



CITY OF OKEECHOBEE
CITY COUNCIL
MARCH 2, 2021
LIST OF EXHIBITS

Draft Minutes	February 2, 2021 Regular Minutes February 16, 2021 Regular Minutes
Exhibit 1	Temporary Street Closing – Speckled Perch Festival and Parade
Exhibit 2	Ordinance 1222 – Chapter 18, Code Enforcement Amendment



CITY OF OKEECHOBEE, FLORIDA
FEBRUARY 2, 2021, REGULAR CITY COUNCIL
DRAFT 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, February 2, 2021, at 6:00 P.M. in the City 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 Jarriel.

II. ATTENDANCE

To establish a quorum, roll was taken by City Clerk Lane Gamiotea. Members present: Mayor Dowling R. Watford, Jr., Council Members Wes Abney, 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- A.** Mayor Watford asked whether there were any agenda items to be added, deferred, or withdrawn. New Business Items G and H were added; New Business Item A was deferred; Consent Item B was withdrawn.
- B.** Motion by Council Member Jarriel, seconded by Council Member Keefe to approve the agenda as amended. **Motion Carried Unanimously.**
- C.** There were no agenda item forms or comment cards submitted for public participation for any issues not on the agenda.

IV. PRESENTATION AND PROCLAMATIONS

- A.** Calling the 2021 Special City Election, Mayor Watford read the proclamation in its entirety for the record, scheduling Qualifying Week as 12:00 noon February 8 through 12:00 noon February 12 and the Special Election date as May 4, 2021. "Whereas, under and by virtue of the provisions of the Charter, Elections Chapter 26 of the Code of Ordinances for the City of Okeechobee, and Florida State Laws, it is the duty of the Mayor to proclaim and call a Special City Election at the time and manner provided therein; and Whereas, proclaiming a Special City Election shall be issued by a Proclamation, at least 90 days prior to the date of holding such election, signed by the Mayor, and attested by the City Clerk; and Whereas, such Proclamation shall specify the office or offices to be filled, the cause of the vacancy of such office or offices, and the date of the expiration of the terms of such office or offices; and Whereas, the City Clerk shall publish the Proclamation in the local newspaper at least twice, once being in the fifth week and once being in the third week, prior to the week in which the Special City Election will be held; and Whereas, as provided by said Elections Chapter 26, individuals are to qualify with the City Clerk commencing at 12:00 noon on February 8, the first Monday following the issuance of this Proclamation, and not later than 12:00 noon on February 12, the Friday following; and upon being duly qualified as a candidate shall be entitled to have their name placed on the ballot for the Special City Election. Now, Therefore, I, Dowling R. Watford, Jr., Mayor of the City of Okeechobee, Florida do hereby proclaim and declare that a Special City Election is to be held on May 4, 2021, by the duly qualified electors of the City of Okeechobee for the purpose of electing One (1) City Council Member to serve upon taking the oath of office following said Special Election through January 6, 2025, and until their successors are elected and qualified. The cause of said Special Election is due to the resignation on November 30, 2020, by the individual who was to take office on January 4, 2021. Said Special Election shall be held during the regular hours of voting; to be held in the County polling or voting places within the Municipal Precinct, which have been established by the Supervisor of Elections and Board of County Commissioners for Okeechobee County; or Vote-by-Mail as provided by State Law."
- B.** Council Member Jarriel recognized Ms. Bailey Harden as the only local South Florida Fair Scholarship recipient and extended gratitude to her for all her hard work and representing Okeechobee well. Ms. Harden thanked the Council and spoke briefly about her future plans following graduation.

V. CONSENT AGENDA

Motion by Council Member Keefe, seconded by Council Member Clark to approve consent agenda item **A** [January 19, 2021 Regular Meeting minutes]. **Motion Carried Unanimously.**

VI. NEW BUSINESS

- A.** The introduction of the Okeechobee County School Board Buddy Mentoring Program was deferred to the February 16, 2021 meeting.
- B.** Motion by Council Member Keefe, seconded by Council Member Abney, to award Bid No. PW 02-00-12-20, FDEP Agreement No. LP 47020, to B&B Site Development, Inc., in the amount of \$184,813.65 for SE 8th Avenue Stormwater Conveyance. **Motion Carried Unanimously.**
- C.** Motion by Council Member Clark, seconded by Council Member Abney, to approve additional costs to BIS Digital in the amount of \$3,557.19 for on-site setup, installation, and training for the new audio and video equipment. **Motion Carried Unanimously.**
- D.** Motion by Council Member Clark, seconded by Council Member Jarriel, to approve a budget amendment for legal services in the amount of \$25,000.00 for additional Code Enforcement foreclosure fees. **Motion Carried Unanimously.**
- E.** Motion by Council Member Jarriel, seconded by Council Member Clark to adopt the Citizen Board and Committee Selection Matrix as presented. **Motion Carried Unanimously.**
- F.** Motion by Council Member Clark, seconded by Council Member Abney to move Mrs. Jennifer Tewksbury from alternate to regular member replacing Mr. Frank Irby, and appoint Mrs. Paulette Bragel as the alternate member to the Flagler Park Design Review Advisory Committee. **Motion Carried Unanimously.**
- G.** Motion by Council Member Keefe, seconded by Council Member Jarriel to approve a temporary street closing application submitted by Okeechobee Christian Academy for Southeast 2nd Avenue from Southeast 6th to 7th Streets on February 12, 2021 from 8:00 A.M. to 2:30 P.M. for a School Field Day. **Motion Carried Unanimously.**
- H.** Fire Chief Smith provided a status update on the completion of the paramedic classes and a progress report concerning logistical preparations for the transition of the City firefighters to County employees.

