16/2018 02:06:18 PM  
AMT \$3,265.00  
RECORDING FEES \$10.00  
DEED DOC \$23.10  
RECORDED BY H Pinon  
Pg 1661f (1 pg)

THIS QUIT CLAIM DEED, made this 10<sup>th</sup> day of April, 2018, by and between JOSEPH EDWARD GAZZA, 4260 SE Federal Highway, Stuart, Florida 34997, Grantor and BE A MAN BUY LAND, LLC, a Florida limited liability company, 4260 SE Federal Highway, Stuart, Florida 34997, Grantee.

*(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument, and the heirs, legal representatives, successors and/or assigns)*

WITNESSETH, that said Grantor, for and in consideration of the sum of Three Thousand Two Hundred Sixty Four and 60/100ths Dollars (\$3,264.60), and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, does hereby remise, release and quitclaim unto the Grantee, all the right, title, interest, claim and demand which the Grantor has in and to the following described land, situate, lying and being in Okeechobee County, Florida (the "property"), to wit:

Unplatted Lands of the City N ½ of NW ¼ of SE ¼ lying North of Sal RR Section 15, Township 37 S, Range 35 E, Okeechobee County, Florida, .36 Acres.

Subject to taxes accruing after December 31, 2016; covenants, conditions, restrictions, easements, reservations and limitations of records, if any.

TO HAVE AND TO HOLD, the same together with all and singular appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, its successors and assigns forever.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.

"Grantor" and "Grantee" are used for singular or plural, as the context requires.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered  
in our presence

Rene Griffith  
Signature of Witness

Print Name of Witness Below:

Rene Griffith

AB  
Signature of Witness

Print Name of Witness Below:

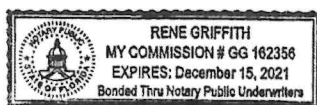
Angelique Barr

STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of April, 2018 by Joseph Zachary Gazza as Father/Guardian of JOSEPH EDWARD GAZZA who [ ☒ ] is personally known or [ ☐ ] has produced a driver's license as identification.

By: Joseph Zachary Gazza as Father/Guardian  
of JOSEPH EDWARD GAZZA

Rene Griffith  
Notary



PARCEL NUMBER	OWNER	ADDRESS 1	CITY	STATE	ZIP
1-13-38-36-0A00-00002-0000	SALRY RR	C/O CSX CORP 500 WATER STREET J910	JACKSONVILLE	FL	33202
1-15-37-35-0040-00020-0010	NEAL VINELLE J	PO BOX 921	OKEECHOBEE	FL	34973-0921
1-15-37-35-0040-00020-0060	BRADY LASHONDA DINSE	29060 SW 160TH AVE	HOMESTEAD	FL	33033-2330
1-15-37-35-0040-00020-0090	SINGH RITA	133-43 128TH STREET	SOUTH OZONE PARK	NY	11420
1-15-37-35-0040-00020-0110	GARLAND JAMES	14997 BRAHMA RD	POLK CITY	FL	33868
1-15-37-35-0040-00020-0120	GARLAND JAMES	14997 BRAHMA RD	POLK CITY	FL	33868
1-15-37-35-0040-00030-0010	BYRD DEMOND	609 NW 15TH ST	OKEECHOBEE	FL	34972-4358
1-15-37-35-0040-00030-0050	NEAL EDDIE JAMES JR	1224 NE 16TH AVE	OKEECHOBEE	FL	34972-3067
1-15-37-35-0040-00030-0060	GIVENS ARNETTA	1996 NICKLAUS DRIVE	TALLAHASSEE	FL	32301
1-15-37-35-0040-00030-0070	COPE WILLIE FRED	1178 GREAT GLEN WAY	LAWRENCEVILLE	GA	30045-9103
1-15-37-35-0040-00030-0080	OKEECHOBEE COUNTY	VACANT NE 13TH AVE	OKEECHOBEE	FL	34972
1-15-37-35-0040-00040-0010	ARROYO-SANCHEZ PEDRO L	199 NW 110TH ST	OKEECHOBEE	FL	34972
1-15-37-35-0070-0000D-0010	ARDLEY LAMAR	1641 BLUE JAY CIR	WESTON	FL	33327-2009
1-15-37-35-0070-0000D-0030	JOHNSON JAVARIS SR	1495 N TUCKER RIDGE RD	OKEECHOBEE	FL	34974-2842
1-15-37-35-0070-0000D-0130	FLEETON MATTIE P	PO BOX 1526	OKEECHOBEE	FL	34972
1-15-37-35-0070-0000D-0170	PEPPERS JOHNNIE MAE	908 NE 12TH AVE	OKEECHOBEE	FL	34972
1-15-37-35-0070-0000D-0200	ARDLEY LAMAR	1641 BLUE JAY CIR	WESTON	FL	33327-2009
1-15-37-35-0070-0000D-0230	STEINMETZ TOBIAH PAUL	14575 SW SANDY OAKS LOOP	INDIANTOWN	FL	34956-3205
1-15-37-35-0070-0000D-0240	ARDLEY LAMAR	1641 BLUE JAY CIR	WESTON	FL	33327-2009
1-15-37-35-0070-0000E-0190	GANT JUANITA LIVING TRUST	1661 NE 13TH ST	OKEECHOBEE	FL	34972-3011
1-15-37-35-0070-0000E-0210	SAUTERNES V LLC	18305 BISCAYNE BLVD STE 400	AVENTURA	FL	33160
1-15-37-35-0070-0000E-0230	MCNEIL JOHN B	896 NE 13TH AVE	OKEECHOBEE	FL	34972-3123
2-15-37-35-0A00-00003-0000	BLUE SPRING HOLDINGS LLC	10860 SW 25TH ST	DAVIE	FL	33324-5606
2-15-37-35-0A00-00003-A000	BE A MAN BUY LAND LLC	4260 SE FEDERAL HWY	STUART	FL	34997-4937
2-16-37-35-0A00-00005-0000	SALRY RR	C/O CSX CORP 500 WATER STREET J910	JACKSONVILLE	FL	33202
3-15-37-35-0020-00000-0180	TRC INVESTMENTS LLC	1132 NE 12TH ST	OKEECHOBEE	FL	34972
3-15-37-35-0020-00000-0190	TRC INVESTMENTS LLC	1132 NE 12TH ST	OKEECHOBEE	FL	34972



