



**CITY OF OKEECHOBEE, FLORIDA
JULY 6, 2021, REGULAR CITY COUNCIL
MEETING MINUTES**

I. CALL TO ORDER

Mayor Watford called the regular meeting of the City Council for the City of Okeechobee to order on Tuesday, July 6, 2021, at 6:05 P.M. in the Council Chambers, located at 55 Southeast 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., Council Members Noel Chandler, Monica Clark, Bob Jarriel, and Bobby Keefe.

III. AGENDA AND PUBLIC COMMENTS

A. Mayor Watford asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.

B. Motion by Council Member Jarriel, seconded by Council Member Clark to approve the agenda as presented. **Motion Carried Unanimously.**

C. There were no comment cards submitted for public participation.

IV. CONSENT AGENDA

Motion by Council Member Keefe, seconded by Council Member Clark to approve consent agenda item **A**, [May 2021 Warrant Register: General Fund \$507,077.30, Public Facilities Improvement Fund \$15,124.10, Capital Improvement Projects Fund \$10,089.35, and Appropriation Grant Fund \$56,506.65]. **Motion Carried Unanimously.**

V. MAYOR WATFORD OPENED THE PUBLIC HEARING AT 6:07 P.M.

A. Motion by Council Member Keefe, seconded by Council Member Jarriel to read proposed Ordinance No. 1225 by title only, regarding Small Scale Future Land Use Map (FLUM) Amendment Application No. 21-002-SSA [submitted by John Creswell, Registered Agent for JKST Holdings, LLC, property owner of Lots 1 to 12 of Block 110, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County Public records, approximately 1.93 acres]. **Motion Carried Unanimously.**

City Attorney Fumero read proposed Ordinance No. 1225 by title only as follows: "AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE CITY OF OKEECHOBEE COMPREHENSIVE PLAN, ORDINANCE NO. 635 AS AMENDED, BY REVISING THE FLUM ON CERTAIN TRACTS OF LAND MORE PARTICULARLY DESCRIBED HEREIN FROM COMMERCIAL (C) TO MULTI-FAMILY RESIDENTIAL (MFR) (APPLICATION NO. 21-002-SSA); PROVIDING FOR INCLUSION OF ORDINANCE AND REVISED FLUM IN THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE."

Motion by Council Member Jarriel, seconded by Council Member Keefe to adopt proposed Ordinance No. 1225 [as provided in Exhibit 1, which includes the findings as required for granting applications per Code Section. 70-340; Planning Consultants analysis of the findings and recommendation for approval; and the Planning Board's recommendation to approve].

Several of the Council Members noted their objection to the MFR classification as the property is located within the proposed commercial corridor currently under consideration. City Planning Consultant Ben Smith was unable to attend the meeting due to weather conditions caused by a tropical storm. During public comments, Mr. Steve Dobbs of 209 Southeast 2nd Street, spoke on behalf of the applicant for approval. **Motion Failed.**

V. **PUBLIC HEARING CONTINUED.**

- B. Motion by Council Member Jarriel, seconded by Council Member Keefe to read proposed Ordinance No. 1226 by title only, regarding Small Scale FLUM Amendment Application No. 21-003-SSA [submitted by Shaun Penrod, property owner of Lots 1 to 12 of Block 121, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County Public records, approximately 2.07 acres]. **Motion Carried Unanimously.**

City Attorney Fumero read proposed Ordinance No. 1226 by title only as follows: "AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE CITY OF OKEECHOBEE COMPREHENSIVE PLAN, ORDINANCE NO. 635 AS AMENDED, BY REVISING THE FLUM ON CERTAIN TRACTS OF LAND MORE PARTICULARLY DESCRIBED HEREIN FROM C TO MFR (APPLI- CATION NO. 21-003-SSA); PROVIDING FOR INCLUSION OF ORDINANCE AND REVISED FLUM IN THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE."