VII. CITY ATTORNEY UPDATE

City Attorney Fumero provided an update on the pending legal action in Code Enforcement proceedings and briefly reviewed some of the items scheduled to be discussed at upcoming Citizens Charter Review Advisory Committee meetings.

VIII. COUNCIL COMMENTS

Council Member Keefe inquired about options for property upkeep during the Code Enforcement foreclosure process. Council Member Clark voiced her concerns on the recent COVID-19 vaccine issues and shortages.

IX. Mayor Watford adjourned the meeting at 7:21 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, he/she 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.



CITY OF OKEECHOBEE, FLORIDA
FEBRUARY 16, 2021, REGULAR CITY COUNCIL
DRAFT 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, February 16, 2021, at 6:00 P.M. in the City 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 Clark.

II. ATTENDANCE

To establish a quorum, roll was taken by City Clerk Lane Gamiotea. Members present: Mayor Dowling R. Watford, Jr., Council Members Wes Abney, Monica Clark, Bob Jarriel, and Bobby Keefe.

III. AGENDA AND PUBLIC COMMENTS

A. No items were added, deferred, or withdrawn from the agenda.

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

C. There was one comment card submitted for public participation for issues not on the agenda. Mrs. Kaylee King of the Okeechobee Economic Development Corporation extended an invitation to the Council to attend a training session being offered at the Indian River State College Okeechobee campus on April 1, 2021.

IV. PRESENTATION AND PROCLAMATIONS

A. Mayor Watford proclaimed the week of February 21 through 27, 2021 as "Engineers Week." He presented the document to Administrator MontesDeOca and Mr. Steve Dobbs, which was read into the record as follows: "Whereas, engineers design, construct, and maintain the infrastructure and facilities that contribute to a high quality of life for all residents of the City of Okeechobee; and Whereas, the City of Okeechobee growth depends on engineers executing innovative, creative, and high-quality solutions to technical problems; and Whereas, the purpose of the Florida Engineering Society is to advance the public welfare, promote the professional, social and economic interests of the engineering professions, and stimulate and develop professional concepts amount all engineers through education and excellence in practice; and Whereas, members of the Florida Engineering Society and the Florida Institute of Consulting Engineers are making strides to interact with the engineering education sector to prepare future engineers to maintain our economic leadership and quality of life; and Whereas, it is important that we recognize and honor the continuing contributions of America's engineers. Now Therefore, I, Dowling R. Watford, Jr., by virtue of the authority vested in me as Mayor of the City of Okeechobee, Florida, do hereby proclaim February 21 through 27, 2021 as 'Engineers Week' in the City of Okeechobee."

V. CONSENT AGENDA

Motion by Council Member Clark, seconded by Council Member Jarriel to approve consent agenda items A [January 2021 Warrant Register, General Fund \$738,028.30, Public Facilities Improvement Fund \$29,966.04, and Capital Improvement Projects Fund \$93.34], **B** [Re-appoint Mr. Tommy Clay as the regular member (term ending March 1, 2025) and Mr. Jeff Fadley as the alternate member (term ending March 1, 2023) to the Okeechobee Utility Authority Board of Directors] **and C** [disposal of obsolete surplus equipment that is no longer needed by the City: Asset No. 63 1997 Ford F150 Truck Vehicle Identification No. (VIN) 1FTDF17WXVNC96963; Asset No. 859 2011 Ford Crown Victoria VIN 2FABP7BV0BX135155; Asset No. 899 Dell mobile workstation Model No. M2800; Asset No. 714 25-foot christmas tree with lights; four filing cabinets; a 20-foot Communications VHF or UHF Fiber Glass Collinear Gain Base Station Antenna; eight various computer towers; an Auto Data Base; two small filing cabinets; a multi-line phone system; a small bookshelf; and a 2009 black Dodge Charger VIN 2B3AA4CT1AH163995]. **Motion Carried Unanimously.**

VI. NEW BUSINESS

- A.** Motion by Council Member Keefe, seconded by Council Member Abney to accept a donation of a new well in Veterans Park by American Drilling Services, Inc [valued at \$7,800.00]. **Motion Carried Unanimously.**
- B.** Mrs. Heather Dobbs, Director of Grants and Special Programs, introduced the Okeechobee County School Board Buddy Mentoring Program and asked for those interested in volunteering to contact her.
- C.** Motion by Council Member Clark, seconded by Council Member Keefe to approve a settlement proposal in the case of City of Okeechobee, Florida v. Gloria Rodriguez, et.al., Case No. 47 2020 CC 000 190 CC AX MX [Code Enforcement Case No. 18-043]. **Motion Carried Unanimously.**
- D.** The consensus of the Council was to hold the semi-annual Town Hall meeting on March 22, 2021, 6:00 P.M., at the Okeechobee County Freshman Campus Auditorium located at 610 Southwest 2nd Avenue. The opening will be a presentation by the Administrator on current and future development projects followed by a presentation by the City Attorney on the progress of the Charter Review Committee. Questions and comments from the audience will commence upon completion of the presentations. The second portion will be a candidate forum for the City Special Election. Council requested Clerk Gamiotea to research having the event broadcasted on WOKC and present the findings at the next meeting.