100 FT BUFFER

SUBJECT PARCEL

**Affidavit Attesting to the Completeness and Accuracy  
of the List of Surrounding Property Owners**

I hereby certify under the penalty of law or the revocation of the requested approval sought that to the best of my knowledge and belief, the attached list constitutes the complete and accurate list of the property owners, addresses, and parcel identification numbers of all parcels and tracts within three hundred (300) feet not including intervening streets, alleys, or waterways, of the perimeter of the lands which are subjects of, or are contiguous to but held under the same ownership as, the lands subject to the application for a change in land use or zoning, said list constituting a portion of that application. This affidavit is made based upon an inspection of the tax rolls of the Property Appraiser of Okeechobee County as of January 30th, 2023 and the Assertions made to me by members of that Office that the information reviewed constitutes the most recent information available to that office. I therefore attest to this 27th day of Feb, 2023.

Rene Griffith

Signature of Applicant

2/27/2023

Date

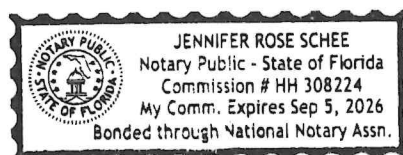
Rene Griffith, Authorized Agent

Name of Applicant (printed or typed)

STATE OF FLORIDA

COUNTY OF Martin

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 27th day of February, 2023, by Rene Griffith, who is personally known to me or produced \_\_\_\_\_ as identification.



[Signature]  
Notary Public Signature

**Okeechobee County Property Appraiser**

Mickey L. Bandi, CFA

**2022 Certified Values**

updated: 3/2/2023

Parcel: << **2-15-37-35-0A00-00003-A000 (32894)** >>**Owner & Property Info**

Result: 1 of 1

Owner	<b>BE A MAN BUY LAND LLC</b> 4260 SE FEDERAL HWY STUART, FL 34997-4937		
Site	NE 13TH AVE OKEECHOBEE		
Description*	UNPLATTED LANDS OF THE CITY N1/2 OF NW 1/4 OF SE 1/4 LYING NORTH OF SAL RR 15 37S 35E .36 ACRES		
Area	0.36 AC	S/T/R	15-37-35
Use Code**	VACANT (0000)	Tax District	50