Motion by Council Member Keefe, seconded by Council Member Chandler to adopt proposed Ordinance No. 1226 [as provided in Exhibit 2, which includes the findings as required for granting applications per Code Section. 70-340; Planning Consultants analysis of the findings and recommendation for approval; and the Planning Board's recommendation to approve].

Council Members noted their objections for the same reasons as noted in item A for proposed Ordinance No. 1225, Block 110 is located north of Block 121, both are the subject property for a proposed apartment complex. During public comments, Mr. Steve Dobbs of 209 Southeast 2nd Street, stated his remarks made for the previous item applies the same here. **Motion Failed.**

- C. Motion by Council Member Clark, seconded by Council Member Jarriel to adopt proposed Resolution No. 2021-02, providing for the Collection and Disposal Services of Residential Solid Waste customers, and establishing a Preliminary Rate Assessment for services.

City Attorney Fumero read proposed Resolution No. 2021-02 by title only as follows: "A PRELIMINARY RATE RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA; PURSUANT TO THE SECTION 2.08, ORDINANCE NO. 784 RELATING TO THE PROVISION OF SOLID WASTE COLLECTION AND DISPOSAL SERVICES; SETTING FORTH A BRIEF DESCRIPTION OF SOLID WASTE SERVICES PROVIDED; DETERMINING THE SOLID WASTE ASSESSED COST FOR THE UPCOMING FISCAL YEAR; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR THE UPCOMING FISCAL YEAR; AUTHORIZING AND SETTING A PUBLIC HEARING TO CONSIDER COMMENTS FROM THE PUBLIC CONCERNING ADOPTION OF AN ANNUAL RATE RESOLUTION; DIRECTING THE CITY ADMINISTRATOR TO UPDATE THE ASSESSMENT ROLL, AND TO PROVIDE NECESSARY NOTICE THEREOF TO AFFECTED LANDOWNERS IN THE CITY OF OKEECHOBEE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE."

During public comments, Mrs. Karyne Brass and Ms. Libby Pigman stated their concerns on the lack of service provided by Waste Management, which will be conveyed to Mr. Jeff Sabin, as well as requesting Code Enforcement increase their involvement when residents continually place large items that do not fit in the trash receptacles along the rights-of-way. Residents are responsible for notifying Waste Manage when these types of items are put out for pick-up. There could also be an issue of illegal dumping due to the number of items that are continuously put out. Mr. Frank Irby stated the cost he pays is inexpensive compared to the services provided. **Motion Carried Unanimously.**

- D. Motion by Council Member Clark, seconded by Council Member Keefe to adopt proposed Resolution No. 2021-03, providing for the Residential Solid Waste and Collection Assessment for Fiscal Year 2021-22.

V. PUBLIC HEARING CONTINUED.

- D. Continued: City Attorney Fumero read proposed Resolution No. 2021-03 by title only as follows: "A RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA; RELATING TO THE PROVISION OF SOLID WASTE COLLECTION AND DISPOSAL SERVICES; CONTINUING IMPOSITION OF THE SOLID WASTE COLLECTION ASSESSMENT PREVIOUSLY ESTABLISHED BY RESOLUTION 01-08; ADOPTING THE ANNUAL RATE RESOLUTION AS PERMITTED BY ORDINANCE 784 FOR FISCAL YEAR 2021-22; APPROVING THE PRELIMINARY RATE RESOLUTION; AND CERTIFYING THE SOLID WASTE ASSESSMENT ROLL AS AUTHORIZED BY FLORIDA STATUTES 197.3632(4)(5) AS NECESSARY UNDER FLORIDA STATUTES 197.3632; PROVIDING FOR PUBLIC HEARING AND COMMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE."

There were no public comments. **Motion Carried Unanimously.**

MAYOR WATFORD CLOSED THE PUBLIC HEARING AT 7:06 P.M.