VII. CITY ATTORNEY UPDATE

Attorney Fumero gave a summary of the Citizens Charter Review Advisory Committee meeting held February 11, 2021. He then briefly summarized proposed changes to Chapter 18 of the Code of Ordinances that is forthcoming for Council consideration.

VIII. COUNCIL COMMENTS

Council Member Abney questioned the status of the audio and video system upgrade. Council Member Keefe asked about and was provided an update on the sinkhole located on Southwest 7th Avenue and 2nd Street. Council Member Clark commented about the COVID-19 vaccination process in the County. She also provided information from the Okeechobee County Healthy Start Coalition, and the Tourist Development Council.

- IX.** Mayor Watford adjourned the meeting at 6:48 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, he/she 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.



CITY OF OKEECHOBEE
55 SE THIRD AVENUE
OKEECHOBEE, FL 34974
Tele: 863-763-9821 Fax: 863-763-1686
**PARK USE AND/OR TEMPORARY STREET/
SIDEWALK CLOSING
PERMIT APPLICATION**

Date Received:	2/2/2021	Date Issued:
Application No:	21-005	Date(s) & Times of Event: MARCH 13 & 14, 2021

Information:

Organization:	Okeechobee MAIN STREET, INC
Mailing Address:	111 N.E. 2nd Street Okeechobee, FL 34972
Contact Name:	ANGIE GRIFFIN
E-Mail Address:	ANGIE@OKEECHOBEE MAIN STREET.ORG

Telephone:

Work:	863-357-6246	Home:		Cell:	
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Summary of activities:

ARTS & CRAFTS, FOOD VENDORS, MUSIC STARTING WITH 'SPECKLED PERCH' PARADE A two day event.

Proceeds usage:

PROCEEDS FOR THIS EVENT GO TO THE OPERATIONS AND CONTINUING EFFORTS OF OKEECHOBEE MAIN STREET TO ENHANCE DOWNTOWN AREA AS THE HEARTBEAT OF THE COMMUNITY.

Please check requested Parks:

Flagler Parks: City Hall Park #1 Memorial Park #2 #3 #4 #5 #6
 [Park 3 is location of Gazebo. Park 4 is location of Bandstand]

(If other private property used in conjunction with this Park Use Permit please provide the address and parcel number below along with notarized letter of authorization from property owner)

Additional Addresses, if applicable _____
 Parcel ID: _____

TEMPORARY STREET AND SIDEWALK CLOSING INFORMATION
(Street Closings require City Council approval. Meetings 1st & 3rd Tuesdays but subject to change)

Address of Event: PARKS 2, 3 & 4 of FLAGLER PARK in Okeechobee

Street(s) to be closed:	<u>SW 3RD AVE AND SW 4th AVE</u>
Date(s) to be closed:	<u>MARCH 12, 13, 14</u>
Time(s) to be closed:	<u>5 pm ON MARCH 12 UNTIL 10pm ON MARCH 14</u>
Purpose of Closing:	<u>SPECKLED PERCH FESTIVAL & to ALLOW SETUP OF VENDORS</u>

Attachments Required for Use of Parks	Attachments Required for Street/Sidewalk Closings
▶ Site Plan	▶ Site Plan
▶ Copy of liability insurance in the amount of \$1,000,000.00 with the City of Okeechobee as additional insured.	▶ Copy of liability insurance in the amount of \$1,000,000.00 with the City of Okeechobee and R.E. Hamrick Testamentary Trust as Additional Insured.
▶ Proof of non-profit status	▶ Original signatures of all residents, property owners and business owners affected by the closing.
▶ State Food Service License if > 3 days.	▶ State Food Service License if > 3 days.
▶ Notarized letter of authorization from property owner, if applicable.*	▶ State Alcoholic Beverage License, if applicable.**

* Required if private property used in conjunction with a Park Use application.

** Alcoholic beverages can be served only on private property. Alcoholic beverages **NOT ALLOWED** in City Parks, City streets or City sidewalks. See additional note below.

Please check if items will be sold on City streets/sidewalks. Each business will need to apply for a Temporary Use Permit 667 along with the Street Closing application.

Note:

- ▶ Clean-up is required within 24 hours.
- ▶ No alcoholic beverages permitted on City property, streets or sidewalks.
- ▶ No donations can be requested if any type of alcoholic beverages are served on private property/business unless you possess a State Alcoholic Beverage License. Please note there are inside consumption and outside consumption licenses. You must have the appropriate license(s).
- ▶ The Department of Public Works will be responsible for delivering the appropriate barricades.
- ▶ Dumpsters and port-o-lets are required when closing a street for more than three (3) hours.