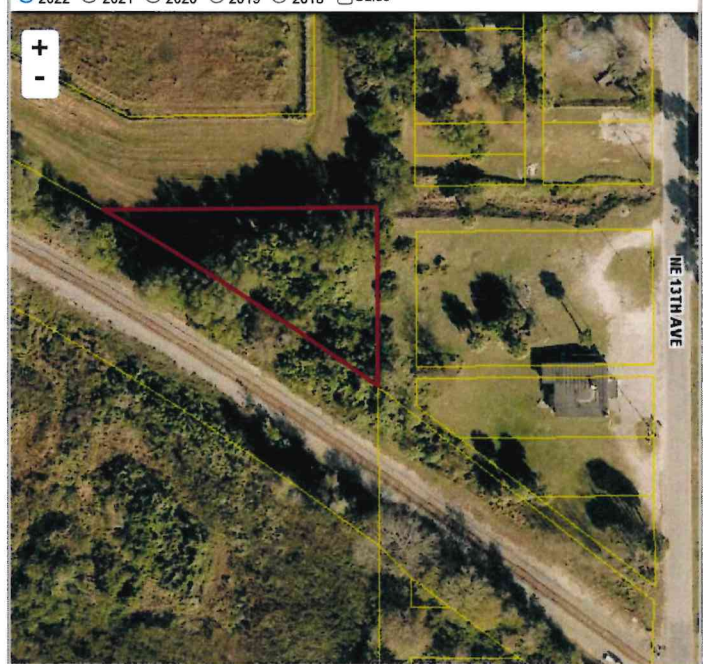
\*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.  
 \*\*The Use Code is a Dept. of Revenue code and is used solely for Property Appraisal purposes. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

**Property & Assessment Values**

2021 Certified Values		2022 Certified Values	
Mkt Land	\$9,017	Mkt Land	\$9,801
Ag Land	\$0	Ag Land	\$0
Building	\$0	Building	\$0
XFOB	\$0	XFOB	\$0
Just	\$9,017	Just	\$9,801
Class	\$0	Class	\$0
Appraised	\$9,017	Appraised	\$9,801
SOH/10% Cap [?]	\$290	SOH/10% Cap [?]	\$201
Assessed	\$9,017	Assessed	\$9,801
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$8,727 city:\$8,727 other:\$8,727 school:\$9,017	Total Taxable	county:\$9,600 city:\$9,600 other:\$9,600 school:\$9,801

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

Aerial Viewer Pictometry Google Maps

☒ 2022 ☐ 2021 ☐ 2020 ☐ 2019 ☐ 2018 ☐ Sales
**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Qualification (Codes)	RCode
4/10/2018	\$3,300	0805/1661	QC	V	U	11
2/22/2018	\$3,300	0803/1053	TD	V	U	11
10/14/2004	\$4,500	0546/0258	WD	V	U	02 (Multi-Parcel Sale) - show
1/19/2000	\$0	0433/0794	TD	V	U	01
1/1/1993	\$0	0921/0072	TC	V	U	03
11/1/1963	\$0	0121/0405	WD	V	Q	