VI. NEW BUSINESS

- A. Motion by Council Member Jarriel, seconded by Council Member Clark to read proposed Ordinance No. 1227 by title only, regarding Rezoning Petition No. 21-002-R [submitted by John Creswell, Registered Agent for JKST Holdings, LLC, property owner of Lots 1 to 12 of Block 110, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County Public records, proposed use is an apartment complex, provided in Exhibit 5]. **Motion Carried Unanimously.**

City Attorney Fumero read proposed Ordinance No. 1227 by title only as follows: "AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF OKEECHOBEE BY REZONING CERTAIN TRACTS OF LAND MORE PARTICULARLY DESCRIBED HEREIN, FROM LIGHT COMMERCIAL TO RESIDENTIAL MULTIPLE FAMILY (PETITION NO. 21-002-R); AMENDING THE ZONING MAP ACCORDINGLY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE."

Motion by Council Member Keefe, seconded by Council Member Clark to approve the first reading of proposed Ordinance No. 1227 and set August 3, 2021, as the final public hearing date. This Petition is for the same property as in Public Hearing Item A, that did not pass. The Council cannot rezone property that will be inconsistent with the FLUM. **Motion Failed Unanimously.**

- B. Motion by Council Member Keefe, seconded by Council Member Clark to read proposed Ordinance No. 1228 by title only, regarding Rezoning Petition No. 21-003-R [submitted by Shaun Penrod, property owner of Lots 1 to 12 of Block 121, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County Public records, proposed use is an apartment complex, as provided in Exhibit 6]. **Motion Carried Unanimously.**

City Attorney Fumero read proposed Ordinance No. 1228 by title only as follows: "AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF OKEECHOBEE BY REZONING CERTAIN TRACTS OF LAND MORE PARTICULARLY DESCRIBED HEREIN, FROM RESIDENTIAL SINGLE FAMILY-ONE TO RESIDENTIAL MULTIPLE FAMILY (PETITION NO. 21-003-R); AMENDING THE ZONING MAP ACCORDINGLY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE."

Motion by Council Member Clark, seconded by Council Member Keefe to approve the first reading of proposed Ordinance No. 1228 and set August 3, 2021, as the final public hearing date This Petition is for the same property as in Public Hearing Item B, that did not pass. The Council cannot rezone property that will be inconsistent with the FLUM. **Motion Failed Unanimously.**

- C. Motion by Council Member Keefe, seconded by Council Member Jarriel to read proposed Ordinance No. 1229 by title only, regarding amending and restating the Firefighters Pension Fund [as provided in Exhibit 7].

VI. NEW BUSINESS CONTINUED.

- C. Continued. City Attorney Fumero read proposed Ordinance No. 1229 by title only as follows: "AN ORDINANCE OF THE CITY OF OKEECHOBEE AMENDING AND RESTATING THE CITY OF OKEECHOBEE MUNICIPAL FIREFIGHTERS' PENSION FUND, ADOPTED PURSUANT TO ORDINANCE 889, AS SUBSEQUENTLY AMENDED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE."

Motion by Council Member Clark, seconded by Council Member Jarriel to approve the first reading of proposed Ordinance No. 1229 and set August 3, 2021, as the final public hearing date. **Motion Carried Unanimously.**

- D. Motion by Council Member Jarriel, seconded by Council Member Keefe to adopt proposed Resolution No. 2021-04, providing for the Commercial Solid Waste and Collection Rates for Fiscal Year 2021-22 [as provided in Exhibit 8].

City Attorney Fumero read proposed Resolution No. 2021-04 by title only as follows: "A RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA; REVISING THE COMMERCIAL RATE SCHEDULE FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES WITHIN THE CITY OF OKEECHOBEE FOR FISCAL YEAR 2021-2022; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE." **Motion Carried Unanimously.**

- E. Motion by Council Member Jarriel, seconded by Council Member Keefe to adopt proposed Resolution No. 2021-05, authorizing the execution of a Florida Department of Transportation (FDOT) Maintenance Agreement for school zone warning signs [as provided in Exhibit 9].