Applicant must meet any insurance coverage and code compliance requirements of the City and other regulations of other governmental regulatory agencies. The applicant will be responsible for costs associated with the event, including damage of property. By receipt of this permit, the applicant agrees and shall hold the City harmless for any accident, injury, claim or demand whatever arises out of applicant's use of location for such event, and shall indemnify and defend the City for such incident, including attorney fees. The applicant shall be subject to demand for, and payment of, all of the actual costs incurred by the City pertaining to the event including, but not limited to, Police, Fire, Public Works or other departmental expenses. The City reserves the right to require from an applicant a cashier's check or advance deposit in the sum approximated by the City to be incurred in providing City services. Any such sum not incurred shall be refunded to the applicant of this Park Use/Street Closing Permit.

I hereby acknowledge that I have read and completed this application, the attached Resolutions No.(s) 03-8 and 04-03, concerning the use and the rules of using City property, that the information is correct, and that I am the duly authorized agent of the organization. I agree to conform with, abide by and obey all the rules and regulations, which may be lawfully prescribed by the City Council of the City of Okeechobee, or its officers, for the issuance

Certificate of Insurance must name City of Okeechobee as Additional Insured as well as R.E. Hamrick Testamentary Trust if closing streets or sidewalks.

Marisa DeDeShams



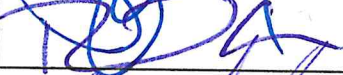
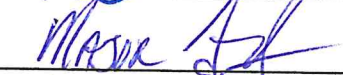


Applicant Signature

1-29-21

Date

••••OFFICE USE ONLY••••

Staff Review

Fire Department:		Date:	
Building Official:		Date:	2.11.21
Public Works:		Date:	2/4/21
Police Department:		Date:	2/3/21
BTR Department:	Kumi Barnes	Date:	2/16/2021
City Administrator:		Date:	2/17/21
City Clerk:		Date:	

NOTE: APPLICATION AND INSURANCE CERTIFICATE MUST BE COMPLETED AND RETURNED TO THE GENERAL SERVICES DEPARTMENT THIRTY (30) DAYS PRIOR TO EVENT FOR PERMITTING.

Temporary Street and Sidewalk Closing submitted for review by City Council on _____
Date

Temporary Street and Sidewalk Closing reviewed by City Council and approved _____
Date

CITY OF OKEECHOBEE FIRE DEPARTMENT

APPLICATION FOR SPECIAL EVENT

Application Number: _____ Date Received: _____

NAME OF EVENT: Speckled Perch Festival

ADDRESS OF EVENT: FLAGLER PARKS 2, 3 AND 4

DESCRIPTION OF EVENT: Speckled Perch Festival WITH FOOD, ARTS & CRAFTS, MUSIC

NAME OF SPONSOR ORGANIZATION: Okeechobee MAIN STREET

Contact Number before and during event OF RESPONSIBLE PERSON: (86)3 357-6246

RESPONSIBLE PERSON'S NAME:

ANGIE GRIFFIN

DATE(S) AND TIME(S) OF EVENT:

Date: MARCH 12 Starting Time: 500 pm Closing Time: 1000 pm

Date: MAR 13, 14 Starting Time: 900 am Closing Time: 6 pm

ARE ANY ROADWAYS TO BE BLOCKED/CLOSED? yes LOCATION _____

Will Emergency Apparatus (Fire and Ambulance) have access to area? yes

IF NO, THEN (provide alternatives): _____

WILL ELECTRICITY BE USED? YES NO (circle)

Locations: _____

Provided By: _____

WILL HEATING/OPEN FLAMES FOR FOOD BE PROVIDED? (circle) YES NO

Type of Heating Equipment Used: _____

WILL A TENT BE ERECTED? (circle) YES NO

Tent Manufacturer: _____ Size _____ fire rating posted: _____

Tent have sides and how many? _____

Are there Fire Extinguishers accessible and ready for use? (circle) Yes No

ATTACH SITE MAP OF EVENT LAYOUT

FIRE SERVICES SHALL COMPLETE ITEMS BELOW:

FIRE DEPARTMENT LIFE SAFETY & FIRE SERVICES REQUIREMENTS: (See above)

- Tents/canopy fire rating certificate required.
- Tent Size require life safety inspection (900 square feet or less then no permit is required)
- Floor plan / seating / setup drawing required showing exits, etc.
- Emergency access must be maintained. (REFERS TO VEHICLES AND EQUIPMENT)
- Fire extinguishers must have current tag, and be operational and readily accessible.
- Cooking requires LPG outside of tent pointing away from exposures.
- Electrical wiring exterior rated, not overloaded.
- Fire Services inspection required.
- Fire watch or inspector(s) REQUIRED? FIRE WATCH Amount: _____
- Firefighter/Inspector Amount: _____ Other: _____