**▼ Building Characteristics**

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
NONE					

**▼ Extra Features & Out Buildings (Codes)**

Code	Description	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

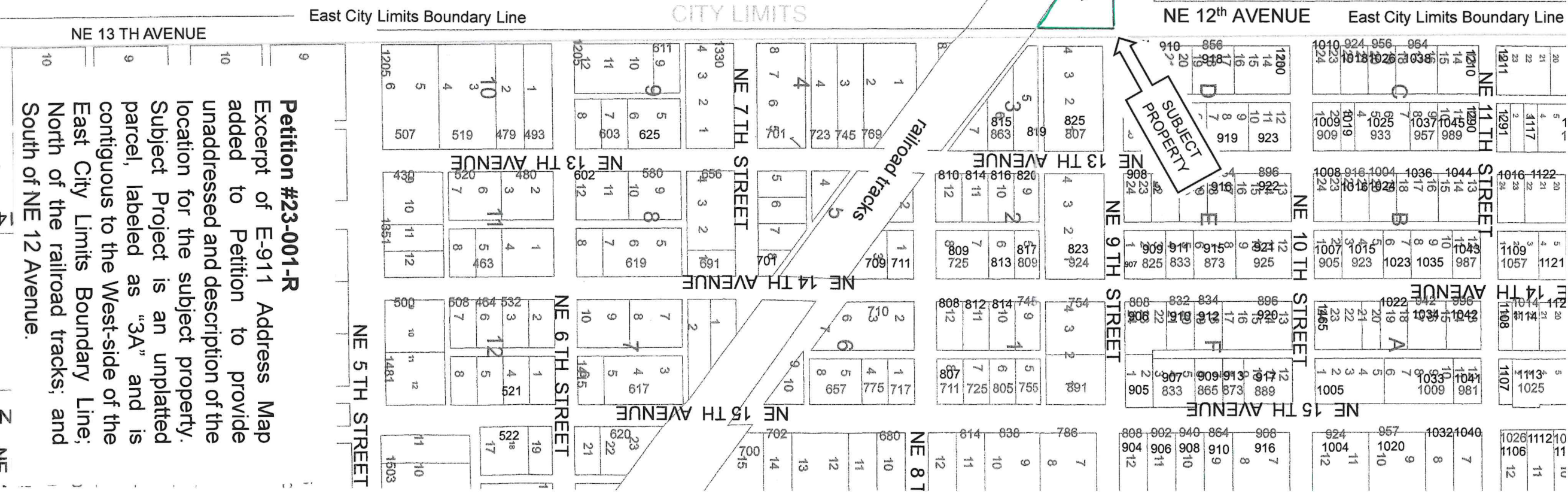
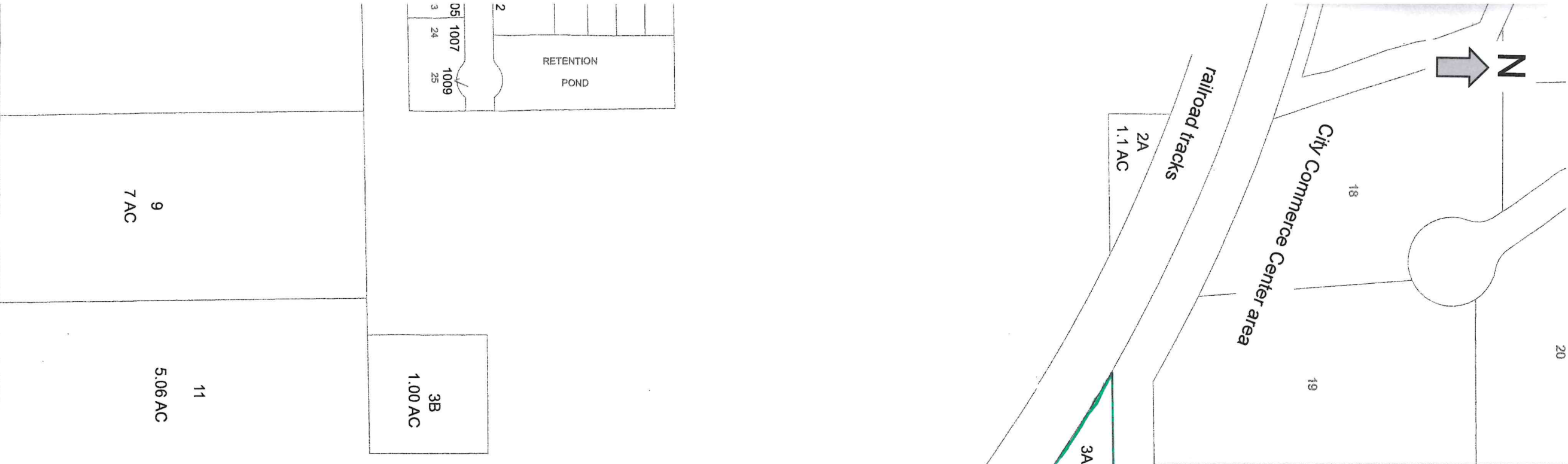
**▼ Land Breakdown**

Code	Description	Units	Adjustments	Eff Rate	Land Value
061D1	RR VICINITY (MKT)	15,682.000 SF (0.360 AC)	1.0000/1.0000 1.0000/.50000000 /	\$1 /SF	\$9,801

Search Result: 1 of 1

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by: GrizzlyLogic.com



**Petition #23-001-R**

Excerpt of E-911 Address Map added to Petition to provide unaddressed and description of the location for the subject property. Subject Project is an unplatted parcel, labeled as "3A" and is contiguous to the West-side of the East City Limits Boundary Line; North of the railroad tracks; and South of NE 12 Avenue.