City Attorney Fumero read proposed Resolution No. 2021-05 by title only as follows: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OKEECHOBEE, FLORIDA; AUTHORIZING THE EXECUTION AND ACCEPTANCE OF A TRANSPORTATION OFF SYSTEM POST PROJECT MAINTENANCE AGREEMENT, WITH THE FDOT FOR SCHOOL ZONE WARNING SIGNS WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE." **Motion Carried Unanimously.**

- F. Motion by Council Member Keefe, seconded by Council Member Jarriel to approve the Renewal of Public Risk Management Group Health Insurance [as provided in Exhibit 10]. **Motion Carried Unanimously.**

- G. Motion by Council Member Keefe, seconded by Council Member Jarriel to approve the disposal of the airboat as obsolete or surplus equipment and to advertise for local bidding [as provided in Exhibit 11]. **Motion Carried Unanimously.**

- H. Motion by Council Member Jarriel, seconded by Council Member Clark to approve the School Resource Officer Agreement with Okeechobee Christian Academy for the 2021-2022 School Year [as provided in Exhibit 12]. **Motion Carried Unanimously.**

- I. Regarding the modification to the City Commerce Center's South Florida Water Management District (SFWMD) Permit (No. 47-00638-P). Interim Administrator Ritter met with SFWMD representatives Gary Priest and Randy Bernum. Mr. Priest furnished a summary of findings dated November 9, 2010. It provides what water control structures are certified, and which are not, as well what control structures were to be installed in the future. The permit has expired and must be addressed for future developments. A cost estimate was requested from Craig A. Smith & Associates, who were the original engineers, to provide services/oversee the necessary tasks. **This item will be presented at a future meeting for consideration.**

- J. Motion by Council Member Keefe, seconded by Council Member Jarriel to accept the proposal, including the additional terms encumbered by Attorney Fumero to bargain for other conditions due to the selling price being lower than appraisal value, from Taymer Properties, LLC for the purchase of Lots 17A and 17B, CITY COMMERCE CENTER, Plat Book 7, Page 10, Okeechobee County public records. **Motion Carried.**

VI. NEW BUSINESS CONTINUED.

K. Fire Chief Smith reported on the progress of the fire services transfer to the County. Five firefighters have accepted job offers, these cover the three temporary positions and two paramedic positions. One firefighter recently resigned. After the transfer, this leaves one firefighter unemployed. Weekly meetings with County staff continue, equipment is being migrated over, and the ladder truck has been certified. Everything is currently on track for the August 2nd transfer.

VII. CITY ATTORNEY UPDATE

Attorney Fumero advised he and Finance Director Riedel have been working on the Fire Department employee separation packages and forms; and provided updates on Code Enforcement Cases for South Florida BBQ and Bella Rose Day Spa.

VIII. CITY ADMINISTRATOR UPDATE

Administrator Ritter expressed his adoration for the City and admiration for City Staff. Stormwater and community development are going to be a big focus for him. An update from the last Flagler Park Design Review Advisory Committee meeting was given. He expressed his appreciation for Mayor Watford's vocal representation of Okeechobee and the surrounding areas at the Lake Okeechobee System Operating Manual (LOSOM) meetings.

IX. COUNCIL COMMENTS

Council Member Chandler informed the Council, the jon-boat utilized by Public Works employees to access the canals is dangerous and needs to be taken out of service; and suggested the proceeds from the sale of the airboat should be used to purchase a replacement jon-boat. **Council Member Jarriel** suggested that infrastructure and the budget should be a focus going forward. **Council Member Keefe** requested the Council consider having a pre-workshop before the budget workshop; that the Council and Staff need to utilize the strategic plan as guidance during the budget process. In response to his question on the progress for Code Enforcement employee training, Chief Peterson responded they would be attending a weeklong class next month to obtain their Class I certification. **Council Member Clark** who was congratulated on being a new grandmother and celebrating her 40th wedding anniversary, requested a recess for future meetings once they take longer than two hours.

X. ADJOURN. Mayor Watford adjourned the meeting at 8:39 P.M.

Submitted By:

Lane Gamiotea, CMC, City Clerk

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