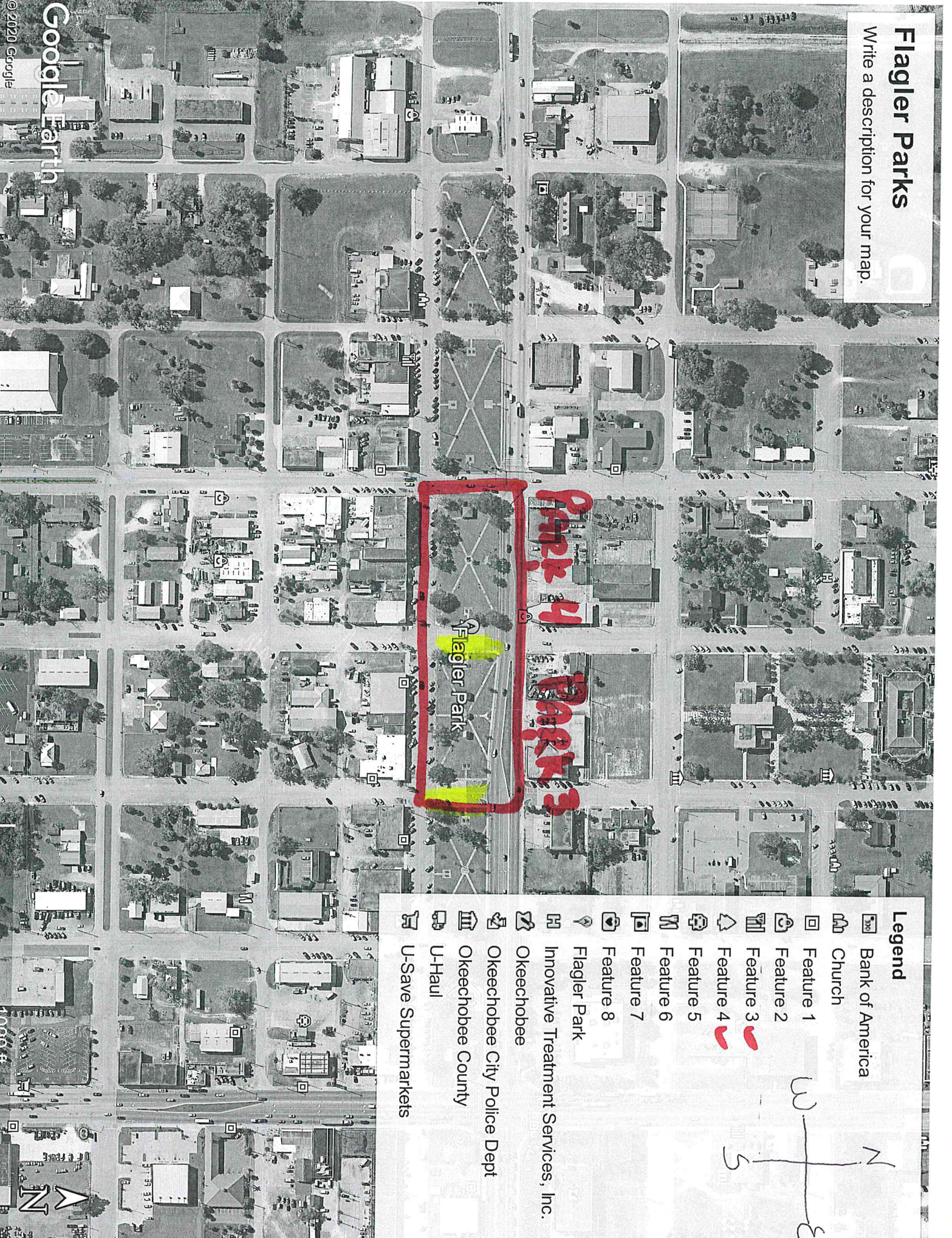
FIRE DEPARTMENT OFFICIAL (PRINT):

SIGNATURE: _____

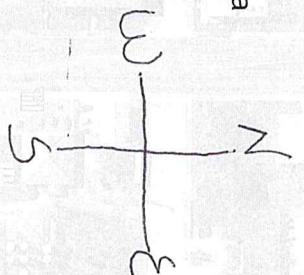
Please call the FD at 863-467-1586 for any questions.

Flagler Parks

Write a description for your map.



- Legend**
- Bank of America
 - Church
 - Feature 1
 - Feature 2
 - Feature 3
 - Feature 4
 - Feature 5
 - Feature 6
 - Feature 7
 - Feature 8
 - Flagler Park
 - Innovative Treatment Services, Inc.
 - Okeechobee
 - Okeechobee City Police Dept
 - Okeechobee County
 - U-Haul
 - U-Save Supermarkets



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
TEMPORARY CLOSING OF STATE ROAD PERMIT

Date: 2/5/2021

Permit No. _____

Governmental Entity

Approving Local Government	<u>City of Okeechobee</u>	Contact Person	<u>Gail Neu</u>
Address	<u>55 SE 3rd Avenue</u>		
Telephone	<u>863-763-9821</u>	Email	<u>gneu@City of Okeechobee.com</u>

Organization Requesting Special Event

Name of Organization	<u>Okeechobee MAIN STREET</u>	Contact Person	<u>ANGIE GRIFFIN</u>
Address	<u>111 N.E. 2nd Street Okeechobee, FL 34972</u>		
Telephone	<u>863-357-6246</u>	Email	<u>ANGIE@OKEECHOBEE MAINSTREET.ORG</u>

Description of Special Event

Event Title	<u>SPECKLED PERCH FESTIVAL PARADE</u>	Date of Event	<u>MAR 13</u>
Start Time	<u>10:00am</u>	End Time	<u>12:00pm</u>
Event Route (attach map)	<u>REGULAR PARADE ROUTE (see attached)</u>		
Detour Route (attach map)	_____		

Law Enforcement Agency Responsible for Traffic Control

Name of Agency	<u>Okeechobee City Police</u>
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US Coast Guard Approval for Controlling Movable Bridge

Not Applicable	<input checked="" type="checkbox"/>
Copy of USCG Approval Letter Attached	<input type="checkbox"/>
Bridge Location	_____

The Permittee will assume all risk of and indemnify, defend and save harmless the State of Florida and the FDOT from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise of this event.