**ORDINANCE NO. 1274**

**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.**

**WHEREAS**, Section 18-33 of the Code of Ordinances of the City of Okeechobee states “Florida Statutes (F.S.) Chapter (Ch.) 162, Parts I and II, Local Government Code Enforcement Boards Act is adopted in its entirety, as presently written or as hereafter amended by the State Legislature, as substantive authority for, and to proscribe procedures for, the establishment, organization, and operations of the local code enforcement program for the City”; and

**WHEREAS**, F.S. Section 162.09(2)(c) states that “[a]n enforcement board may reduce a fine imposed pursuant to this section; and

**WHEREAS**, consistent with the authority found in F.S. Ch.162 and Section 18-33 of the Code of Ordinances of the City of Okeechobee, the City utilizes a Special Magistrate rather than an Enforcement Board to adjudicate code enforcement matters; and

**WHEREAS**, a number of local governments specify the grounds in which local government staff and Special Magistrates evaluate code enforcement fine reduction requests; and

**WHEREAS**, the City Council finds that this Ordinance promotes the public health, safety and welfare of its citizens and inhabitants of the City, pursuant to Article VIII, Section 1(g), Florida Constitution.

**NOW, THEREFORE**, be it ordained before the City Council of the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City; that:

**SECTION 1: RECITALS.**

The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**SECTION 2: AMENDMENT TO SECTION 18-38.**

That Section 18-38 Powers of Magistrate of Part II of the City Code of Ordinances within Chapter 18 Code Enforcement, Article II Code Enforcement Procedure is hereby amended to read as follows:

(a) The Magistrate shall have all powers created by F.S. Ch. 162. Additionally, the magistrate shall have all powers delegated by the City Council relating to the exercise of its police powers pursuant to F.S. Ch. 166. The Magistrate shall have the express power to:

(1) Adopt rules for the conduct of Code Enforcement meetings and hearings.

(2) Subpoena alleged violators and witnesses.

- (3) Subpoena evidence as necessary for hearings, including but not limited to physical and documentary evidence, such as records, surveys, plats, and photographs.
- (4) Take testimony under oath.
- (5) Issue orders having the force and effect of law which can command whatever steps are necessary to bring a violation into compliance, such decision to be made at the hearing and reduced to writing and mailed to the violator within ten working days thereafter.
- (6) Establish and enforce fines pursuant to this municipal code.
- (7) Authorize the reduction of any fine he or she has imposed.
- (b) ~~Any aggrieved party may appeal an order of the magistrate to the circuit court in F.S. 162.11, including but not limited to the magistrate's determination of a fine reduction.~~ 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 or 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.
- (c) Any aggrieved party may appeal an order of the Magistrate to the Circuit Court as provided in F.S. 162.11, including but not limited to the Magistrate's determination of a fine reduction.

### **SECTION 3: AMENDMENT TO SECTION 18-39**

That Section 18-39 Reserved of Part II of the City Code of Ordinances within Chapter 18 Code Enforcement, Article II Code Enforcement Procedure is hereby amended to read as follows:

#### **Sec. 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 foreclosure proceeding.

Sections 18-40 – 19-70 Reserved.

#### **SECTION 4: SEVERABILITY.**

If any section, subsection, clause, or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

#### **SECTION 5: CONFLICT.**

All sections or parts of sections of the City of Okeechobee Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

#### **SECTION 6: INCLUSION IN THE CODE OF ORDINANCES.**

It is the intention of the City Council of the City of Okeechobee, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Okeechobee Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

#### **SECTION 7: EFFECTIVE DATE.**

This Ordinance shall be effective upon final adoption on second reading.

**INTRODUCED for FIRST READING** and set for Final Public Hearing on this **16<sup>th</sup>** day of **May 2023**.

ATTEST:

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Dowling R. Watford Jr., Mayor

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Lane Gamiotea, CMC, City Clerk

**SECOND READING AND FINAL ADOPTION** held this 20<sup>th</sup> day of June 2023.

As required by City Charter Section C-4.1.C, ordinances shall be adopted by roll call on final reading and recorded, the vote was as follows:

	Yes	No	Abstained	Absent
Council Member Chandler:				
Council Member/Vice Mayor Clark:				
Council Member Jarriel:				
Council Member McAuley:				
Mayor Watford:				

\_\_\_\_\_  
Dowling R Watford Jr., Mayor

ATTEST:

\_\_\_\_\_  
Lane Gamiotea, CMC, City Clerk

**REVIEWED FOR LEGAL SUFFICIENCY:**

\_\_\_\_\_  
John J. Fumero, Esq.  
City Attorney

#### IV. NEW BUSINESS CONTINUED

C. Continued. All have their pros and cons which led to considering a blended/staggered option where the OUA could consider immediately moving forward with design, permitting, and construction of a LPS system to serve the residential area (from SW 5<sup>th</sup> to 7<sup>th</sup> Avenue's), and then consider future expansion of the gravity sewer for the commercial corridor (SW 3<sup>rd</sup> to South Parrott Avenue) in the future. He then reviewed the Southwest Service Area (SWSA) Project 1, the master force main and pump station are currently under construction, the SWSA SE 2 Interconnect is in design and permitting. Both the SWSA Project 2 Collection System and Project 3 Okee-Tanie/State Road 78 are in the design and permitting stage. The Treasure Island Project is being reviewed for engineering, this is a large project that the OUA has received funding for and will eliminate over 2,500 septic tanks. The Pine Ridge Park Project is under construction. Mr. Creasman along with Mr. John Hayford, OUA Executive Director responded to Council questions. There was concern expressed in regards to using the LPS system for the SW 5<sup>th</sup> Avenue Project. Mr. Creasman acknowledged those concerns and advise he would convey them to the OUA Board and request to look at all options. A copy of the power point has been incorporated into the official minute file. This item was for informational purposes, no official action required.

D. A discussion was held regarding the current protocol for Code Enforcement reduction of fines. Council Member Jarriel expressed his concern that the Code Enforcement Magistrate recently approved a fine reduction of 75 percent on a \$10,000.00 fine. In order to provide historic practices on fine reduction, Chief Hagan distributed two spreadsheets, which have been incorporated into the official minute file.

One spreadsheet provided in table format, nine cases that went before the City Council requesting fine reductions between January 2020 through April 2021. Of those nine, one was approved for a reduction of 50 percent, one for 70 percent, one for 75 percent, two for 80 percent, and four for 90 percent, none were repeat violators. The Council, by ordinance in April 2021, gave the authorization to the Special Magistrate to approve all future fine reduction requests. The second spreadsheet provided in table format, nine cases that went before the Special Magistrate requesting fine reductions between May 2021 through September 2022. Seven were approved for a reduction of 75 percent, one was approved for 90 percent due to special circumstances, and one noted as a repeat violator was approved for 50 percent.

City Attorney Greg Hyden was in attendance and reviewed Florida Statutes Chapter 162 which addresses Code Enforcement and gave an overview of the process required when approving fine reductions. It was also noted that the intent of issuing fines is to gain compliance and never to be looked at as a source of revenue. The discussion continued with Code Enforcement Officers Anthony Smith and Christina Curl, Chief Hagan, Attorneys Fumero and Hyden responding to questions from the Council. The outcome was for Staff to re-develop their current matrix used when making their recommendation for fine reduction requests to the Special Magistrate, to include the length of time it takes for the property to come into compliance and efforts made by the property owner. It was not noted whether this would need to come back before the Council.

E. Motion and second by Council Members Clark and Keefe to approve a Police Fleet purchase of four 2023 Dodge Chargers in the amount of \$145,748.00 from Garber Fleet Sales [via the Florida Sheriff's Association bid as presented in **Exhibit 3**]. A motion to amend the motion on the floor, to purchase five 2023 Dodge Chargers, was made by Council Member Clark and seconded by Council Member Jarriel. **Motion to Amend Carried Unanimously. Motion as Amended Carried Unanimously.**

F. Added Item. Motion and second by Council Members Keefe and Clark to approve an Interlocal Agreement with Okeechobee County for storm debris removal and monitoring [as presented in **Exhibit 4**]. **Motion Carried Unanimously.**

G. Added Item. Motion and second by Council Members Keefe and Jarriel to approve a Worker's Compensation Settlement with William Saum [as presented in **Exhibit 5**]. **Motion Carried Unanimously.**

#### V. CITY ATTORNEY UPDATE

- Completed Settlement Agreement with William Saum; and
- Interlocal Agreement with the County of Okeechobee for storm debris removal.

#### VI. CITY ADMINISTRATOR UPDATE

- Worked closely with County Emergency Management during Hurricane Ian;
- Thanked Staff for their dedication and work both before and after Hurricane Ian;
- Will be reviewing and updating the Emergency Management Procedures which was last done in 1994.



**CITY OF OKEECHOBEE, FLORIDA**  
**DECEMBER 6, 2022, 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 December 6, 2022, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast (SE) 3<sup>rd</sup> Avenue, Room 200, Okeechobee, Florida. The invocation was offered by Mayor Watford; followed by the Pledge of Allegiance led by Council Member Clark.

**II. ATTENDANCE**

Roll was taken by Deputy City Clerk Heather Prince to establish a quorum. Members present: Mayor Dowling R. Watford, Jr., Council Members Noel A. Chandler, Monica M. Clark, Robert "Bob" Jarriel, and Robert "Bobby" M. Keefe, Jr.

**III. AGENDA AND PUBLIC COMMENTS**

- A. There were no requests for items to be added, deferred, or withdrawn from the agenda.
- B. Motion and second by Council Members Keefe and Jarriel to approve the revised agenda as presented.  
**Motion Carried Unanimously.**
- C. There were no comment cards submitted for public participation for issues not on the agenda.

**IV. CONSENT AGENDA**

- A. Motion and second by Council Members Keefe and Jarriel to [dispense with the reading and] approve the meeting Minutes for November 8, 2022, and November 15, 2022, [as presented]. **Motion Carried Unanimously.**

**V. NEW BUSINESS**

- A. Ms. Connie Vanassche, of CAS Governmental Services, LLC, highlighted the City's 2023-24 Legislative Priorities, as presented with the published agenda, that will be presented at the Delegation Hearing scheduled for February 4, 2023. Appropriation Funding requests will include \$1,200,000.00 for the hardening of the Public Safety Building, \$1,200,000.00 for the hardening of City Hall, and \$412,503.00 for State Law Enforcement Radio System Equipment that is a State unfunded mandate. Issues of concern are unfunded mandates and attacks on Home Rule which further fiscally constrain our area that is designated a Rural Area of Opportunity. Our unemployment rate and poverty level are above the State averages. Seek support for the Lake Okeechobee System Operating Manual Project, the Broadband Expansion Programs, and the State's continued financial commitment to the widening of State Road (SR) 70 West to U.S. Highway 27. Request to increase or maintain State Funded Programs: Florida Department of Environmental Protection water quality grants, and Recreation Development Assistance Program grants. Florida Department of Economic Opportunity Rural Infrastructure Fund grants and Historical Preservation grants. Florida Department of Transportation (FDOT) Small County Outreach Program grants. Issues of financial concern are State mandated exemptions, Local Business Taxes, and Communications Services Taxes. There were no modifications made, therefore this item was for informational purposes only.
- B. City Attorney Greg Hyden reviewed the Code Enforcement Lien Process utilizing an 11-slide power point presentation [as presented in Exhibit 1, with a revised slide 11 and added slide 12 distributed during the meeting]. He highlighted the specifics of Florida Statute Chapter 162 as it applies, then aspects of the City's current Ordinances, and presented the Staff's recommendations for amendments to specify the criteria considered by the Special Magistrate when reviewing requests for lien reductions. This includes reducing liens to a maximum of 60 percent as well as considering the gravity of the violation, efforts towards compliance, and frequency of violations. Attorney Hyden responded to several questions posed by the Council. Following the discussion, **the Council agreed to proceed with the amendments as presented. An ordinance will be presented at a future meeting.**
- C. Motion and second by Council Members Chandler and Jarriel to approve the Termination of Grant of License with American Legion Post No. 64 regarding Veterans Square in Flagler Park [as presented in Exhibit 2]. For the record, it was verified that Mr. Steve Lynn of the American Legion is aware of matter and in agreement they are no longer able to maintain the Park as originally agreed; and clarified the Park would continue to be used to honor Veterans and would remain known as Veterans Memorial Square.  
**Motion Carried Unanimously.**

## 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 foreclosure 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.**