The Permittee shall be responsible to maintain the portion of the state road it occupies for the duration of this event, free of litter and providing a safe environment to the public.

Signatures of Authorization

Event Coordinator	<u>ANGIE GRIFFIN</u>	Signature	<u>[Signature]</u>	Date	<u>1-29-21</u>
Law Enforcement Name/Title	<u>MARCO D. HAGAN</u>	Signature	<u>[Signature]</u>	Date	<u>2/3/21</u>
Government Official Name/Title	<u>CITY ADMINISTRATOR</u>	Signature	<u>[Signature]</u>	Date	<u>2/4/21</u>

FDOT Special Conditions

FDOT Authorization

Name/Title	_____	Signature	_____	Date	_____
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INDEMNIFICATION AGREEMENT

This AGREEMENT, by and between the CITY OF OKEECHOBEE, FLORIDA, (hereinafter "CITY") and Okeechobee MAIN Street, INC (hereinafter "APPLICANT"), dated this 29th day of JANUARY, 2021.

WHEREAS, APPLICANT desires to hold or sponsor a special event, parade, festival, or other activity requiring the temporary closure of a state-controlled roadway in the City of Okeechobee, Florida, and therefore requires the execution and submission of an application for such temporary closure to the State of Florida Department of Transportation by the CITY pursuant to regulations of said Department, and

WHEREAS, pursuant to Resolution No. 88-5 the CITY requires indemnification by any applicant for temporary road closure before the appropriate CITY officials may execute such application to the Department.

NOW, THEREFORE, in consideration of the mutual obligations and covenants set forth hereafter, the parties agree as follows:

1. APPLICANT shall indemnify, protect, defend, and hold harmless the CITY from any and all losses, injuries, damages, or claims of any nature or type resulting directly or indirectly from the temporary road closure and the special event, festival, parade, or other activity to be held on 13th day of MARCH, 2021. Applicant shall further reimburse the CITY for any and all attorneys' fees, court costs or other legal costs incurred by the CITY as a result of any such losses, injuries, damages or claims.
2. If the APPLICANT is a corporation, partnership or other legal entity (other than an individual), APPLICANT shall attach hereto a duly executed resolution, partnership agreement or other document in legal form evidencing the authority of the officers of such entity to enter into this indemnification agreement.
3. Upon the APPLICANT complying with paragraph 2 above, the requirements of Resolution No. 88-5 of the CITY, and any other reasonable requirements of the CITY, the CITY shall cause the appropriate City officials to execute the necessary forms to make application to the State of Florida, Department of Transportation, for temporary road closure.

APPLICANT

CITY OF OKEECHOBEE, FLORIDA

BY: Marcus Stalderheimis
TITLE: Vice President

BY: G. P. Jew
TITLE: Administrative Assistant
General Services Department

FOR CITY USE ONLY

Proof of liability insurance

Corporate resolution completed

Other requirements (specify) Indemnification Agreement

REVIEWED BY:

G. P. Jew

TITLE:

Administrative Assistant, General Services

DATE:

2-8-2021

RESOLUTION NO. 2019-10

A RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA; RESCINDING RESOLUTION NO. 1988-5 AND NO. 2011-02 CONCERNING TEMPORARY CLOSING OF STATE ROADS FOR SPECIAL EVENTS; CREATING PROCEDURES AND FORMS FOR SUBMISSION TO FLORIDA DEPARTMENT OF TRANSPORTATION FOR STATE APPROVAL FOR SUCH CLOSINGS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Transportation (FDOT) publishes promulgated rules and procedures for an application to temporarily close State Roads for special events in the Florida Administrative Code (FAC); and

WHEREAS, the City of Okeechobee has previously adopted Resolutions setting forth some of these procedures; and

WHEREAS, it has been requested by the FDOT that the City update, and adopt by Resolution, additional rules and procedures for the closing of State Roads for special events; and

WHEREAS, the City, as well as other organizations, have historically sought closure of State Road 70 and U.S. Highway 441/State Road 15 to conduct parades and special events for the citizens of Okeechobee County, and continuing that tradition is in the best interests of the City and County.

NOW, THEREFORE, be it resolved before the City Council for the City of Okeechobee, Florida; that the City 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:

SECTION 1: The City of Okeechobee, Florida hereby rescinds prior Resolution No. 1988-5 and No. 2011-02, and creates procedures for temporary closings of State Roads by this Resolution.

SECTION 2: This Resolution is created to conform to the current requirements of Rules 14-65.0035 and 14-65.0075, Florida Administrative Code, which contains the rules and procedures to follow when applying for temporary closing of State Roads for special events.

SECTION 3: That when the City seeks to apply for a temporary closure of State Roads to the FDOT, City Staff must adhere to the following:

- a. Any special event shall be approved by the City Administrator and Chief of Police, or designee(s) in advance with approvals of pertinent Department Heads that would be involved in the event, if necessary.
- b. Prior to an application for the closing of a State Road, City Staff must determine whether the closing is necessary to conduct the special event.
- c. The application for closure must be submitted on FDOT form 850-040-65 (rev.12/11) or as hereafter amended, and submit same to any FDOT area operations office.
- d. The City shall submit with the application form this duly executed Resolution, which authorizes City Staff to approve and submit the application for the special event, along with:
 - i. Information from the City Administrator, Chief of Police, or their designee(s) requesting the closure which shall include the following, if requested by the FDOT:
 - a. disclosing the date and time and duration of the closure.

- b. a marked map indicating the temporary detours to be utilized by the public, and showing placement of appropriate signage; the stationing of any Officers or flagmen; and locations of cones or barriers necessary to detour traffic in a safe and efficient manner.
- e. The City Administrator, Chief of Police, or their designee(s) are authorized to complete the application process and submit for the temporary closing of a State Road or Right-of-Way.
- f. As a condition of the approval of a temporary road closure by the FDOT, the sponsor of the special event shall obtain single event liability insurance in the sum not less than one million dollars (\$1,000,000.00), or such other amount as deemed necessary by the FDOT, naming the FDOT as additional insured, and indemnify and hold harmless the FDOT from and against any claim, demand, suit, personal injury, or death. Any sponsor or organization requesting a temporary road closure shall also execute an Indemnity Agreement holding the City harmless. The policy obtained by the sponsor or organization shall be considered primary coverage for any loss, and any self-insurance by the City shall be considered to be secondary.
- g. Nothing herein shall be construed as a waiver of immunity or statutory protection of Florida Statute Chapter 768 by the City of Okeechobee.

SECTION 4: All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 5: If any section, subsection, sentence, clause, phrase or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or provision and such holding shall not affect the validity of the remaining portions or applications here.

SECTION 6: This Resolution shall take effect immediately upon its adoption.

INTRODUCED AND ADOPTED in Regular Session this 6th day of August, 2019.

ATTEST:


Lane Gamiotea, CMC, City Clerk


Dowling R. Watford, Jr., Mayor

REVIEWED FOR LEGAL SUFFICIENCY:


John R. Cook, City Attorney

DRAFT Feb. 18, 2021

To: City Council Members

From: Robert Peterson, Chief of Police
Carlyn Kowalsky, Assistant City Attorney

Subject: Consider revisions to City Code to streamline code enforcement process.

Date: February 18, 2021

The proposed changes to the City Code will streamline the code enforcement process to allow the Magistrate and City attorney to handle most matters without coming to the City Council for approval. The City Council is currently tasked with considering fine reduction requests and approval of foreclosure actions after non-payment of a code enforcement lien. Under these proposed changes, those matters will be handled by the Magistrate and City Attorney respectively without the need for City Council approval. All matters will be handled in accordance with procedures contained in Florida Statutes. In addition, the changes will increase the administrative fees for processing the case from \$25 to \$50 for first time violators and to \$100 for repeat violators. The changes also include other minor revisions to reflect the use of a Magistrate rather than a code enforcement board.

ORDINANCE NO. 1222

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING CHAPTER 18, ARTICLE II OF THE CODE OF ORDINANCES; AUTHORIZING THE CODE ENFORCEMENT MAGISTRATE TO CONSIDER FINE REDUCTIONS; INCREASING ADMINISTRATIVE FEES AS PROVIDED IN THE ORDINANCE; AMENDING OTHER REVISIONS TO REFLECT THE USE OF A MAGISTRATE; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE FORECLOSURE PROCEEDINGS AS PROVIDED IN THE ORDINANCE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 162, Florida Statutes permits municipal code enforcement programs to be administered using a Special Magistrate to handle code enforcement proceedings; and

WHEREAS, the City Council finds that it is more efficient to have the Special Magistrate consider fine reduction requests to the Special Magistrate; and

WHEREAS, the City Council finds that it is more efficient to delegate the authority to institute foreclosure actions to the City Attorney consistent with the provisions of Florida law; and

WHEREAS, the City Council wishes to increase the administrative fees for processing a code enforcement case and make other revisions to the Code of Ordinances to reflect the use of a Magistrate; and

WHEREAS, it is in the best interests of the City of Okeechobee and its residents to institute these more efficient measures for carrying out the City's Code enforcement program.

NOW, THEREFORE, the City Council of the City of Okeechobee hereby enacts the following revisions to the Code of Ordinances, which have been 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:

SECTION 1: Amendment and Adoption to Chapter 18, Article II Code Enforcement.

That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart A-General Ordinances, providing for amendments to Chapter 18-Code Enforcement, Article II-Code Enforcement Board; Procedure as follows:

ARTICLE II. - CODE ENFORCEMENT ~~BOARD~~; PROCEDURE

SECTION 2: Amendment and Adoption to Section 18-33.

That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart A-General Ordinances, providing for amendments to Chapter 18-Code Enforcement, Article II-Code Enforcement Board; Procedure, Section 18-33 Adoption of State Statute as follows:

Sec. 18-33. - Adoption of state statute.

F.S. 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 ~~board~~ program for the city.

SECTION 3: Amendment and Adoption to Section 18-34.

That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart A-General Ordinances, providing for amendments to Chapter 18-Code Enforcement, Article II-Code Enforcement Board; Procedure, Section 18-34 Administrative Procedures as follows:

Sec. 18-34. - Administrative procedures.

All code enforcement operations for the city shall be administratively handled through the police chief, who shall provide the appropriate forms; take complaints; process

complaints; direct the code enforcement officers or law enforcement officers in the investigation into such complaints; schedule code ~~board meetings~~ enforcement hearings; provide a tape recorded record of such meetings; prepare and record official acts and orders of the board; prepare and file any liens as directed by the board; and to generally be responsible for all operation and record keeping for the city's code enforcement board program. ~~The code enforcement board may from time to time forward on to the city council as an agenda item, or for general consideration, any matter, request, suggestion or concern the board may vote upon at a regular or special meeting that it determines should be addressed by the city council.~~

SECTION 4: Amendment and Adoption to Section 18-34.

That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart A-General Ordinances, providing for amendments to Chapter 18-Code Enforcement, Article II-Code Enforcement Board; Procedure, Section 18-35 Administrative Staff Fees as follows:

Sec. 18-35. - Administrative staff fees.

- (a) Any first-time violators of any city ordinance or code, or those not considered to be repeat violators as defined in section 18-32, are required to correct the alleged violation upon receipt of a first notice of violation from the city. If such violation is not corrected, and a second notice must be sent, then the city shall assess and collect from the violator an administrative fee of \$250.00 for processing the complaint, plus any additional expense incurred in long distance phone charges; certified mail expense, recording charge, or any such other reasonable administrative expense incurred in processing the complaint, which excludes the salary of the code enforcement officer or city employees, regardless of whether the violator should come into compliance with the cited ordinance or code prior to the public hearing on the violation.
- (b) For those persons who qualify as repeat violators by this article, upon the initiation and processing by the city of any complaint for being in violation of a city ordinance or code, the city shall assess and collect from the violator an administrative fee of \$25100.00 for processing the complaint, plus any additional expense incurred in long distance phone charges; certified mail expense, recording charge, or any such other reasonable administrative expense incurred in processing the complaint, which excludes the salary of the code enforcement officer or city employees, regardless of whether the violator should come into compliance with the cited ordinance or code prior to the public hearing on the violation.

SECTION 5: Amendment and Adoption to Section 18-36.

That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart A-General Ordinances, providing for amendments to Chapter 18-Code Enforcement, Article II-Code Enforcement Board; Procedure, Section 18-36 Effect of No Violation as follows:

Sec. 18-36. - Effect of no violation.

If any alleged violator should appear or contest the violation through the code enforcement officer, or before the ~~code enforcement board~~ special magistrate, or before the county court and the ~~board~~ special magistrate or county court should find as a matter of law and fact from the evidence or witnesses presented by the code enforcement officer representing the city at such hearing, that no violation occurred by the alleged violator, then no administrative charge or expense as provided in this article shall be assessed against the alleged violator, and such allegations shall not constitute a violation so as to form a basis for treating the alleged violator as a repeat violator under this section, unless such violator would otherwise qualify for such designation as defined in section 18-32.

SECTION 6: Addition and Adoption of Section 18-38.

That the City Council for the City of Okeechobee, Florida, adds herein Part II of the Code of Ordinances, Subpart A-General Ordinances, providing for amendments to Chapter 18-Code Enforcement, Article II-Code Enforcement Board; Procedure, Section 18-38 Powers of Magistrate as follows:

Sec. 18-38. – Powers of magistrate.

The magistrate shall have all powers created by F.S. ch. 162. Additionally, the magistrate shall have all powers delegated by the city commission 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.

SECTION 7: Addition and Adoption of Section 18-39.

That the City Council for the City of Okeechobee, Florida, adds herein Part II of the Code of Ordinances, Subpart A-General Ordinances, providing for amendments to Chapter 18-Code Enforcement, Article II-Code Enforcement Board; Procedure, Section 18-39 Authorization of City Attorney to Foreclose Liens Imposed Pursuant to Section 26-35 as follows:

Sec. 18-39. - Authorization of city attorney to foreclose liens imposed pursuant to section 26-35.

The city attorney is hereby authorized and directed to institute foreclosure proceedings to foreclose any and all liens imposed pursuant to this article. Such proceedings may be commenced by the city attorney 90 days after the order of the magistrate imposing the lien has been recorded in the public records of the county.

SECTION 8: Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9: 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 10: Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Okeechobee.

SECTION 11: Effective Date. This Ordinance shall take effect immediately upon its passage.

INTRODUCED for First Reading and set for Final Public Hearing on this 2nd day of March, 2021.

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second and Final Public Hearing this 6th day of April, 2021.

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney