



CITY OF OKEECHOBEE

55 SE THIRD AVENUE
OKEECHOBEE, FL 34974

JUNE 4, 2024

6:00 PM

LIST OF EXHIBITS

Mayor

Dowling R. Watford, Jr.

Council Members

Noel Chandler

Monica Clark

Bob Jarriel

David McAuley

Exhibit 1	May 21, 2024, Regular Meeting Minutes
Exhibit 2	Memo requesting an amendment for Disposable Surplus Equipment
Exhibit 3	Ordinance 1275
Exhibit 4	Ordinance 1289
Exhibit 5	Ordinance 1290
Exhibit 6	Florida Statute and Okeechobee Code regarding Food Trucks



CITY OF OKEECHOBEE, FLORIDA
MAY 21, 2024, REGULAR CITY COUNCIL MEETING
REVISED AS OF 5/29/2024 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 May 21, 2024, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida (FL). The invocation was offered by Pastor Don Hanna of the First Methodist Church; followed by the Pledge of Allegiance led by Council Member Chandler.

II. ATTENDANCE

City Clerk Lane Gamiotea called the roll. Members present to establish a quorum: Mayor Dowling R. Watford, Jr., Vice Mayor Monica M. Clark, Council Members Noel A. Chandler, Robert "Bob" Jarriel, and David R. McAuley.

III. AGENDA AND PUBLIC COMMENTS

A. A modification was made to the agenda to withdraw New Business Item VII. A.

B. Motion and second by Council Members Jarriel and McAuley to adopt the agenda as amended.
Motion Carried Unanimously.

C. There were two comment cards submitted for public participation for issues not on the agenda, by Mr. Jose Cruz, owner of Manny's Sunflowers and Gift Shop, and Mr. Luis Espinoza regarding the issue of the Mobile Food Dispensing Vehicles (Food Trucks). Mr. Cruz stated he is disappointed that the Council is considering changes to the current Ordinance. Mayor Watford advised the issue will be on the June 4, 2024, agenda and extended an invitation for him to attend and participate in the discussion then. Vice Mayor Clark clarified her statement made at the May 7, 2024, meeting during Council Comments, regarding propane tanks being affixed to the exterior of Food Trucks. Her comment about safety and propane tanks was because her brother was asked to install equipment on a Food Truck that would allow it to connect to a free standing propane tank, which is not allowed. Mr. Cruz inquired to the procedures the Mayor and Council follow when receiving citizen complaints, how they are documented for public record, and to ensure citizens were not harassing each other. It was explained there is not a formal process. Complaints are forwarded to the appropriate City Staff to handle. When complaints are received and forwarded verbally by phone conversations there is not a public record to retain. Mr. Espinoza decided to wait until the next meeting to speak on the Food Truck issue.

IV. PRESENTATIONS AND PROCLAMATIONS

A. Mayor Watford proclaimed the week of May 19 through 25, 2024, as National Public Works Week, **Exhibit 1**. The Proclamation was presented to the Public Works Department Maintenance Foremen Mr. Willie Hall and Mr. Marvin Roberts, Administrative Secretary Ms. Kay Matchett, and Maintenance Operators Mr. James Bass, Mr. Otis Jackson, Mr. Drako Phillips, and Mr. Rufus Rhoden, and read into the record as follows: "**Whereas, Public Work professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of the City of Okeechobee and; Whereas, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals and employees who are responsible for rebuilding, improving, and protecting our city's transportation, public buildings, parks and other structures and facilities essential for our citizens; and Whereas, it is in the public interest for the citizens, civic leaders, and children in Okeechobee to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in our community; and Whereas, the year 2024 marks the 64th annual National Public Works Week sponsored by the American Public Works Association. Now Therefore, I, Dowling R. Watford, Jr., by virtue of the authority vested in me as Mayor of the City of Okeechobee, FL, do hereby proclaim May 19 through 25, 2024, as National Public Works Week in the City of Okeechobee.**"

V. CONSENT AGENDA

Motion and second by Council Members Chandler and Jarriel to:

A. Dispense with the reading and approve the Minutes for May 7, 2024 [as presented in **Exhibit 2**]; and

B. Approve the April 2024 Warrant Register [in the amounts: General Fund, \$961,930.87; Public Facilities Improvement Fund, \$418,117.38; Capital Improvement Projects Fund, \$70,005.65; Other Grant Capital Fund, \$13,870.48; Industrial Development Grant Fund, \$750.00; as presented in **Exhibit 3**]; and

V. CONSENT AGENDA CONTINUED

C. Approve the disposal of a 1999 Chevrolet Bucket Truck and a 2003 Chevrolet Pickup Truck [as presented in **Exhibit 4**].

Motion Carried Unanimously.

VI. MAYOR WATFORD OPENED THE PUBLIC HEARING AT 6:22 P.M.

A. Motion by Vice Mayor Clark, second by Council Member Jarriel to postpone the second reading of the title only, and final Public Hearing date for proposed Ordinance No. 1289, adopting Application No. 24-001-CPA, updating the Comprehensive Plan Capital Improvements Five-Year Schedule, to June 4, 2024 [as presented in **Exhibit 5**].

Motion Carried Unanimously.

MAYOR WATFORD CLOSED THE PUBLIC HEARING AT 6:23 P.M.

VII. NEW BUSINESS

A. Discussion by Adam Ramsey regarding Park Street Commerce Center was withdrawn.

B. Motion and second by Council Members Jarriel and McAuley to approve an Independent Contractor's Agreement with Roger Azcona, Esquire, to perform the City's Code Enforcement Special Magistrate services. Initial term being May 21, 2024, through May 20, 2026, and an additional two-year extension [as presented in **Exhibit 6**].

Motion Carried Unanimously.

C. Motion by Council Member McAuley, second by Vice Mayor Clark to approve the Local Government Cyber Security Grant Program Contract, DMS-24/25-066 with the State of FL, Department of Management Services and to authorize the City Administrator, Gary Ritter, to electronically sign the Agreement [as presented in **Exhibit 7**].

Motion Carried Unanimously.

D. The annual evaluation of Administrator Ritter was conducted. On May 7, 2024, Human Resources Generalist Heather Prince provided individual evaluation forms to the Mayor and Council to complete and submit at the meeting. The evaluations contain 14 questions with each having a score of one to five. The Tally Sheet, providing the individual overall rating scores, was read aloud by Mayor Watford as follows: Watford 4.9, Chandler 5.0, Clark 4.9, Jarriel 5.0, and McAuley 5.0; for an average overall score of 5.0, or Excellent. A copy of the tally sheet, evaluations, and materials provided in the evaluation packet have been incorporated into the official minute file, labeled as **Exhibit 8**.

VIII. CITY ATTORNEY UPDATE

- Gathering information regarding Business Impact Estimates, which revised a new law pertaining to Ordinance adoptions as requested by Clerk Gamiotea.
- Looking into options for Council review regarding Food Trucks.
- Researching zoning opinions for the Glenwood Park multi-family development. Administrator Ritter responded to a status inquiry on the project, they need to go back to the Technical Review Committee due to changes from dorm style units back to apartment style units, as well as parking issues.
- The Parking Use Agreement with Primitive Baptist Church is almost complete.
- Working on changes to the FL Department of Transportation (FDOT) Traffic Light Maintenance Agreement. Administrator Ritter further explained the changes would be to give the maintenance back to FDOT.
- Continuing to work on changes to the Code Enforcement Special Magistrate Ordinance.
- An inquiry was asked about the City Commerce Center land sales. Administrator Ritter advised the closing on the portion of Tract A is being scheduled. Landmark PreCast, LLC has questions on the Sales Agreement and are in touch with the City Attorney.

IX. CITY ADMINISTRATOR UPDATE

- City Staff has been discussing moving to a digital cloud storage, and has reached out to companies to obtain prices.
- In response to when the next Fiscal Year Budget would be ready, he answered big ticket items would begin being discussed at the next meeting, Budget Workshops will be in late July and through August.
- Responded to the progress on the City Hall Hardening Project, advised the GeoTech Group was at City Hall on May 17 getting building specifics together to create engineered drawings. Construction documents are produced once the drawings have been rendered, then the construction bidding process can begin; construction needs to be started prior to June 2025.

X. COUNCIL COMMENTS

- Council Member Chandler, glad to be here.
- Council Member Jarriel reminded everyone to complete their Financial Disclosure Form 6 before the deadline in July.
- Council Member McAuley stated he remembered Mayor Watford saying he did not give a 5.0 or perfect score to anyone on an evaluation; but had he been able to, he would have given Administrator Ritter a 6.0 for his work especially since February and his handling of the tragedy in the Public Works Department.
- Vice Mayor Clark appreciated Staff getting FDOT to change the traffic light timing, she's noticed a difference. Chief Hagan added, there used to be a 4-second delay between a yellow to red light, but now there is only 2-seconds; while it appears people are running the light, they are not. Council Member Chandler clarified drivers are safe when they have crossed the large white line into the intersection before the light turns red.

XI. ADJOURNMENT

There being no further items of discussion, Mayor Watford adjourned the meeting at 6:44 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.



To: Gary Ritter, Administrator
From: Marvin Roberts, Maintenance Foreman
Date: May 23, 2024
Re: Request an Amendment for the Disposable Surplus Equipment

This memo corrects the consent agenda item on the May 21, 2024, City Council Meeting Agenda, where the 4x4 pickup truck was listed as a Chevrolet. The Public Works Department is requesting permission to dispose of this 2003 Ford F-150 Super cab 4X4 which has been removed from service and has been replaced. The pickup will be disposed of using Insight Auction of Sebring, Florida. The 1999 Chevrolet Bucket Truck will also be disposed of using Insight Auction.



Marvin Roberts
Public Works - Maintenance Foreman

ORDINANCE NO. 1275

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING PART II OF THE CITY OF OKEECHOBEE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT REGULATIONS, WITHIN CHAPTER 78 DEVELOPMENT STANDARDS, BY SPECIFICALLY AMENDING ARTICLE IV STORMWATER MANAGEMENT, AS SUBMITTED IN LAND DEVELOPMENT REGULATION TEXT AMENDMENT APPLICATION NO. 23-002-TA; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Okeechobee, Florida (City), has adopted Ordinance Number 716, as amended, known as the Land Development Regulations (LDRs); and

WHEREAS, the City has a legitimate interest in periodic review of its Ordinances and LDRs in order to address certain inconsistencies or outdated regulations contained in the Code of Ordinances (the Code); to make amendments to meet changing community standards, or to accommodate new development; and to create new ordinance or regulation to better serve the public and to make the Code a more consistent and easier to understand document; and

WHEREAS, the Planning Board for said City acting as the Local Planning Agency, reviewed and discussed the proposed amendments, also known as LDR Text Amendment Application No. 23-002-TA, at duly advertised Public Hearings held on May 18, 2023, September 21, 2023, and April 18, 2024; and based on findings of fact by the Planning Staff, hereby recommends certain changes, amendments, or modifications to the Code, to present to the City Council for ordinance adoption and codification; and

WHEREAS, the City Council for the City considered the recommendations by the Planning Board and concludes 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; and

WHEREAS, there are certain projects that are below the South Florida Water Management District permitting threshold, and the City Council intends to capture those projects that individually or collectively impact the City's stormwater management capabilities; and

WHEREAS, the City Council for the City finds and determines that these changes, amendments, or modifications to the Code are consistent with all applicable policies including the LDRs and the City's adopted Comprehensive Plan, and not in conflict with the public interest.

NOW, THEREFORE, be it ordained before the City Council of 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; that:

SECTION 1: RECITALS.

The foregoing "whereas" clauses are incorporated herein as legislative findings by this reference and made a part hereof for all intents and purposes.

SECTION 2: AMENDMENT TO CHAPTER 78 DEVELOPMENT STANDARDS.

That Part II of the Code of Ordinances, Subpart B-LDRs, Chapter 78 Development Standards, Article IV Stormwater Management, is hereby amended to read as follows:

Section 78-101. Requirements Stormwater Management.

- ~~(a) Required stormwater management systems shall comply with state approved standards adopted by the South Florida Water Management District.~~
- ~~(b) Minimum stormwater management requirements are as follows:
 - ~~(1) Stormwater treatment and disposal facilities shall be designed for a 25 year storm event of 24-hour duration.~~
 - ~~(2) The first inch of stormwater runoff shall be treated on site.~~
 - ~~(3) Post development runoff rates, volumes and pollutant loads shall not exceed predevelopment conditions.~~
 - ~~(4) Erosion and sediment controls shall be used during construction.~~~~

~~(5) Minimum road elevation is the crown of the road or 100-year, three-day event, whichever is highest.~~

The City has adopted this stormwater management ordinance to help protect its resources from adverse effects of unmanaged stormwater runoff.

Stormwater from a rain event, where runoff is the portion of stormwater that does not infiltrate into the ground or evaporate and is not intercepted before reaching a Stormwater Management System. Stormwater runoff from undeveloped lands usually does not require management since it does not have an opportunity to accumulate manmade pollutants or be in conflict with manmade improvements such as roads, buildings, etc. When land is converted to higher intensity land use, stormwater can become a problem if it is not properly managed. When areas are paved, and impervious surfaces are created it reduces infiltration rates and increases the direct runoff to municipal stormwater conveyance systems (storm sewers, swales, canals, etc.). In certain conditions, these increases in stormwater runoff can exceed the capacity of the conveyances which leads to localized flooding. Increases in pollutant loading to stormwater associated with development must also be managed. To address these concerns, stormwater management practices are implemented with development to mitigate increases in flood risk (water quantity) and increases in pollutant loading (water quality).

Stormwater runoff contributes to pollutant loading to receiving waters. With the exception of man-made compounds, pollutant loading is found in all stormwater runoff in concentrations that are attributed to the land use. This includes undeveloped lands where nitrogen and phosphorous are present from decaying vegetative materials, fecal coliforms from birds and other animals, and even things like arsenic are naturally occurring. At their native concentrations, these pollutants are a necessary component of the environment and contribute to normal ecosystem function. Pollutant loading can become impactful to the environment when loading levels are unmanaged and elevated above natural concentrations over a prolonged period of time.

Some specific sources where pollutant loading of stormwater can become a problem originate from unmanaged municipal or vegetative waste, use of petroleum products (commonly from automobiles), unmaintained wastewater treatment systems such as septic tanks, over application of nutrient fertilizers and herbicides applied to lawns, and atmospheric deposition among others. Excess nitrogen (N) and phosphorus (P) nutrient loads are commonly attributed to residential and industrial land uses, commercial, mixed urban, and roadways can generate higher concentrations of metal contamination. Heavy metals are of particular concern because several are known to be toxic to native aquatic plant and animal species. Motor vehicles and road surfaces are the common sources of heavy metals in stormwater runoff. Nutrients and pesticides applied for lawn maintenance and atmospheric deposition can cause algal blooms and similar environmentally harmful occurrences if untreated runoff is allowed to enter surface waters.

During a rainfall event, stormwater runoff mixes with pollutants either physically or chemically if they are water soluble and can carry them to surface waters. This is where unmanaged stormwater not only causes adverse environmental impacts but also economic impacts. An increase in the number of impervious surfaces raises the potential for flooding and property damage. Polluted stormwater can also lead to reduced fisheries production because of the degradation of water quality. For these reasons, stormwater management practices have been implemented throughout Florida and the United States. This Section is designed as a guide to best management practices (BMPs) for stormwater management in the City.

A stormwater management practice shapes and improves the quality and quantity of stormwater runoff being discharged to receiving waters. BMPs for stormwater are those that meet discharge quantity and quality criteria at a minimal cost.

This article will be used to review and approve Stormwater Management Systems permitted by the City and will be modified as appropriate technology and regional stormwater rules dictate.

Section 78-102. Exemptions Local review and approval of Stormwater Management System.

The following developments are exempt from stormwater management requirements:

- ~~(1) Single family and two family residential dwellings and accessory structures on a single lot of record.~~
- ~~(2) Development within a subdivision if the following conditions have been met:
 - ~~a. Stormwater management provisions have been approved and remain valid as part of a final plat or development plan.~~
 - ~~b. Project is developed in accordance with the stormwater management provisions submitted with the final plat or development plan.~~~~
- ~~(3) Maintenance activities that do not change the quality, rate, volume or location of stormwater flows on the site.~~
- ~~(4) Emergency action taken to prevent imminent danger to persons or property.~~

A Stormwater Management Plan will be required as part of all building permit applications that increase the impervious area of a site.

Regardless of whether or not stormwater management permits are required by the South Florida Water Management District (SFWMD), and notwithstanding other exemptions cited in Section 78-105, all applications for construction on or development of improvements made to land are required to submit a Stormwater Pollution Prevention Plan for review and approval by the City. This Plan is to be based on the standards and criteria of the SFWMD. Sections 78-103—78-200. Reserved.

Section 78-103. Specialized definitions.

The following definitions shall apply to Article IV and all Sections thereof and subsections thereto.

Alter or alteration. Work done on a Stormwater Management System other than that necessary to maintain the System's original design and function, including, but not limited to, work that increases the impervious area of a system or changes its storage demand or outfall characteristics.

BMPs. Schedules of activities, prohibitions of practices, general good housekeeping methods, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater receiving waters or Stormwater Conveyance Systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage, leaks, sludge, water disposal, or drainage from raw materials storage.

Construction Activity. Earth-disturbing activity, such as the clearing, grading, and excavation of land, and other construction-related activities (e.g., stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants.

Detention. The collection and storage of surface water for subsequent gradual discharge.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to a substantial presence or potential hazard to human, health, safety, property, or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed, including all such materials identified in 40 C.F.R. 261.3.

Existing. For purposes of the stormwater management provisions of this Code, the average condition immediately before development or redevelopment commences.

Illicit Connection.

(a) Any drain or conveyance, whether on the surface or subsurface, which allows an unlawful discharge to enter the Stormwater System including, but not limited to, any connections to the storm drain system from indoor drains and sinks; or

(b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in Plans, Maps, or equivalent records and approved by an authorized enforcement agency.

Illicit Discharge. A discharge to the Stormwater System within the City that is not composed entirely of managed stormwater as exempted in Section 78-108 of this Ordinance.

Impervious Surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted soil or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Maintenance. That action taken to restore or preserve the original design and function of any Stormwater Management System without significant change.

MS4 or Municipal Separate Storm Sewer System. Publicly owned conveyance or system of conveyance (i.e., ditches curbs catch basins and underground pipes) designed to discharge stormwater to surface waters of the State.

NPDES Stormwater Discharge Permit. A permit issued by Environmental Protection Agency (EPA) or by a State under authority delegated pursuant to 33 U.S. Code, National Pollutant Discharge Elimination System, §1342(b) and its amendments, or its successor statutes, that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Natural Systems. Systems which predominantly consist of or are used by those communities of plants, animals, bacteria and other flora and fauna which occur indigenously on the land, in the soil or in the water.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include but are not limited to paints, varnishes and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects; ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal, coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building lot parcel of land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Rate. Volume per unit of time.

Retention. The collection and storage of runoff with discharge to the surficial aquifer and without subsequent direct discharge to surface waters.

Sediment. The mineral or organic particulate material that is in suspension or has settled in surface or ground waters.

Site. Generally, any tract, lot or parcel of land or combination of tracts, lots, or parcels of land that are in one ownership, or in diverse ownership but contiguous, and which are to be developed as a single unit, subdivision, or project.

Stormwater. The flow of water which results from, and that occurs immediately following, rainfall.

Stormwater Management System. The System, or combination of systems, designed to treat stormwater quality and collect, convey, channel, detain, retain, or divert the movement of stormwater on, through, and from a site.

Stormwater Pollution Prevention Plan. A document which describes:

- (a) The BMP's and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable, and
- (b) The specific measures and sequencing to be used to control sediment and erosion on a site during and after construction.

Stormwater Runoff. That portion of the stormwater that flows from the land surface of a site either naturally, in manmade ditches, or in a closed conduit system.

Surface Water. Water above the surface of the ground whether or not flowing through definite channels, including the following:

- (a) Any natural or artificial pond, lake, reservoir, or other area which contains water, and which has a discernible shoreline; or
- (b) Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction and which has a definite flow route; or
- (c) Any wetland.

Wetland. Land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamp hammocks, hardwood swamps, riverine cypress, cypress ponds, bayheads and bogs, wet prairies, and freshwater marshes.

Section 78-104 - Relationship to other stormwater management requirements.

In addition to meeting the requirements of this Code, the design and performance of all Stormwater Management Systems shall comply with applicable State regulations regarding stormwater quality and or rules of the SFWMD as appropriate.

Section 78-105. Exemptions.

The following development activities are exempt from these stormwater management requirements, except that steps to control erosion and sedimentation must be taken for all development.

- (a) The construction of a single-family or duplex residential dwelling unit and accessory structures on a single parcel of land.
- (b) Any development within a subdivision if each of the following conditions have been met:
 - (1) Stormwater management provisions for the subdivision were previously approved by the City and remain valid as part of a final plat or development plan; and
 - (2) The development is conducted in accordance with the stormwater management provisions submitted with the final plat or development plan.
- (c) Maintenance activity that does not adversely affect the quality, rate, volume, or location of stormwater flows on the site or of stormwater runoff.

Section 78-106. Stormwater Management Plan Requirements.

- (a) A Stormwater Management Plan is required to be submitted as part of the City building permit application pursuant to Section 70-302 of the Code, its amendments, or its successor statutes. The Plan will indicate how a project design will incorporate the required stormwater management and treatment criteria. The elements that may be required as part of a Stormwater Management Plan are listed below.
- (b) Site Information:
 - (1) Detailed location map.
 - (2) Description of existing vegetative cover including wetlands.
 - (3) Location and size of preservation or mitigation areas (if applicable).
 - (4) Site Paving, Grading, and Drainage Plans.
 - (5) Vegetation Protection Plan.
 - (6) Soils map and percolation test results.
 - (7) Wet season water table elevation.

- (8) Recent aerial photograph including the year that the photograph was taken.
- (9) Map of drainage basin boundaries including any off-site areas.
- (10) Map of floodplain and elevations.
- (c) Stormwater Management Plan:
 - (1) Location of all existing and proposed on-site waterbodies including wetlands.
 - (2) Location of all off-site wetlands, water courses, and waterbodies affected by on-site drainage patterns.
 - (3) Location and detail of all major control structures and elevations. Preliminary construction plans may be submitted for conceptual approval.
 - (4) Right-of-way and easement locations for Stormwater Management Systems including all areas reserved for stormwater management purposes.
 - (5) Location and size of on-site stormwater management facilities.
 - (6) Square footages, acreages, and percentage of property proposed as:
 - a. Impervious surface (excluding waterbodies).
 - b. Impervious surface (waterbodies).
 - c. Pervious surface.
 - d. Total square footage or acreage of the project site.
 - (7) Proposed Grading, Paving and Drainage Plan.
 - (8) Treatment volumes and discharge rates (if applicable) for stormwater runoff.
- (d) Legal and Institutional Information:
 - (1) Entity responsible for operation and maintenance of surface water management system.
 - (2) If the operation and maintenance entity is to be a public body, a letter from the public body confirming this must be submitted before staff approval. If the entity is a homeowners association, documents verifying the existence of such organization and its ability to accept operation and maintenance responsibility must be submitted before staff approval.
- (e) Below is a checklist of the elements that City staff will use to determine which of the elements a specific Plan should or should not require for each site. Some of these elements are required for other parts of a City building permit, but also need to be considered as part of the Stormwater Management Plan. In these instances, specific criteria are the same as those already required by the City and are not discussed further in this Article.

Stormwater Management Plan Checklist:

- (1) Site Information.
 - a. Detailed location map.
 - b. Description of vegetative cover.
 - c. Location and size of preservation or mitigation areas.
 - d. Vegetation Protection Plan.
 - e. Soils map.
 - f. Percolation test results.
 - g. Current wet season high water table.

- h. Future wet season water table.
- i. Measures to be taken to eliminate off-site adverse impacts, such as turbidity, flooding, etc.
- j. Recent aerial photo (with year aerial was taken).
- k. Map of drainage basin boundaries including off-site areas.
- l. Map of floodplain and elevations.

(2) Master Stormwater Management Plan.

- a. Location of all existing and proposed on-site waterbodies (including wetlands).
- b. Location of all off-site wetlands and waterbodies to be affected by on-site drainage patterns.
- c. Location of all major control structures and elevations (preliminary construction plan may be submitted for conceptual review).
- d. Right-of-way and easement locations for Stormwater Management Systems, including all areas reserved for stormwater management purposes.
- e. Location and size of on-site water management facilities.
- f. Square footages, acreages, and percentage of property proposed as:
 - 1. Impervious surface (excluding waterbodies).
 - 2. Impervious surface (waterbodies).
 - 3. Pervious surface.
 - 4. Total square footage or acreage of project site.
- g. Proposed Grading Plan.
- h. Existing Topography (spot elevations or contours as appropriate)
- i. Treatment volume and discharge rate (if applicable) for Stormwater Management System.

(3) Legal and Institutional Information.

- a. Entity responsible for operation and maintenance of stormwater management facility.*

*If the operation and maintenance entity is to be a public body, a letter from the public body confirming this must be submitted before staff approval. If the entity is a homeowners' or property owners' association, documents verifying the existence of such organization and its ability to accept operation and maintenance responsibility must be submitted for review and approval.

(f) Hydraulic Design Criteria.

Stormwater management facilities for development shall be designed in accordance with the following:

- (1) All projects shall control the volume of discharge from developed areas at predevelopment volume of discharge for the design level of service storm event adopted in the Code.
- (2) All project sites shall control the timing of discharges to preclude any off-site impact for any storm event.
- (3) Peak discharge rate shall not exceed predevelopment discharge rate for the design level-of-service storm event adopted in the Code.

(g) Water Quality Design Criteria.

Stormwater designs must demonstrate a net improvement in nutrient loads or a 95 percent reduction in pollutant loads for the design level of service storm event adopted in the Code. This can be demonstrated through methods that are accepted by the SFWMD.

(h) Methods of Stormwater Treatment.

Stormwater treatment facilities shall be designed to treat stormwater runoff to a level that meets the design criteria defined herein. The volume to be treated depends on the type of stormwater management facility(ies) used and the land use of the property. A detention facility collects and temporarily stores a treatment volume to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of the stormwater to a surface water system. A retention facility is designed to prevent the discharge of a given volume; however, it is slowly released from the facility through infiltration and evapotranspiration. A retention or detention facility built at least 12-inches above the groundwater table is "dry." A facility with the bottom below the control elevation is "wet." The wet season water table plays an important part in the functioning of retention systems. To ensure that stormwater facilities continue to function in the future, a stormwater design will need to include a determination of the wet season water table.

(i) Wet Detention.

(1) Wet detention is the collection and temporary storage of stormwater runoff, before controlled discharge into receiving waters, in a permanently wet impoundment to provide treatment through physical, chemical, and biological processes with subsequent gradual controlled release of the stormwater. A wet detention facility is a basin or pond with a bottom elevation below the wet season water table or control elevation.

(2) Method of Achievement.

Constructed ponds on the site are generally used for wet detention. These ponds must meet the following design criteria:

A wet detention facility is usually wet and allows for ½-inch of the required detained volume (1-inch over the total basin area, or the total of 2.5-inches times the percent of impervious area less roof and wet pond areas, whichever is greater) to be discharged through a control structure in no less than 24-hours. Catch basins, pipes, swales, or channels are used in areas with large amounts of impervious surface to collect runoff and convey it to the detention facility. The required design criteria of a wet detention facility are detailed below:

- a. The pond must be at least 0.5 acre and at least 100-feet wide for lakes exceeding 200-feet in length.
- b. Irregularly shaped lakes may be narrower than 100-feet in some portions but should average 100-feet in width.
- c. Projects with single-owner entities or entities with a full-time maintenance staff with obvious interests in maintaining the areas for water quality purposes may have the area and width criteria waived.
- d. The lake slopes should be at least 4:1 (horizontal to vertical) to a depth of 2-feet for safety reasons and to allow a littoral habitat to form.
- e. The control structure is at one point in the detention facility. Trash collection screens are required on structures discharging to surface waters.
- f. The control structure must be opposite from the runoff entry into the facility to prevent hydraulic short-circuiting and to ensure full treatment.

For non-residential projects, wet detention cannot be used as the sole form of stormwater treatment. If wet detention is used, at least 2.5-inches of dry retention pre-treatment must be provided for the whole project area.

Guidance on sizing, designing, and permitting wet detention facilities or exfiltration trenches can be found in the SFWMD Environmental Resource Permit Applicant's Handbook.

(j) Dry Retention.

(1) Dry retention is a stormwater system designed to prevent the discharge of a given volume of stormwater runoff into surface waters by complete onsite storage of that volume. A dry retention facility has a bottom elevation at least 1-foot above the future wet season water table and is usually dry. Stormwater is released only during times of heavy rainfall or flooding.

(2) Method of Achievement.

Examples of dry retention facilities include infiltration systems (e.g., vegetated swales and bioretention systems) and seepage systems (e.g., exfiltration trenches, pervious pavement, and exfiltration vaults). Of these two, infiltration systems provide better pollution attenuation. The vegetation takes up a percentage of the nutrients commonly found in stormwater runoff. Most heavy metals bind with the soils above the water table and the potential for them entering the groundwater is reduced.

Seepage systems consist of an underground facility that relies on a mostly outward dispersion of stormwater from the facility to the groundwater. These structures are constructed a minimum of 1-foot above the future wet season water table. These systems are most suitable for areas where the soil has high transmissivity. However, they do not provide the nutrient uptake that is offered with vegetated infiltration systems.

Infiltration systems and seepage systems need a highly permeable substratum to allow the stormwater runoff to percolate into the ground. Seepage systems do not require as much land area as infiltration systems since they can be installed underground. However, the future wet season water table at the project site must be at least 1-foot below the seepage structure.

(k) Dry Detention.

(1) Dry detention systems are designed to store a defined quantity of runoff from a completed development and slowly release the collected runoff through an outlet structure to adjacent surface waters at downstream, pre-development flow rates.

(2) Method of Achievement.

Examples of dry detention facilities include impoundments and excavated basins.

Treatment volume shall consist of on-line or off-line detention of the first 0.75-inches of runoff or 1.88-inches times the percentage of imperviousness; whichever is greater.

Systems shall recover 50 percent of treatment volume in 24-hours.

Dry detention systems are limited to project areas less than 5 acres in size, and which serve a drainage area less than 5 acres in size.

(l) Control Structures.

(1) Definition. A control structure is a device through and/or over which water is discharged from a Stormwater Management System. Direct discharge occurs when stormwater is released through a control structure to the receiving waterbody. If the discharge from the Stormwater Management System is by a means other than a control structure (e.g., sheet flow or spreader swale), it is considered indirect discharge.

(2) Purpose. The primary purpose of a control structure in a detention facility is to release the calculated runoff volume slowly over a specified period. In a retention facility, the control structure allows for volumes exceeding the calculated retention volume to leave the system in a manner that provides adequate downstream flood protection.

(3) Types of Control Structures. Direct discharge from a water management facility to the receiving body is usually achieved through control structures such as weirs and orifices. The following criteria must be met for all methods of direct discharge:

a. Trash collecting gratings and oil skimmers must be installed on the intake of all structures that discharge to surface waters.

- b. Detention facilities discharge must be above the permanent pool.
- c. If a non-single-family residential property is greater than 50 percent impervious or contains a system with inlets in paved areas, discharge structures must include a baffle, skimmer, or other suitable mechanism for preventing oil and grease from being discharged.
- d. Direct discharge will only be allowed to those areas that due to their large capacity or configuration are able to absorb concentrated discharges without erosion.

When using indirect discharge to release stormwater, a spreader swale is commonly used. The swale is positioned parallel to the receiving body, and the side adjacent to the receiving body is lower than the side opposite the receiving body. The swale allows the water to flow into the receiving body but not flood the adjoining property. This method works well when trying to maintain a proper water level in wetlands that are used for stormwater management. The spreader swale is also a treatment facility for stormwater runoff. Runoff exceeding the first flush is allowed to enter the wetland system via sheet flow.

(m) Criteria for Single-Family/Duplex Lots.

(1) Lots Within Subdivisions With Approved Stormwater Management Plans. In all subdivisions that have an approved Stormwater Management Plan, all new development must comply with the approved Plan. A lot Grading Plan, complete with topographic information that complies with this Section, must be submitted for review before the issuance of the building permit. If the approved Stormwater Management Plan does not contain sufficient lot grading information to verify that the lot being permitted will drain in accordance with the Plan, the requirements of Section 2 herein shall apply.

(2) Lots Within Subdivisions Without Approved Stormwater Management Plans. Single-family and duplex homes that are not part of a stormwater drainage system shall provide a Stormwater Management Plan following the guidelines established herein. The design criteria generally use vegetated swales. However, other retention practices may be used. The retention volume specified in these design criteria will provide adequate stormwater treatment on a single-family/duplex lot to meet the City stormwater treatment requirements. However, calculations demonstrating a net improvement in nutrient loads may be submitted as an alternative to using the retention volume specified in these design criteria. The stormwater calculations must be completed by a Florida registered and licensed professional engineer.

The retention volume depends on the lot size and the Stormwater Management System used. Stormwater treatment can also be provided using other retention systems such as pervious pavement, exfiltration trenches, or shallow stormwater vault systems.

(3) If swale(s) are used, they must meet the following criteria:

- a. Runoff from the site must be drained to the swale.
- b. The swale length must be greater than its width.
- c. The swale side slope must be 4:1 (horizontal to vertical) or shallower.
- d. The swale must be placed so that any natural areas to be preserved are not disturbed.
- e. The swale must be at least 6-inches deep.
- f. Swales should be vegetated. If a swale is not vegetated, a 6-inch layer of soil amendment formulated to reduce nutrient loading must be installed directly below the swale. Specifications and published nutrient reduction test results for the soil amendment media must be provided at the time of testing.

For retention systems, a control structure will allow runoff exceeding the volume of the swale to be discharged to the receiving body. More than one retention system may be on the property provided that each meets these criteria, and the total volume of the retention is at least the calculated volume. Vegetated swales may be incorporated into the set-back area of land required by the City.

Section 78-107. Dedication or Maintenance of Stormwater Management Systems.

- (a) Dedication. If a Stormwater Management System approved under this Code will function as an integral part of the City maintained regional system, as determined by the City, the City shall have the option of requiring that the facilities be dedicated to the City. In no event shall any Stormwater Management System, including lakes, canals, and waterways, be granted, conveyed or dedicated to the City without the consent of the City Council.
- (b) Maintenance by an acceptable entity.
- (1) All Stormwater Management Systems that are not dedicated to the City shall be operated and maintained by one of the following entities:
- a. An active water control district created pursuant to Florida Statutes (F.S.) Chapter (Ch.) 298 or drainage district created by special act, or community development district created pursuant to F.S. Ch. 190, or special assessment district created pursuant to F.S. Ch. 170.
 - b. A State or Federal agency.
 - c. An officially franchised, licensed or approved communication, water, sewer, electrical or other public utility.
 - d. The property owner or developer if:
 - 1. Written proof is submitted in the appropriate form by either letter or resolution, that a governmental entity or such other acceptable entity, as set forth in paragraphs a through c above, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future.
 - 2. A bond or other assurance of continued financial capacity to operate and maintain the system is submitted.
 - e. For-profit or nonprofit corporations including homeowners' associations, property owners' associations, condominium owners' associations or master associations if:
 - 1. The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the City affirmatively taking responsibility for the operation and maintenance of the stormwater management facility.
 - 2. The association has sufficient powers reflected in its organizational or operational documents to:
 - i. Operate and maintain the Stormwater Management System as permitted by the City.
 - ii. Establish rules and regulations.
 - iii. Assess members.
 - iv. Contract for services.
 - v. Exist perpetually, with the articles of incorporation providing that if the association is dissolved, the Stormwater Management System will be maintained by an acceptable entity as described above.
- (2) If a project is to be constructed in phases, and subsequent phases will use the same stormwater management facilities as the initial phase or phases, the operation/maintenance entity shall have the ability to accept responsibility for the operation and maintenance of the Stormwater Management Systems of future phases of the project. In any event, the backbone Stormwater Management System shall be constructed for the entire project.

- (3) In phased developments that have an integrated Stormwater Management System but employ independent operation/maintenance entities for different phases, the operation/maintenance entities, either separately or collectively, shall have the responsibility and authority to operate and maintain the Stormwater Management System for the entire project. That authority shall include cross easements for stormwater management and the authority and ability of each entity to enter and maintain all facilities, should any entity fail to maintain a portion of the Stormwater Management System within the project.
 - (4) The applicant shall be an acceptable entity and shall be responsible for the operation and maintenance of the Stormwater Management System from the time begins until the Stormwater Management System is dedicated to and accepted by another acceptable entity.
- (c) Offsite stormwater conveyance systems. Where a private offsite stormwater management or conveyance system is required to obtain a final development order pursuant to the provisions of this Code, perpetual easements shall be obtained by the developer. The easements required by this Subsection shall provide the City with the right, but not the obligation to maintain the conveyance or Stormwater Management System located thereon.

Section 78-108 - Prohibition of Illicit Discharge.

- (a) No person shall directly or indirectly cause an illicit discharge to enter the stormwater system. Categories of illicit discharges include, but are not limited to, the following:
- (1) Petroleum products including, but not limited to, oil, gasoline, and grease.
 - (2) Solid waste or sanitary sewage.
 - (3) Chemicals including, but not limited to, fertilizers and pesticides.
 - (4) Paints, solvents, or degreasers.
 - (5) Concrete slurry.
 - (6) Laundry wastes or soaps.
 - (7) Antifreeze and other automotive products.
 - (8) Soil.
 - (9) Leaves, branches, and other yard/landscaping waste.
 - (10) Construction materials.
 - (11) Toxic or poisonous solids or liquids.
 - (12) Solids or suspended solids in such quantities or of such size capable of causing interference or obstruction to the flow in the stormwater system.

Section 78-109. Prohibition of Illicit Connections.

The construction, use, maintenance, or continued existence of illicit connections to the stormwater system is prohibited.

Section 78-110. Reporting of Illicit Discharges and Illicit Connections.

Upon discovery of an illicit discharge or an illicit connection, the person(s) responsible for the illicit discharge or the illicit connection shall report his or her findings immediately to the City.

Section 78-111. Enforcement, Penalties, and Liability for Pollution Abatement.

- (a) The provisions of this Ordinance shall be enforced as provided in Chapter 18 of the Code, its amendments, or its successor provisions.
- (b) No person shall oppose, obstruct, or resist any enforcement officer, designated City staff, or any person authorized by the enforcement officer or designated City staff in the discharge of his or her duties, as provided in this Ordinance.

- (c) Any person responsible for an illicit connection, or an illicit discharge, to the stormwater system, is subject to fine(s) and shall be responsible to pay both the necessary expenses incurred in evaluating, treating, and disposing of pollutant materials and also the reasonable cost of repairs. A lien may be placed against the land on which the violation exists and upon any other real or personal property owned by the violator.
- (d) The remedies and penalties provided in this Ordinance are not exclusive, and the City may seek whatever other remedies are authorized by F.S., at law, or in equity against any person who violates the provisions of this Ordinance.

Section 78-112 – Erosion Control Standards.

- (a) Clearing except that necessary to establish sediment control devices shall not begin until all sediment control devices have been installed and have been stabilized. Clearing techniques that retain natural vegetation and drainage patterns shall be implemented to the satisfaction of the City Public Works Department or designee.
- (b) Grading erosion control practices, sediment control practices, and waterway crossings shall be adequate to prevent transportation of sediment from the site and be maintained to project completion to the satisfaction of the City Public Works Department or designee.
- (c) The angle for graded slopes and fills shall not be greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures generally 4:1 or less. Slopes left exposed will within 10 working days of completion of any phase of grading be planted or otherwise provided with ground cover devices or structures sufficient to prevent erosion.
- (d) Groundcover sufficient to restrain erosion must be planted or otherwise provided within 10 working days on portions of cleared land upon which further construction activity is not being undertaken within 30 calendar days of clearing.
- (e) Vegetative cover or other erosion control devices or structures used to meet these requirements shall be properly maintained during and after construction.
- (f) Temporary seeding or sodding adequate covering or chemical application on exposed soils including stockpiles of topsoil, sand, or other construction fill shall be used where delays in construction of more than seven calendar days are anticipated.
- (g) The operator of any construction project that disturbs one acre or more or is part of the larger common plan of development, or sale which disturbs one acre or more is required to obtain the proper Stormwater Permit from the Florida Department of Environmental Protection and to comply with all the terms and conditions of the permit in addition to any City requirements. The operator shall maintain a copy of the Permit on-site for review by any authorized official upon request.
- (h) Waste generated onsite including but not limited to discarded building materials, concrete truck wash out, chemicals, litter, and sanitary waste must be stored secured or otherwise controlled to the maximum extent practicable to prevent adverse impacts to water quality.

SECTION 3: CONFLICT.

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

SECTION 4: INCLUSION IN THE CODE.

It is the intention of the City Council of the City, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City 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 5: 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 6: EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption on second reading.

INTRODUCED for First Reading and set for Final Public Hearing on this 7th day of May 2024. Roll Call Vote:

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

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second and Final Public Hearing this 4th day of June 2024. Roll Call Vote:

	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, City Attorney
Nason Yeager Gerson Harris & Fumero, P.A.

IV. PRESENTATIONS AND PROCLAMATIONS CONTINUED

- C. Continued. **Whereas, the economic development profession cultivates thriving neighborhoods, champions sustainability and resiliency, boosts economic prosperity, enhances the quality of life, and builds robust tax bases; and Whereas, economic development professionals operate throughout diverse economic environments, including rural, suburban, and urban settings; local, state, provincial, and national governments; public-private partnerships; chambers of commerce; institutions of higher education; among many similar organizations and associations; and Whereas, economic development professionals serve as stewards, bridging connections between community stakeholders such as residents, business leaders, elected officials, industry executives, and educational administrations, to collaborate in promoting job creation, community investment, infrastructure advancements, and an optimistic future; and Whereas, economic developers contribute to the betterment and progress of Okeechobee, which is located between two regions: the FL Heartland Economic Region of Opportunity and the FL Treasure Coast; and Whereas, since 1926, the International Economic Development Council has been a leader and driving force in advancing economic development initiatives, with a steadfast commitment to fostering growth and prosperity in communities of all sizes worldwide through equity, inclusion, sustainability, resilience, and innovation; and Now, Therefore, I, Dowling R. Watford, Jr., by virtue of the authority vested in me as Mayor of the City of Okeechobee, FL, do hereby proclaim May 6 through 10, 2024, as Economic Development Week and remind individuals of the importance of this community celebration which supports expanding opportunities, bettering lives, and moving society forward."**
- D. Mayor Watford proclaimed the week of May 5 through 11, 2024, as Professional Municipal Clerks Week, **Exhibit 3**. The Proclamation was presented to the City Clerk's Office Staff and read into the record as follows: **"Whereas, the Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world; and Whereas, the Office of the Professional Municipal Clerk is the oldest among public servants; and Whereas, the Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and Whereas, the Professional Municipal Clerk serves as the information center on functions of local government and community; and Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and Whereas, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk. Now, Therefore, I, Dowling R. Watford, Jr., by virtue of the authority vested in me as Mayor of the City of Okeechobee, FL, do hereby proclaim May 5 through 11, 2024 as Professional Municipal Clerks Week and further extend appreciation to our Certified Municipal Clerk Lane Gamiotea, Deputy City Clerk Katie Rogers, Administrative Secretary Cayetana Ortega, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent."**

V. CONSENT AGENDA

Motion and second by Council Members Jarriel and Chandler to:

- A. Dispense with the reading and approve the Minutes for April 16, 2024 [as presented in **Exhibit 4**]; and
- B. Appoint Mr. Frank Irby as a Regular Member to the Okeechobee Utility Authority (OUA) Board of Directors, term being May 8, 2024, through March 1, 2025, [replacing Mr. Tommy Clay, as presented in **Exhibit 5**].

Motion Carried Unanimously.

VI. NEW BUSINESS

- A. Mr. Hayford, Executive Director of the OUA, submitted a presentation [a copy of which has been incorporated in the official minute file and labeled as **Exhibit 7**], which provided an update for the ongoing projects taking place within the City and County of Okeechobee.
- B. **Motion and second by Council Members Chandler and Jarriel to read by title only, proposed Ordinance No. 1275, adopting [Land Development Regulations (LDR) Text Amendment] Application No. 23-002-TA revamping the Stormwater Management regulations within Chapter 78 of the Code of Ordinances [as presented in **Exhibit 6**].**

Motion Carried Unanimously.

VI. NEW BUSINESS CONTINUED

B. Continued. City Attorney John Fumero read into the record the title of proposed Ordinance No. 1275 as follows: **"AN ORDINANCE OF THE CITY OF OKEECHOBEE, FL; AMENDING PART II OF THE CITY OF OKEECHOBEE CODE OF ORDINANCES, SUBPART B LDR, WITHIN CHAPTER 78 DEVELOPMENT STANDARDS, BY SPECIFICALLY AMENDING ARTICLE IV STORMWATER MANAGEMENT, AS SUBMITTED IN LDR TEXT AMENDMENT APPLICATION NO. 23-002-TA; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE."**

Motion by Council Member Jarriel, second by Vice Mayor Clark to approve the first reading of proposed Ordinance No. 1275, and set June 4, 2024, as the final Public Hearing date.

Roll Call Vote: Chandler – Yea, Clark – Yea, Jarriel – Yea, McAuley – Yea, Watford – Yea.

Motion Carried Unanimously.

VII. CITY ATTORNEY UPDATE

- Researching for an Opinion on allowing use of showers within the Public Safety Building for specific groups or organizations. However, it was also noted the issue may be mute since learning that the facilities at the First Baptist Church Recreation Outreach Center could be available.
- Finalizing the real estate closing documents for Biomedical Waste Facility within the Commerce Center.
- Amendments to the Code Enforcement Magistrate contract renewal are almost complete.

VIII. CITY ADMINISTRATOR UPDATE

- Working with City Attorney to draw up closing documents for the impending Commerce Center property sale to Landmark Precast, LLC.
- Attended the Indian River Lagoon Board Meeting today where stormwater issues were a topic. He stated he was able to brag about the City's baffle box system and usage of our vacuum truck to clean these systems.
- Advised there is a Bunkhouse Dedication at the Kissimmee Prairie Preserve State Park, 1:00 to 3:00 P.M. on May 15, 2024.
- The City received a letter from the owners of the Park Street Commerce Center Subdivision requesting a tax reduction and inquired how the Council wanted to handle the request. Mayor Watford advised anyone can request to address the Council through the agenda.
- Inquired whether the Council wanted to revisit the Mobile Food Dispensing Vehicles (Food Trucks) Ordinance. Mayor Watford, Vice Mayor Clark, and Council Member Jarriel stated yes. He responded then it would be added to a future agenda.

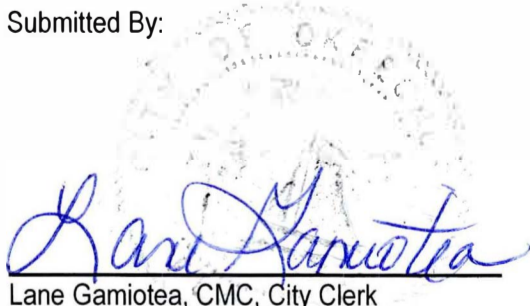
IX. COUNCIL COMMENTS

- Council Member Chandler thanked Mr. Irby for his willingness to serve on the OUA Board and wished all the mothers in attendance a Happy Mother's Day.
- Council Member McAuley thanked Clerk Gamiotea and her staff for all the work they do.
- Vice Mayor Clark stated that the plaza she owns is fully rented for the first time since it was built in 2005; and there is a grand opening for the newest tenant, Batteries Plus, at noon on May 10, 2024, there will be festivities including food trucks on site. Then, back to the subject of revisiting the Food Trucks Ordinance, pointed out that they should not be permanent and that their propane gas tanks cannot be outside. There have been a lot of comments on Facebook regarding this issue, with Mayor Watford taking most of the heat for it. The trucks should be safe and mobile, and she was willing to take some of the heat regarding the pushback on this issue.

X. ADJOURNMENT

There being no further items of discussion, Mayor Watford adjourned the meeting at 6:53 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.



CITY OF OKEECHOBEE, FLORIDA
PLANNING BOARD MEETING
APRIL 18, 2024
SUMMARY OF BOARD ACTION

I. CALL TO ORDER

Chairperson Hoover called the regular meeting of the Planning Board for the City of Okeechobee to order on Thursday, April 18, 2024, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida, followed by the Pledge of Allegiance.

II. ATTENDANCE

Roll was taken by Board Secretary Patty Burnette. Chairperson Dawn Hoover, Board Members Phil Baughman, Carl Berlin, Jr., Karyne Brass, Mac Jonassaint, Jim Shaw, and Alternate Board Member J. Dean Murray were present. Vice Chairperson Doug McCoy and Alternate Board Member Jon Folbrecht were absent.

III. AGENDA

- A. There were no items added, deferred, or withdrawn from the agenda.
- B. Motion by Member Baughman, seconded by Member Jonassaint to approve the agenda as presented. **Motion Carried Unanimously.**
- C. There were no comment cards submitted for public participation.

IV. MINUTES

- A. Motion by Member Brass, seconded by Member Baughman to dispense with the reading and approve the March 21, 2024, Regular Meeting minutes. **Motion Carried Unanimously.**

V. CHAIRPERSON HOOVER OPENED THE PUBLIC HEARING AT 6:02 P.M.

- A. Rereview Land Development Regulations (LDR) Text Amendment Application No. 23-002-TA, which proposes to amend Chapter 78, Land Development Standards, Article IV, Stormwater Management, to reflect required changes adopted by the State on stormwater management regulations.
 - 1. City Attorney Stephen Conteaguero with Nason, Yeager, Gerson, Harris & Fumero briefly reviewed the proposed ordinance stating this is to bring the existing City LDR into conformance with the Florida Department of Environmental Protection. This ordinance is to help protect the City's resources from the harmful effects of unmanaged stormwater runoff. It also addresses illicit discharges and post construction run off.
 - 2. No public comments were offered.
 - 3. No Ex-Parte disclosures were offered.
 - 4. Motion by Member Jonassaint, seconded by Member Berlin to recommend approval to the City Council for LDR Text Amendment Application No. 23-002-TA, as presented in [Exhibit 1]. The recommendation will be forwarded to the City Council for consideration at Public Hearings, tentatively scheduled for May 7, 2024, and June 4, 2024. **Motion Carried Unanimously.**

CHAIRPERSON HOOVER CLOSED THE PUBLIC HEARING AT 6:13 P.M.

VI. CITY ADMINISTRATOR UPDATE

No updates provided at this time.

VII. ADJOURNMENT

Chairperson Hoover adjourned the meeting at 6:14 P.M.

Submitted by:

Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Planning Board with respect to any matter considered at this proceeding, 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. General Services' media are for the sole purpose of backup for official records.

City of Okeechobee General Services Department 55 S.E. 3rd Avenue, Room 101 Okeechobee, Florida 39974-2903 Phone: (863) 763-3372, ext. 218 Fax: (863) 763-1686	Date: <u>3-6-24</u>	Petition No. <u>23-003-TA</u>
	Fee Paid: <u>N/A</u>	Jurisdiction: <u>PB&C</u>
	1 st Hearing: <u>4-18-24 PB</u>	2 nd Hearing: <u>(5/7, 1st Round) 6/4</u>
	Publication Dates: <u>4/3/24 & 4/10/24</u> <u>5/22</u>	
	Notices Mailed: <u>N/A</u>	

APPLICATION FOR TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS

APPLICANT INFORMATION

1	Name of Applicant: <u>City of Okeechobee</u>
2	Mailing address: <u>55 SE 3rd Ave, Okeechobee FL 34974</u>
3	E-mail address:
4	Daytime phone(s):
5	Do you own residential property within the City? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide address(es)
6	Do you own nonresidential property within the City? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide address(es)

REQUEST INFORMATION

7	Request is for: <input type="checkbox"/> Text change to an existing section of the LDRs <input type="checkbox"/> Addition of a permitted use <input type="checkbox"/> Deletion of a permitted use <input type="checkbox"/> Addition of a special exception use <input type="checkbox"/> Deletion of a special exception use <input type="checkbox"/> Addition of an accessory use <input type="checkbox"/> Deletion of an accessory use
8	Provide a detailed description of text changes to existing section(s) showing deletions in strikeout and additions in <u>underline</u> format. (This description may be provided on separate sheets if necessary.) <u>See proposed Ordinance No. 1275 for amendment wording</u>

9	Provide a detailed listing of use(s) to be added or deleted and the zoning district(s) and section(s) to be changed. (This description may be provided on separate sheets if necessary.)
REQUIRED ATTACHMENTS	
10	<p>Non-refundable application fee of \$500</p> <p>Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges – When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.</p>

Confirmation of Information Accuracy

I hereby certify that the information in this application is correct. The information included in this application is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the denial of this application.

Signature

Printed Name

Date

For questions relating to this application packet, call General Services Dept. at (863)-763-3372, Ext. 218

ORDINANCE NO. 1289

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA, UPDATING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS OF THE CITY'S COMPREHENSIVE PLAN AS MANDATED BY FLORIDA STATUTES SECTION 163.3177(3)(b); PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Section, 163.3177(3)(b) requires local governments to annually update a Five-Year Schedule of Capital Improvements which is consistent with the Comprehensive Plan and may be accomplished by ordinance rather than as an amendment to the Local Comprehensive Plan; and

WHEREAS, the City's Planning Board, acting as the Local Planning Agency, has reviewed the proposed Five-Year Schedule of Capital Improvements No. 24-001-CPA, at a duly advertised meeting held on March 21, 2024, and hereby forwards its recommendation to the City Council; and

WHEREAS, the City Council has agreed with the recommendations of the Planning Board that the proposed Five-Year Schedule of Capital Improvements complies with the requirements of Florida Statutes, Section 163.3177(3)(b), that the proposed improvements are consistent with the Comprehensive Plan; and

WHEREAS, the City Council desires to adopt this Schedule to guide future development of the City and protect the public's health, safety, and welfare.

NOW, THEREFORE, be it ordained before the City Council for 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:

SECTION 1. RECITALS. The foregoing "whereas" clauses are incorporated herein as legislative findings by this reference and made a part hereof for all intents and purposes.

SECTION 2. Revision. The City Council hereby revises the Capital Improvements Element of its Comprehensive Plan by updating the Five-Year Schedule of Capital Improvements (Five-Year Capital Improvement Plan) attached as Exhibit "A".

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 a 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 take effect immediately upon its passage.

INTRODUCED for first reading and set for Final Public hearing on this this **16th** day of **April 2024**. Roll Call Vote:

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

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second and Final Public Hearing this **4th** day of **June 2024**. Roll Call
Vote:

	<u>Yes</u>	<u>No</u>	<u>Abstained</u>	<u>Absent</u>
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, City Attorney
Nason Yeager Gerson Harris & Fumero P.A.

ORDINANCE NO. 1289

EXHIBIT "A"

FIVE YEAR SCHEDULE OF CAPITAL IMPROVEMENTS							
Project Name/ Description	Funding Source	Budget 2023-24	Budget 2024-25	Budget 2025-26	Budget 2026-27	Budget 2027-28	5-Year Total
Roadway Projects							
Median Replacement & Right-of-Way	Gas Tax	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 50,000.00
Repair & Maintenance Roads & Culverts	Gas Tax	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 75,000.00
SCOP SE 5th Avenue	SCOP (State)	\$ 334,951.00	\$ -	\$ -	\$ -	\$ -	\$ 334,951.00
Future SCOP Projects	SCOP (State)	\$ -	\$ -	\$ 300,000.00	\$ -	\$ 300,000.00	\$ 600,000.00
Pavement Program	Gas Tax	\$ 100,000.00	\$ 200,000.00	\$ -	\$ 200,000.00	\$ -	\$ 500,000.00
Sidewalk Program	Gas Tax	\$ 160,000.00	\$ -	\$ 100,000.00	\$ -	\$ 100,000.00	\$ 360,000.00
Sign Repair/replacement	Gas Tax	\$ 15,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 135,000.00
Traffic Signal Upgrades	Gas Tax	\$ 5,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 85,000.00
Asphalt Overlay Road	General Fund	\$ 509,000.00	\$ -	\$ -	\$ -	\$ -	\$ 509,000.00
Future SCOP Projects	SCOP (State)	\$ -	\$ 300,000.00	\$ -	\$ 300,000.00	\$ -	\$ 600,000.00
Sub-Total		\$ 1,148,951.00	\$ 575,000.00	\$ 475,000.00	\$ 575,000.00	\$ 475,000.00	\$ 3,248,951.00
Drainage Projects							
Right-of-Way Drainage	Gas Tax	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 75,000.00
SE 8th Stormwater Infrastructure Phase II	FDEP Grant	\$ 195,400.00	\$ -	\$ -	\$ -	\$ -	\$ 195,400.00
Storm Water Infiltration Repair	Gas Tax	\$ 20,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 80,000.00
Storm Water Ditch Adjustments	Gas Tax	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 75,000.00
SE 8th Stormwater Infrastructure	State Appropriations & General Fund	\$ 195,400.00	\$ -	\$ -	\$ -	\$ -	\$ 195,400.00
Stormwater Infrastructure	ARPA Funds	\$ 1,409,246.00	\$ -	\$ -	\$ -	\$ -	\$ 1,409,246.00
Stormwater Pipe Lining	Gas Tax	\$ 150,000.00	\$ 150,000.00	\$ -	\$ 150,000.00	\$ 150,000.00	\$ 600,000.00
Sub-Total		\$ 2,000,046.00	\$ 195,000.00	\$ 45,000.00	\$ 195,000.00	\$ 195,000.00	\$ 2,630,046.00
Recreation Projects							
Tree Program	General Fund	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 75,000.00
Primitive Baptist Church	General Fund	\$ 120,000.00	\$ -	\$ -	\$ -	\$ -	\$ 120,000.00
Flagler Park-Veterans Memorial Square	General Fund	\$ 100,000.00	\$ -	\$ -	\$ -	\$ -	\$ 100,000.00
Sub-Total		\$ 235,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 295,000.00
Total Expenses		\$ 3,383,997.00	\$ 785,000.00	\$ 535,000.00	\$ 785,000.00	\$ 685,000.00	\$ 6,173,997.00

ORDINANCE NO. 1289 EXHIBIT "A"

OKEECHOBEE COUNTY SCHOOL DISTRICT

2022-2023 WORK PLAN

Summary of revenue/expenditures available for new construction and remodeling projects only.

	2022 - 2023	2023 - 2024	2024 - 2025	2025 - 2026	2026 - 2027	Five Year Total
Total Revenues	\$87,019,676	(\$2,047,669)	(\$1,585,377)	(\$1,422,917)	\$3,388,114	\$85,351,827
Total Project Costs	\$45,537,000	\$44,100,000	\$5,942,492	\$0	\$0	\$95,579,492
Difference (Remaining Funds)	\$41,482,676	(\$46,147,669)	(\$7,527,869)	(\$1,422,917)	\$3,388,114	(\$10,227,665)

OKEECHOBEE COUNTY SCHOOL DISTRICT

2022-2023 WORK PLAN

Capacity Project Schedules

A schedule of capital outlay projects necessary to ensure the availability of satisfactory classrooms for the projected student enrollment in K-12 programs.

Project Description	Location		2022 - 2023	2023 - 2024	2024 - 2025	2025 - 2026	2026 - 2027	Total	Funded
Raze and rebuild facility	OKEECHOBEE SENIOR HIGH	Planned Cost:	\$40,000,000	\$40,000,000	\$2,442,492	\$0	\$0	\$82,442,492	Yes
		Student Stations:	705	500	500	0	0	1,705	
		Total Classrooms:	0	0	0	50	0	50	
		Gross Sq Ft:	0	0	181,027	181,027	0	362,054	

Planned Cost:	\$40,000,000	\$40,000,000	\$2,442,492	\$0	\$0	\$82,442,492
Student Stations:	705	500	500	0	0	1,705
Total Classrooms:	0	0	0	50	0	50
Gross Sq Ft:	0	0	181,027	181,027	0	362,054

V. CONSENT AGENDA CONTINUED

- C. Approve the disposal of a 1999 Chevrolet Bucket Truck and a 2003 Chevrolet Pickup Truck [as presented in **Exhibit 4**].

Motion Carried Unanimously.

VI. MAYOR WATFORD OPENED THE PUBLIC HEARING AT 6:22 P.M.

- A. Motion by Vice Mayor Clark, second by Council Member Jarriel to postpone the second reading of the title only, and final Public Hearing date for proposed Ordinance No. 1289, adopting Application No. 24-001-CPA, updating the Comprehensive Plan Capital Improvements Five-Year Schedule, to June 4, 2024 [as presented in **Exhibit 5**].

Motion Carried Unanimously.

MAYOR WATFORD CLOSED THE PUBLIC HEARING AT 6:23 P.M.

VII. NEW BUSINESS

- A. Discussion by Adam Ramsey regarding Park Street Commerce Center was withdrawn.

- B. Motion and second by Council Members Jarriel and McAuley to approve an Independent Contractor's Agreement with Roger Azcona, Esquire, to perform the City's Code Enforcement Special Magistrate services. Initial term being May 21, 2024, through May 20, 2026, and an additional two-year extension [as presented in **Exhibit 6**].

Motion Carried Unanimously.

- C. Motion by Council Member McAuley, second by Vice Mayor Clark to approve the Local Government Cyber Security Grant Program Contract, DMS-24/25-066 with the State of FL, Department of Management Services and to authorize the City Administrator, Gary Ritter, to electronically sign the Agreement [as presented in **Exhibit 7**].

Motion Carried Unanimously.

- D. The annual evaluation of Administrator Ritter was conducted. On May 7, 2024, Human Resources Generalist Heather Prince provided individual evaluation forms to the Mayor and Council to complete and submit at the meeting. The evaluations contain 14 questions with each having a score of one to five. The Tally Sheet, providing the individual overall rating scores, was read aloud by Mayor Watford as follows: Watford 4.9, Chandler 5.0, Clark 4.9, Jarriel 5.0, and McAuley 5.0; for an average overall score of 5.0, or Excellent. A copy of the tally sheet, evaluations, and materials provided in the evaluation packet have been incorporated into the official minute file, labeled as **Exhibit 8**.

VIII. CITY ATTORNEY UPDATE

- Gathering information regarding Business Impact Estimates, which revised a new law pertaining to Ordinance adoptions as requested by Clerk Gamiotea.
- Looking into options for Council review regarding Food Trucks.
- Researching zoning opinions for the Glenwood Park multi-family development. Administrator Ritter responded to a status inquiry on the project, they need to go back to the Technical Review Committee due to changes from dorm style units back to apartment style units, as well as parking issues.
- The Parking Use Agreement with Primitive Baptist Church is almost complete.
- Working on changes to the FL Department of Transportation (FDOT) Traffic Light Maintenance Agreement. Administrator Ritter further explained the changes would be to give the maintenance back to FDOT.
- Continuing to work on changes to the Code Enforcement Special Magistrate Ordinance.
- An inquiry was asked about the City Commerce Center land sales. Administrator Ritter advised the closing on the portion of Tract A is being scheduled. Landmark PreCast, LLC has questions on the Sales Agreement and are in touch with the City Attorney.

IX. CITY ADMINISTRATOR UPDATE

- City Staff has been discussing moving to a digital cloud storage, and has reached out to companies to obtain prices.
- In response to when the next Fiscal Year Budget would be ready, he answered big ticket items would begin being discussed at the next meeting, Budget Workshops will be in late July and through August.
- Responded to the progress on the City Hall Hardening Project, advised the GeoTech Group was at City Hall on May 17 getting building specifics together to create engineered drawings. Construction documents are produced once the drawings have been rendered, then the construction bidding process can begin; construction needs to be started prior to June 2025.



CITY OF OKEECHOBEE, FLORIDA
APRIL 16, 2024, 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 April 16, 2024, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast 3rd Avenue (AVE), Room 200, Okeechobee, Florida. The invocation was offered by Mayor Watford; followed by the Pledge of Allegiance led by Vice Mayor Clark.

II. ATTENDANCE

City Clerk Lane Gamiotea called the roll. Members present to establish a quorum: Mayor Dowling R. Watford, Jr., Vice Mayor Monica M. Clark, and Council Members Noel A. Chandler and Robert "Bob" Jarriel. Council Member David R. McAuley entered the Chambers at 6:06 P.M.

III. AGENDA AND PUBLIC COMMENTS

A. There were no modifications stated at this time. However, the revised Minutes for April 2, 2024, correcting a typographical error were distributed via email on April 10, 2024, and added to Exhibit 1.

B. Motion and second by Council Members Jarriel and Chandler to adopt the agenda as published.
Motion Carried.

C. There were no comment cards submitted for public participation for issues not on the agenda.

IV. CONSENT AGENDA

Motion by Council Member Chandler, second by Vice Mayor Clark to:

A. Dispense with the reading and approve the revised Minutes for April 2, 2024 [as added to **Exhibit 1**]; and

B. Approve the February 2024 Warrant Register [in the amounts: General Fund, \$488,603.14; Public Facilities Improvement Fund, \$161,615.72; Capital Improvement Projects Fund, \$11,169.68; Industrial Development Fund, \$562.50; and Other Grant Capital Fund, \$4,685.24 as presented in **Exhibit 2**].

Motion Carried.

V. MAYOR WATFORD OPENED THE PUBLIC HEARING FOR ORDINANCE ADOPTION AT 6:02 P.M.

A. Motion by Council Member Jarriel, second by Vice Mayor Clark to read by title only, proposed Ordinance No. 1288, removing the longevity service awards from Section 2-97 of the Code of Ordinances by rescinding a portion of Ordinance No. 568 [as presented in **Exhibit 3**].

Motion Carried.

City Attorney Greg Hyden read into the record the title of proposed Ordinance No. 1288 as follows: "**AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; RESCINDING ORDINANCE NO. 568 ADDING LONGEVITY SERVICE AWARDS TO CITY EMPLOYEES; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**"

Motion by Vice Mayor Clark, second by Council Member Jarriel, to adopt proposed Ordinance No. 1288. Mayor Watford opened the floor for public comments, there were none.

Roll Call Vote: Chandler – Yea, Clark – Yea, Jarriel – Yea, McAuley – Absent, Watford – Yea.

Motion Carried.

MAYOR WATFORD CLOSED THE PUBLIC HEARING AT 6:04 P.M.

VI. NEW BUSINESS

A. Motion and second by Council Members Jarriel and McAuley to approve the 2023 Audited Financials prepared by Carr, Riggs, & Ingram LLC, reviewed and presented by Lindsey Aviles, CPA Partner [as presented in **Exhibit 4**].

Motion Carried Unanimously.

B. Motion by Council Member Chandler, second by Vice Mayor Clark, to read by title only, proposed Ordinance No. 1289, adopting Application No. 24-001-CPA, updating the Five-Year Schedule of Capital Improvements to the Comprehensive Plan [as presented in **Exhibit 5**].

Motion Carried Unanimously.

VI. NEW BUSINESS CONTINUED

- B.** City Attorney Hyden read into the record the title of proposed Ordinance No. 1289 as follows: **"AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA, UPDATING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS OF THE CITY'S COMPREHENSIVE PLAN AS MANDATED BY FLORIDA STATUTES SECTION 163.3177(3)(b); PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE."**

Motion and second by Council Members Jarriel and McAuley to approve the first reading, and set May 21, 2024, as the final Public Hearing date for proposed Ordinance No. 1289.

Roll Call Vote: Chandler – Yea, Clark – Yea, Jarriel – Yea, McAuley – Yea, Watford – Yea.

Motion Carried Unanimously.

- C.** Motion and second by Council Members Chandler and Jarriel to approve the amendments to the Personnel Policies and Procedures to include the Longevity Service Award Policy as amended by the Council on February 20, 2024 [as presented in second revised **Exhibit 6**].

Motion Carried Unanimously.

- D.** Administrator Ritter reviewed the highlights of the status update [as presented in **Exhibit 7**] on Lake Okeechobee Projects, by MacVicar Consulting, Inc., for the first quarter of 2024.

VII. CITY ATTORNEY UPDATE

- Working on the Commerce Center purchase and sale template.
- The Commerce Center Declaration of Covenants and Restrictions are being reviewed for amendments.
- The Lightsey's Right-of-Way Use Agreement was sent to the City on April 15th.
- Working on the re-design for Glenwood Park (Mitch Stephens' project) with the City Staff.
- Continuing to research the Opinion on public use of showers located within the Public Safety Building.
- Finalizing the real estate closing documents for Biomedical Waste Facility within the Commerce Center.
- Working with Gray Crow on the revisions to the Special Magistrate proceedings.

VIII. CITY ADMINISTRATOR UPDATE

- Advised the paving project on Southwest (SW) 5th AVE is almost complete.

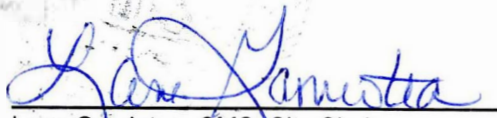
IX. COUNCIL COMMENTS

- Council Member Chandler reminded everyone the Ethics class hosted by the Treasure Coast Regional League of Cities is on Friday, April 19, 2024, and of the City's vacancies on the Okeechobee Utility Authority Board.
- Vice Mayor Clark inquired about the status of the drainage project along SW 7th AVE, Administrator Ritter responded there is more work to do before the project is complete. She also asked when the sidewalk repairs were to be completed for this year; and was advised they were complete, with only a few touchups left to be done.
- Mayor Watford officially introduced Ms. Makaya Whitehead as the new Executive Director for the Okeechobee Economic Council.

X. ADJOURNMENT

There being no further items of discussion, 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, 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.



**CITY OF OKEECHOBEE, FLORIDA
PLANNING BOARD
MARCH 21, 2024
SUMMARY OF BOARD ACTION**

I. CALL TO ORDER

In the absence of the Chairperson and Vice Chairperson, Secretary Burnette called the March 21, 2024, regular meeting of the Planning Board for the City of Okeechobee to order at 6:00 P.M. and instructed those present to appoint a Chairperson Pro-Tempore to preside over the meeting. By consensus of the Board, Member Brass was appointed. The Pledge of Allegiance was led by Chairperson Pro-Tempore Brass.

II. ATTENDANCE

Roll was taken by Board Secretary Patty Burnette. Board Members Phil Baughman, Carl Berlin, Jr., Karyne Brass (serving as Chairperson Pro-Tempore), Mac Jonassaint, Jim Shaw and Alternate Board Members Jon Folbrecht and Dean Murray were present. Chairperson Dawn Hoover and Vice Chairperson Doug McCoy were absent with consent. Chairperson Pro-Tempore Brass moved Alternate Board Members Folbrecht and Murray to voting position.

III. AGENDA

- A. There were no items added, deferred, or withdrawn from the agenda.
- B. Motion by Member Baughman, seconded by Member Jonassaint to approve the agenda as published. **Motion Carried Unanimously.**
- C. There was one comment card submitted for public participation for issues not on the agenda. Mr. Jim Shaw distributed five pages of information regarding a change in zoning to modify the Planned Development Midtown Village that is being considered for property located Southeast of the City Limits, on March 26, 2024.

IV. MINUTES

- A. Motion by Member Folbrecht, seconded by Member Baughman to dispense with the reading and approve the December 21, 2023, Regular Meeting minutes. **Motion Carried Unanimously.**

V. CHAIRPERSON PRO-TEMPORE BRASS OPENED THE PUBLIC HEARING AT 6:04 P.M.

- A. Consider and receive input on the proposed update to the Five-Year Schedule of Capital Improvements within the Comprehensive Plan, No. 24-001-CPA.
 - 1. City Planning Consultant Ben Smith with Morris-Depew Associates, Inc. (via Zoom), reminded the Board why this update was done every year and briefly explained the information contained within the proposed Schedule.
 - 2. No public comments were offered.
 - 3. No Ex-Parte disclosures were offered.
 - 4. Motion by Member Baughman, seconded by Member Folbrecht to recommend approval to the City Council for the proposed update to the Five-Year Schedule of Capital Improvements within the Comprehensive Plan, No. 24-001-CPA, as presented in [Exhibit 1, which includes the Planning Consultant's analysis and recommendation for approval.] The recommendation will be forwarded to the City Council for consideration at Public Hearings, tentatively scheduled for April 16, 2024, and May 21, 2024. **Motion Carried Unanimously.**

CHAIRPERSON PRO-TEMPORE BRASS CLOSED THE PUBLIC HEARING AT 6:11 P.M.

VI. CITY ADMINISTRATOR UPDATE

No updates provided at this time.

VII. ADJOURMENT

Chairperson Pro-Tempore Brass adjourned the meeting at 6:23 P.M.

Capital Improvements Element

Goals, Objectives and Policies

- Goal:** The City of Okeechobee shall continue to ensure that public facilities and services are provided, on a fair-share costs basis, in a manner which maximizes the use of existing facilities and promotes orderly growth.
- Objective 1:** The City of Okeechobee shall continue to use the Capital Improvements Element to schedule construction and identify funding sources for the City's capital facility needs in order to accommodate existing and future development, and to replace obsolete or worn-out facilities.
- Policy 1.1:** Proposed capital improvements projects shall continue to be ranked and evaluated according to appropriate policies adopted in other elements of the Comprehensive Plan. The following criteria will also be considered:
- (1) whether the proposed project will eliminate a public hazard;
 - (2) whether the proposed project will eliminate capacity deficits;
 - (3) local budget impacts;
 - (4) locational needs based on projected growth patterns;
 - (5) accommodation of new development or redevelopment;
 - (6) financial feasibility; and
 - (7) plans of state agencies or water management districts that provide facilities in Okeechobee.
- Policy 1.2:** The City of Okeechobee shall continue to integrate its planning and budgeting processes such that expenditures which are budgeted for capital improvements recognize policies related to public facilities and services set forth in the Comprehensive Plan.
- Policy 1.3:** In accordance with Policy 7.1 of the Sanitary Sewer... Element, the City shall complete a stormwater management study to identify drainage deficiencies, and allocate any available funds for that purpose in its Administrative Operating Budget for fiscal year 2013. The 5-Year Schedule of Capital Improvements will be amended as soon as possible to include the study, its projected cost, and the identified revenue source(s).
- Policy 1.4:** The City of Okeechobee shall identify its needs for public facility improvements, the revenues required for project funding, and shall itemize the costs for such projects in its 5-Year Schedule of Capital Improvements.
- Objective 2:** The City of Okeechobee shall continue to coordinate land use decisions with the schedule of capital improvements in a manner that maintains the adopted level of service standards and meets existing and future needs.

Policy 2.1:

The City of Okeechobee shall continue to use the following level of service standards in reviewing the impacts of new development and redevelopment:

Facility	Level of Service
Sanitary Sewer	130 gallons/capita/day (see Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element)
Potable Water	114 gallons/capita/day (see Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element)
Solid Waste	Average Solid Waste Generation X 13 lbs./person/day X at least 13 years available capacity in Okeechobee County landfill (see Policy 1.4 of Sanitary Sewer...Element)
Principal Arterials	C
Minor Arterials & All Others	D
Recreation and Open Space	3 acres/1,000 persons
Drainage	<i>Interim Standard (see Policy 1.5 of Sanitary Sewer... Element)</i> Design Storm X 25-year storm X 24-hour duration Facility Design Standards X as required by Florida Administrative Code (see Policy 1.5 of Sanitary Sewer... Element)
Public Schools	
Existing School	Permanent FISH Capacity Considering Utilization Rate
New Elementary	750
New Middle	1000
New K-8	1200
New High School	1500

Policy 2.2: Development orders and permits shall be granted only when required public facilities and services are operating at the established levels of service, or shall be available concurrent with the impacts of the development. Such facilities and services may be provided in phases if development correspondingly occurs in phases; however, required service levels must be maintained at all times during the development process.

Policy 2.3: The City of Okeechobee will maintain a water supply facilities work plan that is coordinated with SFWMD's District Water Supply Plan and the Okeechobee Utility Authority (OUA) by updating its own work plan within 18 months of an update to SFWMD's District Water Supply Plan that affects the City.

Policy 2.4: The City of Okeechobee recognizes that it relies upon the Okeechobee Utility Authority (OUA) facilities for the provision of potable water for its residents, businesses and visitors, and as such the City is part of the greater SFWMD, and that the continued supply of potable water will be dependent upon all local governments striving to maintain demand for potable water at sustainable levels. As such, the City will:

- (1) Continue to maintain relationships with the SFWMD and the Okeechobee Utility Authority (OUA) to maintain or reduce potable water consumption through education, conservation, and participation in ongoing programs of the region, county and city including coordinating local conservation education efforts with the SFWMD and the Okeechobee Utility Authority (OUA) programs.
- (2) Require landscaping in all new development or redevelopment on public water systems to use water-efficient landscaping and require functioning rain-sensor devices on all new automatic irrigation systems.
- (3) The City of Okeechobee shall inform residents and businesses of, and shall encourage their participation in, the Okeechobee Utility Authority (OUA) water conservation programs if they become available.

Policy 2.5: The City of Okeechobee recognizes that the Okeechobee Utility Authority (OUA) provides potable water to the City, its businesses and residents. Although no capital improvement projects are necessary within the City for which the City of Okeechobee has financial responsibility in connection with supply of potable water to the City, its businesses and residents, the City of Okeechobee will support and coordinate with the Okeechobee Utility Authority (OUA), as necessary, to assist in the implementation of Okeechobee Utility Authority (OUA) Capital Improvements projects for the years 2011-2021.

Objective 3: In order to maintain adopted level of service standards, future development shall bear a proportionate cost of necessary public facility improvements equivalent to the benefits it receives from the improvements.

Policy 3.1: The City of Okeechobee shall continue to evaluate potential revenue available for public facility expenditures through alternative sources such as user fees, special benefit units, or special assessments.

Policy 3.2: The City of Okeechobee shall continue to maintain adopted levels of service by using revenue sources considered under Policy 3.1 to ensure that new development pays a pro rata share of the costs of public facility needs which it generates.

Policy 3.3: The City of Okeechobee shall continue to continue to apply for and secure grants or private funds when available to finance the provision of capital improvements.

Objective 4: The City of Okeechobee shall continue to ensure the provision of needed public facilities within the City limits, based on adopted levels of service as set forth in the Comprehensive Plan. Public facilities needs shall be determined on the basis of previously issued development orders as well as the City's budgeting process and its joint activities with Okeechobee County and the Okeechobee County School District for planning, zoning, and concurrency management.

Policy 4.1: Existing and future public facilities shall operate at the levels of service established in this plan.

Policy 4.2: Debt service shall not exceed 20% of annually budgeted revenues.

Policy 4.3: A five-year capital improvements program and annual capital budget shall be adopted as part of the City of Okeechobee's annual budgeting process. This program shall include the annual review, and revision as needed, of the Five-Year Schedule of Capital Improvements.

Policy 4.4: The financially feasible School District Five-Year Capital Improvement Plan (Tentative Facilities Work Program) which achieves and maintains the adopted level of service standards for public schools, as approved by the Okeechobee County School Board shall be included and adopted each year as part of the City of Okeechobee's annual budgeting process.

Objective 5: The City of Okeechobee shall furnish meaningful opportunities for the School Board to have input and coordination in the City's development review process in order to assist the School Board in their provision of adequate and efficient schools.

Policy 5.1:

The City of Okeechobee and the School Board shall coordinate to ensure that schools are adequately and efficiently provided commensurate with growth. Key coordinating mechanisms shall include:

- (a) promotion of joint infrastructure park/school facilities when feasible;
- (b) consideration of the adequacy and availability of educational infrastructure during appropriate review of development order applications;
- (c) ensuring the provision of adequate infrastructure, on and off site, normally associated with new or expanded schools where consistent with state law restrictions on expenditures by the School Board;
- (d) evaluation of the School District's annually updated Capital Improvement Plan to ensure that it is financially feasible and that the adopted level-of-service standard for public schools is achieved and maintained;
- (e) seeking that any new major residential development or redevelopment applicant submit information regarding projected school enrollments from the project; and
- (f) request that the School Board submit site plan information for all timely new schools.

Capital Improvements Implementation

City of Okeechobee Comprehensive Plan

Capital improvement needs identified in the Comprehensive Plan will be met through implementation of a 5-Year Schedule of Capital Improvements. This schedule is adopted by the City Council along with Goals, Objectives and Policies, and must be consistent with the Capital Improvements Element. The purpose of the Schedule is to ensure that the City has adequate revenues to implement the Comprehensive Plan.

The 5-Year Schedule of Capital Improvements focuses on the capital outlay required to meet existing deficiencies and to maintain adopted level of service standards planned for public facilities in the Plan. The City shall advise the OUA on these standards.

FIVE YEAR SCHEDULE OF CAPITAL IMPROVEMENTS							
Project Name/Description	Funding Source	2022-2023	2023-2024	2024-2025	2025-2026	2026-2030	5 Year Total
Median Replacement & Right of Way	Gas Tax	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 50,000
SCOP SE 5th Avenue	SCOP	\$ 334,951		\$ -			\$ 334,951
SCOP NE 9th Street	SCOP (being applied for)	\$ -	\$ 250,000	\$ -			\$ 250,000
Asphalt Program	Gas Tax	\$ 100,000	\$ 200,000	\$ -	\$ 200,000	\$ -	\$ 500,000
Sidewalk Program	Gas Tax	\$ -	\$ -	\$ -	\$ -	\$ -	
Sign Repair/replacement	Gas Tax	\$ 20,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 140,000
Traffic Signal Upgrades	Gas Tax	\$ 10,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 90,000
Sub Total		\$ 474,951	\$ 480,000	\$ 60,000	\$ 260,000	\$ 60,000	\$ 1,364,951
ROW Drainage	Gas Tax	\$ 10,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 70,000
R&M Roads and Culverts	Gas Tax	\$ 10,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 70,000
Storm Water Infiltration Repair	Gas Tax	\$ 20,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 80,000
Storm Water Ditch Adjustments	Gas Tax	\$ 10,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 70,000
Stormwater Taylor Creek SE 4th Street	DEP Appropriations and GF	\$ 430,000	\$ -	\$ -			\$ 430,000
SE 8th Stormwater Infrastructure	State Appropriations and GF	\$ 250,800	\$ -	\$ -	\$ -	\$ -	\$ 250,800
Stormwater Infrastructure	ARPA Funds	\$ 120,558	\$ 1,456,483	\$ 1,335,924	\$ -	\$ -	\$ 2,912,965
Sub Total		\$ 851,358	\$ 1,516,483	\$ 1,395,924	\$ 60,000	\$ 60,000	\$ 3,883,765
Tree Program	General	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 75,000
Flagler Park/End Cap	General	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ 100,000
Flagler park Improvements	General	\$ -	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 400,000
Centerville park - Kayak Ramp	General	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ 50,000
Sub Total		\$ 165,000	\$ 115,000	\$ 115,000	\$ 115,000	\$ 115,000	\$ 625,000
Total Expenses		\$ 1,491,309	\$ 2,141,483	\$ 1,570,924	\$ 435,000	\$ 235,000	\$ 5,873,716

FIVE YEAR SCHEDULE OF CAPITAL IMPROVEMENTS							
Project Name/Description	Funding Source	Budget 2023-2024	Budget 2024-2025	Budget 2025-2026	Budget 2026-2027	Budget 2027-2028	
<u>Roadway Projects</u>							
Median Replacement & Right of Way	Gas Tax	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
R&M Roads and Culverts	Gas Tax	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
SCOP SE 5th Avenue	SCOP	\$ 334,951		\$ -			
Future SCOP Projects	SCOP	\$ -	\$ -	\$ 300,000			\$ 300,000
Pavement Program	Gas Tax	\$ 100,000	\$ 200,000	\$ -	\$ 200,000	\$ -	\$ -
Sidewalk Program	Gas Tax	\$ 160,000	\$ -	\$ 100,000	\$ -	\$ -	\$ 100,000
Sign Repair/replacement	Gas Tax	\$ 15,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000
Traffic Signal Upgrades	Gas Tax	\$ 5,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
Asphalt overlay Road Improvements	General	\$ 509,000	\$ -	\$ -	\$ -	\$ -	\$ -
Future SCOP Projects	SCOP (State)	\$ -	\$ 300,000	\$ -	\$ 300,000	\$ -	\$ -
Sub Total		\$ 1,148,951	\$ 575,000	\$ 475,000	\$ 575,000	\$ 475,000	\$ 475,000
<u>Drainage Projects</u>							
ROW Drainage	Gas Tax	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
SE 8th Stormwater Infrastructure	FDEP Grant	\$ 195,400					
Storm Water Infiltration Repair	Gas Tax	\$ 20,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
Storm Water Ditch Adjustments	Gas Tax	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
SE 8th Stormwater Infrastructure	State	\$ 195,400	\$ -	\$ -	\$ -	\$ -	\$ -
Stormwater Infrastructure	ARPA Funds	\$ 1,409,246	\$ -	\$ -	\$ -	\$ -	\$ -
Stormwater pipe lining	Gas Tax	\$ 150,000	\$ 150,000	\$ -	\$ 150,000	\$ 150,000	\$ 150,000
Sub Total		\$ 2,000,046	\$ 195,000	\$ 45,000	\$ 195,000	\$ 195,000	\$ 195,000
<u>Recreation Projects</u>							
Tree Program	General	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
Primitive Baptist Church	General	\$ 120,000	\$ -	\$ -	\$ -	\$ -	\$ -
Flagler Park-Veteran Square	General	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -
Sub Total		\$ 235,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
Total Expenses		\$ 3,383,997	\$ 785,000	\$ 535,000	\$ 785,000	\$ 685,000	

Summary of revenue/expenditures available for new construction and remodeling projects only.

	2021 - 2022	2022 - 2023	2023 - 2024	2024 - 2025	2025 - 2026	Five Year Total
Total Revenues	\$71,398,960	\$5,553,028	\$5,741,718	\$5,875,168	\$6,078,522	\$94,617,396
Total Project Costs	\$2,813,000	\$3,159,220	\$431,531	\$0	\$0	\$6,396,751
Difference (Remaining Funds)	\$68,585,960	\$2,400,808	\$5,280,187	\$5,875,168	\$6,078,522	\$88,220,645

District: OKEECHOBEE COUNTY SCHOOL DISTRICT

Summary of revenue/expenditures available for new construction and remodeling projects only.

	2022 - 2023	2023 - 2024	2024 - 2025	2025 - 2026	2026 - 2027	Five Year Total
Total Revenues	\$87,019,676	(\$2,047,669)	(\$1,585,377)	(\$1,422,917)	\$3,388,114	\$85,351,827
Total Project Costs	\$45,537,000	\$44,100,000	\$5,942,492	\$0	\$0	\$95,579,492
Difference (Remaining Funds)	\$41,482,676	(\$46,147,669)	(\$7,527,869)	(\$1,422,917)	\$3,388,114	(\$10,227,665)

Capacity Project Schedules

A schedule of capital outlay projects necessary to ensure the availability of satisfactory classrooms for the projected student enrollment in K-12 programs.

Project Description	Location		2021 - 2022	2022 - 2023	2023 - 2024	2024 - 2025	2025 - 2026	Total	Funded
Project description not specified	Location not specified	Planned Cost:	\$0	\$0	\$0	\$0	\$0	\$0	No
		Student Stations:	0	0	0	0	0	0	
		Total Classrooms:	0	0	0	0	0	0	
		Gross Sq Ft:	0	0	0	0	0	0	
		Planned Cost:	\$0	\$0	\$0	\$0	\$0	\$0	
		Student Stations:	0	0	0	0	0	0	
		Total Classrooms:	0	0	0	0	0	0	
		Gross Sq Ft:	0	0	0	0	0	0	

Capacity Project Schedules

A schedule of capital outlay projects necessary to ensure the availability of satisfactory classrooms for the projected student enrollment in K-12 programs.

Project Description	Location		2022 - 2023	2023 - 2024	2024 - 2025	2025 - 2026	2026 - 2027	Total	Funded
Raze and rebuild facility	OKEECHOBEE SENIOR HIGH	Planned Cost:	\$40,000,000	\$40,000,000	\$2,442,492	\$0	\$0	\$82,442,492	Yes
		Student Stations:	705	500	500	0	0	1,705	
		Total Classrooms:	0	0	0	50	0	50	
		Gross Sq Ft:	0	0	181,027	181,027	0	362,054	

Planned Cost:	\$40,000,000	\$40,000,000	\$2,442,492	\$0	\$0	\$82,442,492
Student Stations:	705	500	500	0	0	1,705
Total Classrooms:	0	0	0	50	0	50
Gross Sq Ft:	0	0	181,027	181,027	0	362,054

ORDINANCE NO. 1290

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; VACATING, AND ABANDONING A PORTION OF NORTHWEST 5TH AVENUE (FORMERLY KNOWN AS OSCEOLA STREET) BETWEEN BLOCKS 46 AND 47, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, AS SUBMITTED IN ABANDONMENT OF RIGHT-OF-WAY (R-O-W) PETITION NO. 24-001-SC; PROVIDING FOR RESERVING UNTO THE CITY, ITS SUCCESSORS AND ASSIGNS A NON-EXCLUSIVE EASEMENT FOR PUBLIC UTILITIES PURPOSES; PROVIDING FOR DIRECTING THE CITY CLERK TO RECORD THE ORDINANCE IN THE PUBLIC RECORDS OF THE CLERK OF THE CIRCUIT COURT IN AND FOR OKEECHOBEE COUNTY, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Okeechobee General Services Department received Abandonment of R-O-W Petition No. 24-001-SC submitted by the property owners, Jay and Stephanie Walpole, for the vacating and abandoning of a certain R-O-W as described in this Ordinance; and

WHEREAS, Petition No. 24-001-SC was reviewed and discussed by the City of Okeechobee Technical Review Committee at a duly advertised public meeting held on April 18, 2024, and based on the findings recommends approval to the Planning Boarding; and

WHEREAS, Petition No. 24-001-SC was reviewed and discussed by the City of Okeechobee Planning Board at a duly advertised Public Hearing held on May 16, 2024, and it was determined that such Petition met the required findings, is consistent with the Comprehensive Plan, and recommends the City Council adopt the Petition; and

WHEREAS, the City Council considered Petition No. 24-001-SC, the recommendations from the Technical Review Committee and Planning Board, and finds the Petition to be consistent with the Comprehensive Plan, the R-O-W is not the sole access to any property, abandonment is in the best interest of the citizens and provides a benefit to the City of Okeechobee; and

WHEREAS, the granting of the Petition will serve a legitimate public interest and is a proper exercise of the municipal authority of the City of Okeechobee as a discretionary function.

NOW, THEREFORE, it is ordained before the City Council for 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: The dedicated R-O-W described hereafter and as shown on Exhibit A, is hereby closed, vacated, and abandoned by the City of Okeechobee, Florida to-wit:

THAT PORTION OF THE NORTHWEST 5TH AVENUE (formerly known as Osceola Street) LYING SOUTH OF NORTHWEST 9TH STREET (formerly known as Fifteenth Street), NORTH OF THE CSX RAILROAD TRACK, EAST OF LOTS 1 AND 26 OF BLOCK 46, AND WEST OF LOTS 13 AND 14 OF BLOCK 46, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, AS RECORDED IN THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

SECTION 2: The City of Okeechobee, Florida hereby reserves unto itself, its successors and assigns, a perpetual, non-exclusive Easement as a special condition requested by Florida Power and Light and CSX Railroad, to wit:

Reserving an easement for all that portion of Northwest 5th Avenue (formerly known as Osceola Street) lying South of Northwest 9th Street (formerly known as Fifteenth Street), North of the CSX Railroad track, East of Lots 1 and 26 of Block 46, and West of Lots 13 and 14 of Block 46, OKEECHOBEE, according to the Plat thereof as recorded in Plat Book 5, Page 5, as recorded in the public records of Okeechobee County, Florida.

SECTION 3: The City Clerk shall cause a certified copy of the Ordinance to be recorded in the public records of Okeechobee County, Florida.

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

SECTION 5: 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 6: 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 4th day of June 2024.
Roll Call Vote:

	<u>Yes</u>	<u>No</u>	<u>Abstained</u>	<u>Absent</u>
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

PASSED AND ADOPTED after Second Reading and Final Public Hearing this 2nd day of July 2024.
Roll Call Vote:

	<u>Yes</u>	<u>No</u>	<u>Abstained</u>	<u>Absent</u>
Council Member Chandler:	_____	_____	_____	_____
Council Member/Vice Mayor Clark:	_____	_____	_____	_____
Council Member Jarriel:	_____	_____	_____	_____
Council Member McAuley:	_____	_____	_____	_____
Mayor Watford:	_____	_____	_____	_____

Dowling R. Watford, Jr.
Mayor

ATTEST:

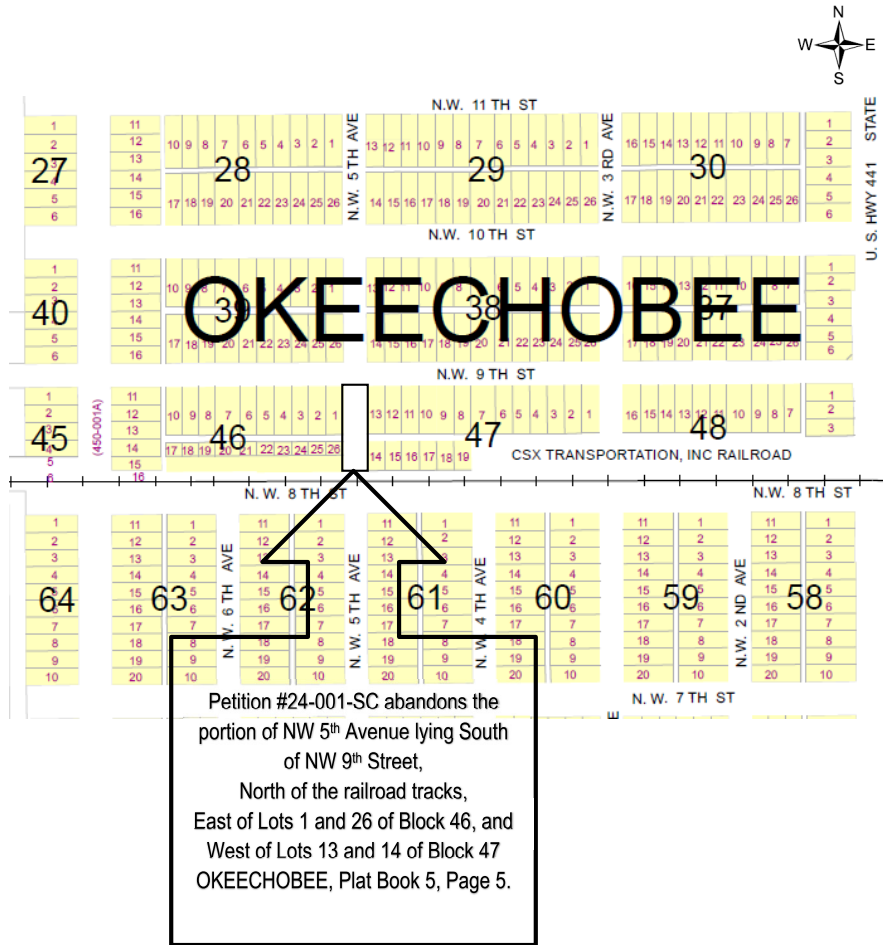
Lane Gamiotea, CMC
City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney
Nason Yeager Gerson Harris & Fumero, P.

ORDINANCE NO. 1290 EXHIBIT A

The following excerpt is from the City of Okeechobee Subdivision May to identify the portion of street to be abandoned as requested by Petition No. 24-001-SC, the subject property is recorded in Plat Book 5, Page 5, Okeechobee County Public Records:





CITY OF OKEECHOBEE, FLORIDA
PLANNING BOARD
MAY 16, 2024
SUMMARY OF BOARD ACTION

I. CALL TO ORDER

In the absence of the Chairperson and Vice Chairperson, Secretary Burnette called the May 16, 2024, regular meeting of the Planning Board for the City of Okeechobee to order at 6:05 P.M. and instructed those present to appoint a Chairperson Pro-Tempore to preside over the meeting. By consensus of the Board, Member Berlin was appointed. The Pledge of Allegiance was led by Chairperson Pro-Tempore Berlin.

II. ATTENDANCE

Roll was taken by Board Secretary Patty Burnette. Board Members Phil Baughman, Carl Berlin, Jr. (serving as Chairperson Pro-Tempore), Mac Jonassaint, Jim Shaw and Alternate Board Member Jon Folbrecht were present. Chairperson Dawn Hoover, Vice Chairperson Doug McCoy, Board Member Karyne Brass and Alternate Board Member James Dean Murray were absent. Chairperson Pro-Tempore Berlin moved Alternate Board Member Folbrecht to voting position.

III. AGENDA

- A. There were no items added, deferred, or withdrawn from the agenda.
- B. Motion by Member Baughman, seconded by Member Jonassaint to approve the agenda as published. **Motion Carried Unanimously.**
- C. There were no comment cards submitted for public participation.

IV. MINUTES

- A. Motion by Member Folbrecht, seconded by Member Shaw to dispense with the reading and approve the April 18, 2024, Regular Meeting minutes. **Motion Carried Unanimously.**

V. CHAIRPERSON PRO-TEMPORE BERLIN OPENED THE PUBLIC HEARING AT 6:08 P.M.

- A. Abandonment of Right-of-Way (ROW) Petition No. 24-001-SC, requests to vacate the portion of Northwest (NW) 5th Avenue between NW 9th Street and the Seaboard Coast Line Railroad, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records of Okeechobee County, Florida.
 - 1. City Planning Consultant Ben Smith with Morris-Depew Associates, Inc. (attending via Phone), briefly reviewed the Planning Staff Report recommending approval based on the following conditions; Applicant shall submit an access easement for review by the City Attorney that provides access to CSX Corp and Seaboard Coast Line Railroad, and the legal description shall correctly identify the portion of the vacated area to be granted to Walpole Feed and Supply Co.; and unless otherwise directed by Florida Power and Light (FPL), Applicant shall submit a public utility easement for review by the City Attorney that provides access to FPL. Unless further delineated and directed by FPL, the legal description shall correctly identify the entirety of the area to be vacated and the easement shall be authorized by all owners of the subject property.
 - 2. Mr. Steven Dobbs, Engineer with Newlines Land Consultants, on behalf of Property Owners Jay and Stephanie Walpole, was present and available for questions. Member Jonassaint asked how long it would take to get the two conditions met. Mr. Dobbs responded they would be taken care of prior to the first City Council meeting.
 - 3. No public comments were offered. For the record, 11 surrounding property owner notices were mailed, advertisements and one sign were posted on the subject parcel, with no objections or comments received to date.

V. PUBLIC HEARING ITEM A CONTINUED

4. No Ex-Parte disclosures were offered.
5. Motion by Member Folbrecht, seconded by Member Shaw to recommend approval to the City Council for Abandonment of ROW Petition No. 24-001-SC, as presented in [Exhibit 1, which includes the Planning Consultant's analysis of findings and recommendation for approval] with the following conditions: Applicant shall submit an access easement for review by the City Attorney that provides access to CSX Corp and Seaboard Coast Line Railroad, and the legal description shall correctly identify the portion of the vacated area to be granted to Walpole Feed and Supply Co.; and unless otherwise directed by FPL, Applicant shall submit a public utility easement for review by the City Attorney that provides access to FPL. Unless further delineated and directed by FPL, the legal description shall correctly identify the entirety of the area to be vacated and the easement shall be authorized by all owners of the subject property. **Motion Carried Unanimously.** The recommendation will be forwarded to the City Council for consideration at Public Hearings, tentatively scheduled for June 4, 2024, and July 2, 2024.

CHAIRPERSON PRO-TEMPORE BERLIN CLOSED THE PUBLIC HEARING AT 6:17 P.M.

VI. CITY ADMINISTRATOR UPDATE

No updates provided at this time.

VII. ADJOURMENT

Chairperson Pro-Tempore Berlin adjourned the meeting at 6:18 P.M.

Submitted by:

Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Planning Board with respect to any matter considered at this proceeding, 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. General Services' media are for the sole purpose of backup for official records.



CITY OF OKEECHOBEE, FLORIDA
TECHNICAL REVIEW COMMITTEE MEETING
APRIL 18, 2024
SUMMARY OF COMMITTEE ACTION

I. CALL TO ORDER

Administrator Ritter called the regular meeting of the Technical Review Committee (TRC) for the City of Okeechobee to order on Thursday, April 18, 2024, at 10:00 A.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida. The invocation was offered by Mr. Noel Chandler; followed by the Pledge of Allegiance led by Administrator Ritter.

II. ATTENDANCE

The following TRC Members were present: City Administrator Gary Ritter, Building Official Jeffery Newell, Okeechobee County Fire Rescue (OCFR) Bureau Chief Keith Bourgault and OCFR Deputy Fire Marshal Jessica Sasser, Police Chief Donald Hagan, Public Works Maintenance Foreman Marvin Roberts, Code Enforcement Officer Anthony Smith, and Okeechobee Utility Authority Executive Director John Hayford. City Planning Consultant Ben Smith was present via Zoom. Committee Secretary Patty Burnette and General Services Secretary Keli Trimnal were also present. Okeechobee County Environmental Health Director David Koerner, City Attorney Stephen Conteaguero and the Okeechobee County School Board representative were absent.

III. AGENDA

- A. There were no items added, deferred, or withdrawn from the agenda.
- B. Motion by Building Official Newell, seconded by OCFR Chief Bourgault, to approve the agenda as presented. **Motion Carried Unanimously.**
- C. There were no comment cards submitted for public participation.

IV. MINUTES

- A. Motion by Building Official Newell, seconded by OCFR Chief Bourgault, to dispense with the reading and approve the December 21, 2023, Regular Meeting minutes.
Motion Carried Unanimously.

V. NEW BUSINESS

- A. Abandonment of Right-of-Way (ROW) Petition No. 24-001-SC, requests to vacate the portion of Northwest (NW) 5th Avenue between NW 9th Street and the Seaboard Coast Line Railroad, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records of Okeechobee County, FL.
 - 1. City Planning Consultant Mr. Ben Smith of Morris-Depew Associates, Inc. reviewed the Planning Staff Report recommending approval based on the following conditions being met prior to recording the ROW vacation; Applicant shall submit an access easement for review by the City Attorney that provides access to CSX Corporation and the Seaboard Coast Line Railroad. The legal description shall correctly identify the portion of the vacated area to be granted to Walpole Feed and Supply Co. Unless otherwise directed by Florida Power & Light (FPL), the Applicant shall submit a public utility easement for review by the City Attorney that provides access to FPL. Unless further delineated and directed by FPL, the legal description shall correctly identify the entirety of the area to be vacated. The easement shall be authorized by all owners of the subject property. Prior to the City Council Hearing, Planner Smith further recommends a detailed sketch of the proposed parcel configuration post-abandonment be provided and for it to include proposed parcel dimensions.
 - 2. No City Staff comments were received.
 - 3. Mr. Jay Walpole, Applicant, and Mr. Steven Dobbs, were available for questions. There were none.
 - 4. No public comments were offered.
 - 5. Administrator Ritter disclosed he had spoken with the Applicant.

V. NEW BUSINESS ITEM A CONTINUED

6. Motion by Police Chief Hagan, seconded by Building Official Newell, to recommend approval to the Planning Board for Abandonment of Right-of-Way Petition No. 24-001-SC as presented in [Exhibit 1, which includes the Planning Consultant's analysis of findings and recommendation for approval] with the following conditions being met prior to recording the ROW vacation; Applicant shall submit an access easement for review by the City Attorney that provides access to CSX Corporation and the Seaboard Coast Line Railroad. The legal description shall correctly identify the portion of the vacated area to be granted to Walpole Feed and Supply Co. Unless otherwise directed by FPL, the Applicant shall submit a public utility easement for review by the City Attorney that provides access to FPL. Unless further delineated and directed by FPL, the legal description shall correctly identify the entirety of the area to be vacated. The easement shall be authorized by all owners of the subject property. Prior to the City Council Hearing, Planner Smith further recommends a detailed sketch of the proposed parcel configuration post-abandonment be provided and for it to include proposed parcel dimensions. **Motion Carried Unanimously.**

VI. CITY ADMINISTRATOR UPDATE

No updates provided at this time.

VII. ADJOURNMENT

Administrator Ritter adjourned the meeting at 10:13 A.M.

Submitted by:

Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Technical Review Committee with respect to any matter considered at this proceeding, 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. General Services' media are for the sole purpose of backup for official records.

24-001-SC

Right-of-Way Abandonment Staff Report



Applicant | Jay Walpole

Parcel Identification | 3-15-37-35-0010-00460-0010, 3-15-37-35-0010-00460-022A, 3-15-37-35-0010-00470-0100



Prepared for The City of Okeechobee

General Information

Owner: Jay Walpole

Applicant: Jay Walpole

Primary Contact/Agent: Jay Walpole, (863) 634-1066, missy8062@yahoo.com

Parcel Identification: 3-28-37-35-0050-00340-0030, 3-28-37-35-0050-00340-0050, 3-28-37-35-0050-00340-0110

Legal Description of Subject Right-of-Way

ALL THAT PORTION OF NORTHWEST 5TH AVENUE (FORMERLY OSCEOLA STREET) LYING NORTH OF THE RAILROAD RIGHT-OF-WAY AND SOUTH OF NORTHWEST 9TH STREET (FORMERLY FIFTEENTH STREET), ACCORDING TO THE PLAT OF OKEECHOBEE, AS RECORDED IN PLAT BOOK 5 AT PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

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

	Future Land Use	Zoning	Existing Use
North	Multifamily Residential; Single Family Residential	Multifamily Residential	ROW (NW 9 th Street); Apartment Complex
South	Single Family Residential; Industrial	Industrial	Railroad
East	Industrial	Industrial	Manufacturing and Distribution
West	Industrial; Single-Family Residential	Industrial	Manufacturing and Distribution

Description of Request and Existing Conditions

The request for consideration by the City of Okeechobee Technical Review Committee is an application to abandon the section of NW 5th Ave that runs in between Block 46 and Block 47, north of Seaboard Coast Line Railroad, and south of SW 9th Street. The alley is ±70 feet wide by ±247 feet long, totaling approximately 17,290 square feet (0.4 acres). The Applicant owns three of the abutting parcels and CSX/Seaboard Coast Line Railroad owns the other two abutting parcels. Please see Exhibit 1 below for the existing parcel configuration and Exhibit 2 below for the proposed parcel configuration post-abandonment.

With the exception of FP&L, all utilities have provided sign off, indicating that no equipment is located in the area to be vacated and no easements are requested. FP&L has not provided confirmation that equipment does or does not exist in the ROW and has not indicated whether an easement will be necessary.

The applicant has provided an email from a CSX representative stating that, “CSX does not object to the closure of the street as long we get the perpetual easement to access our tracks”.

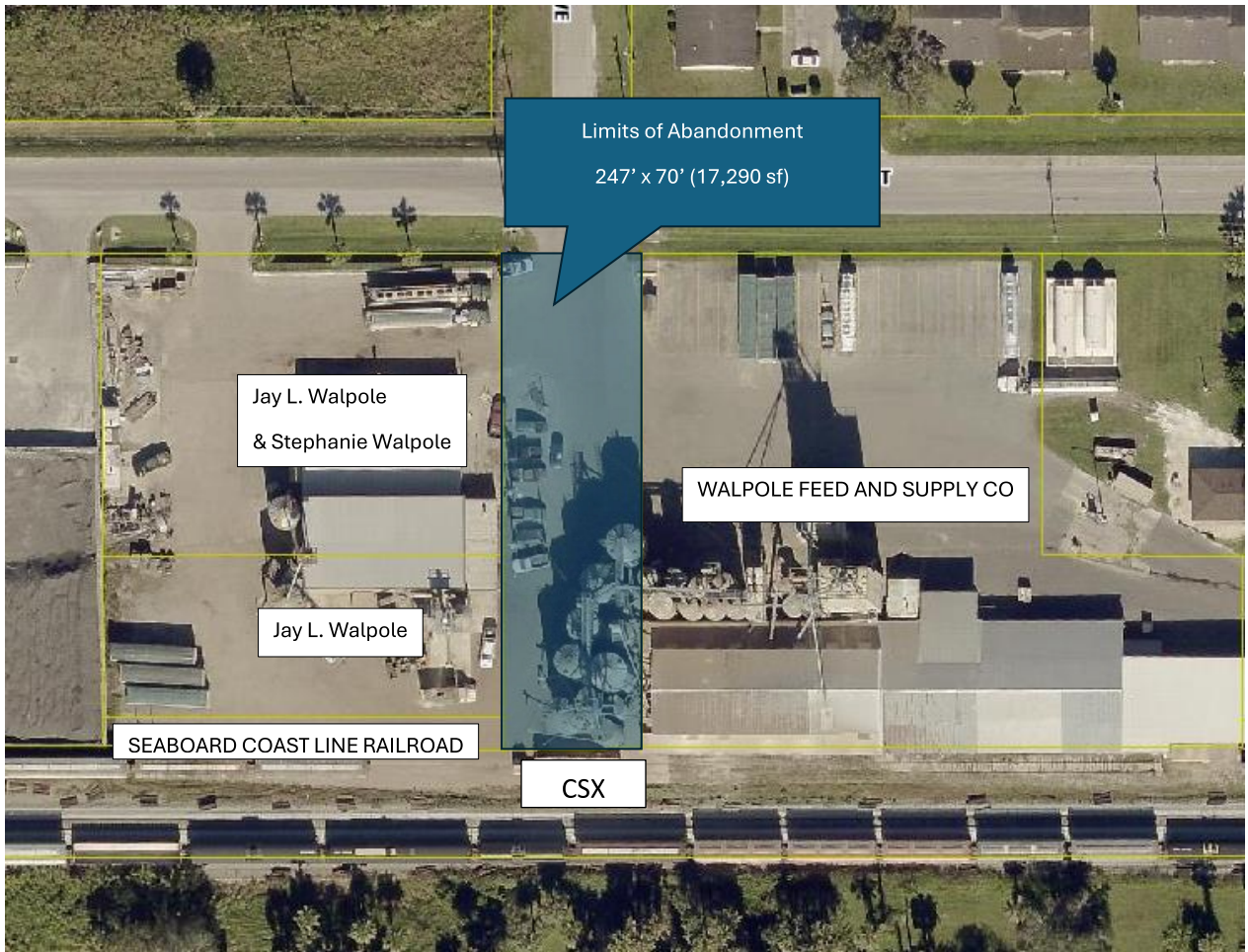


Exhibit 1: Existing Parcel Configuration and ROW Area to be Abandoned

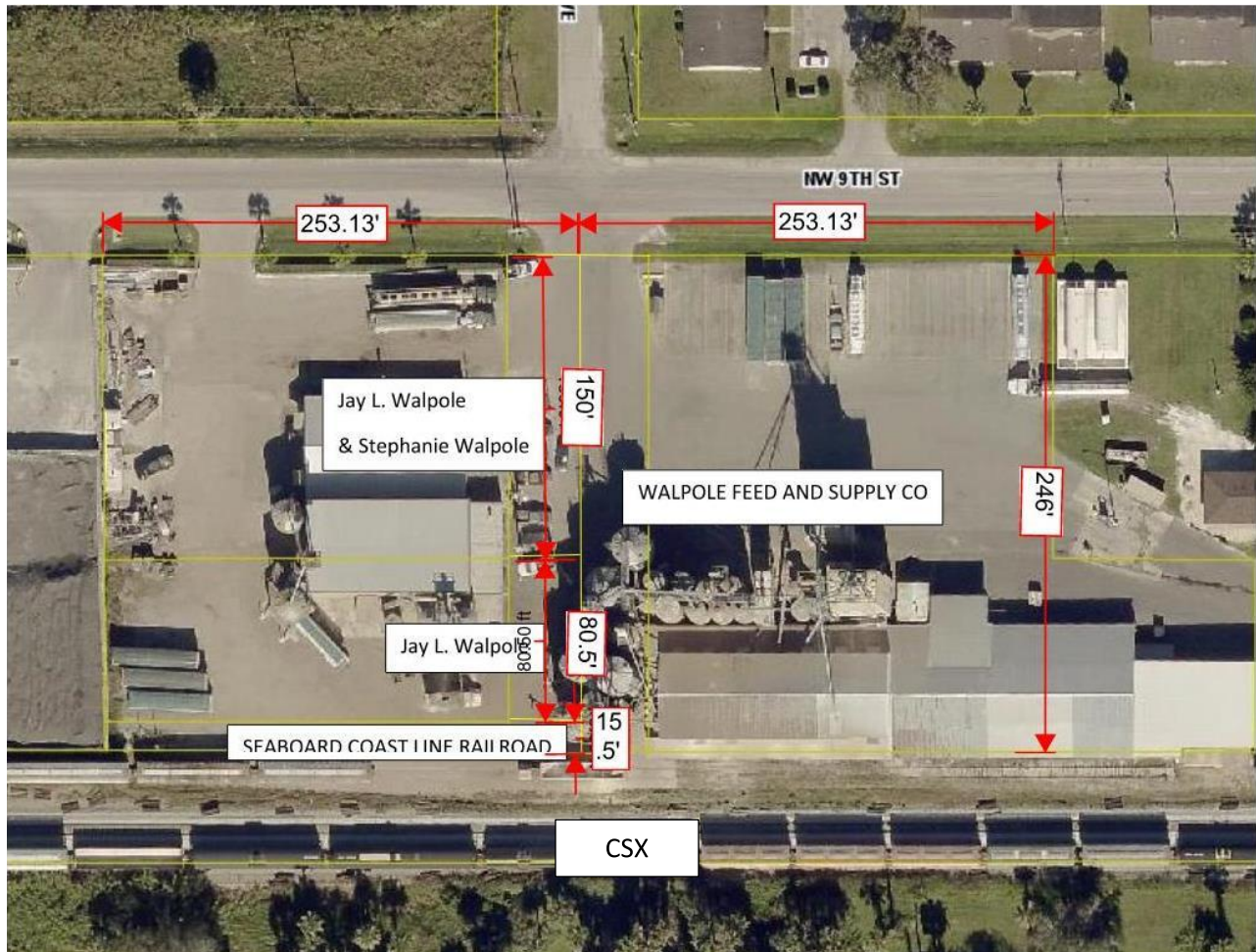


Exhibit 2: Proposed Parcel Configuration Post-Abandonment

Consistency with LDC Section 78-33

City LDC Section 78-33 requires that applicants for right-of-way vacation requests must address the following standards. The applicant's responses to the standards are provided below, followed by staff analysis.

1) *Proposed vacation is consistent with the comprehensive plan.*

Applicant Response: The requested right of way is currently not used for access or utilities, there is a mention of right of way in the City's Comprehensive plan with reference to access and proper traffic flow. Since this right of way ends at the railroad right of way and only allows for access to adjoining landowners, it would be feasible to abandon. The LDR's mention of Right of Way in section 78-32, which describes the uses of right of way within the city, also in section 78-33 which describes vacation of right of way requirements.

Staff Response: In response to the criteria, the City of Okeechobee Comprehensive Plan does not provide any standards or regulations regarding abandonment or vacation of rights-of-way. In

response to the applicant's statement, FPL has not confirmed that the ROW is free of any FPL equipment.

- 2) *Right-of-way to be vacated is not the sole access to any property, and the remaining access is not an easement.*

Applicant Response: The right of way is not sole access to any property and a remaining land will have access by easement. Copy of easement provided.

Staff Response: The subject ROW is the sole public access to the parcel identified by parcel ID# 3-15-37-35-0010-00460-0220. However, that parcel is also accessible by contiguous parcel 2-16-37-35-0A00-00005-0000, which is under common ownership by CSX.

- 3) *Proposed vacation is in the public interest and provides a benefit to the city.*

Applicant Response: The proposed vacation of the right of way is within the block that the applicant would like to add into his operation, so this vacation will allow the existing ROW square footage to add additional property to the applicants property and return tax rolls.

Staff Response: In addition to adding property to the City's tax rolls, vacating the right-of-way will transfer maintenance and liability responsibilities to a private property owner who already has equipment located within this ROW.

- 4) *Proposed vacation would not jeopardize the location of any utility.*

Applicant Response: There may be utilities within the requested abandonment. These will be protected with the easement attached.

Staff Response: The submitted draft easement provides an access easement to CSX. It is recommended that a separate public utility easement be provided for FPL equipment. As FPL has not indicated where equipment is or is not located, a PUE should cover the entire area to be vacated, including the portion that will be granted to CSX.

Recommendation

Based on the materials provided by the applicant and the above analysis, we find that the request to vacate the subject right-of-way is consistent with the City's Comprehensive Plan, the requirements of Sec. 78-33, and is not injurious to the adjacent property owner. Staff recommend **approval** of this request subject to the following conditions being met prior to recording the right-of-way vacation:

1. The applicant shall submit an access easement for review by the City Attorney that provides access to CSX Corp and Seaboard Coastline Railroad. The legal description shall correctly identify the portion of the vacated area to be granted to Walpole Feed and Supply Co.
2. Unless otherwise directed by FP&L, the applicant shall submit a public utility easement for review by the City Attorney that provides access to Florida Power & Light. Unless further delineated and directed by FPL, the legal description shall correctly identify the entirety of the of the area to be vacated. The easement shall be authorized by all owners of the subject property.

The City's Technical Review Committee met and reviewed this application on April 18, 2024, and recommended approval subject to all above conditions being met.

Submitted by:



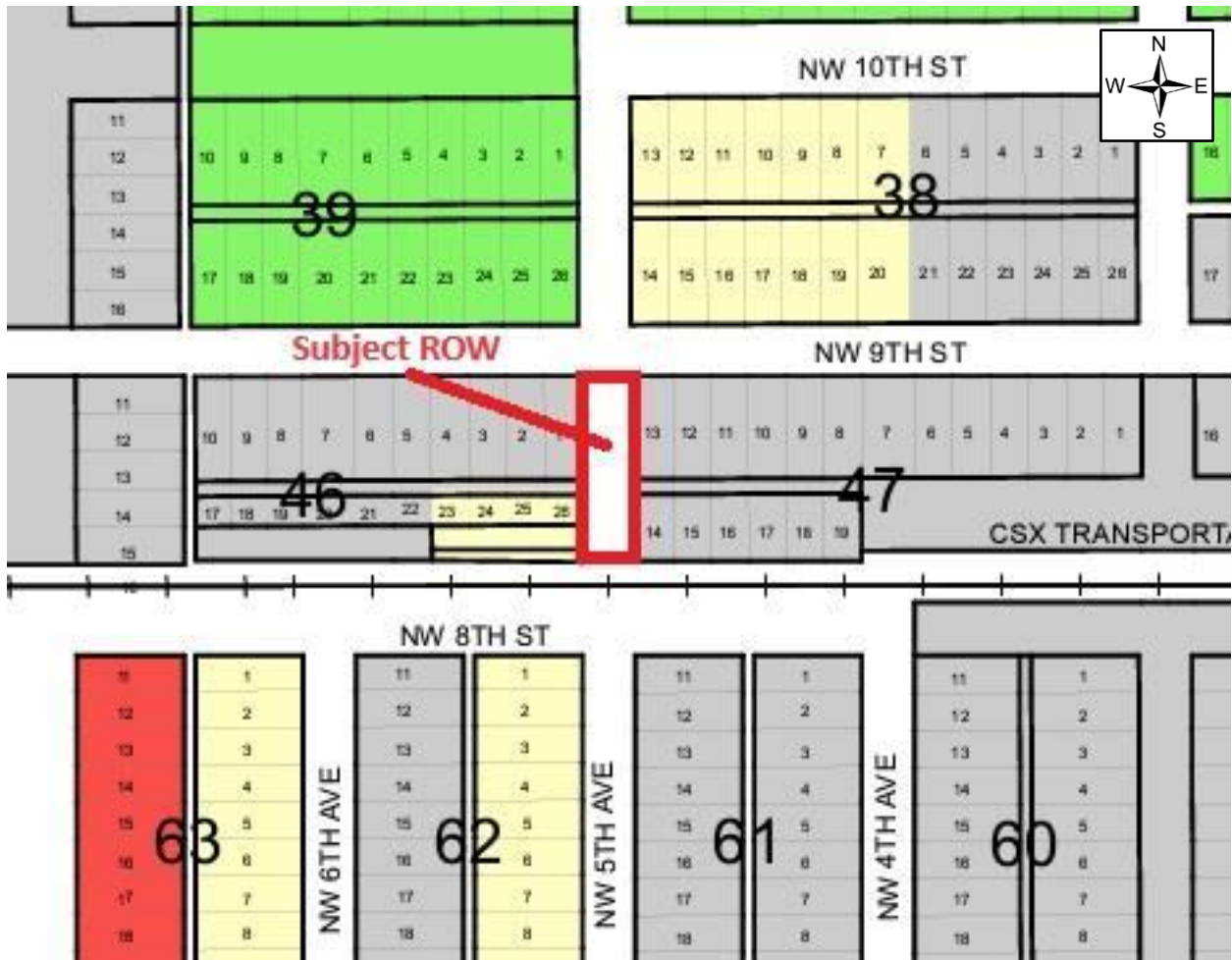
Ben Smith, AICP
Director of Planning
May 1, 2024

City of Okeechobee Planning Board May 16, 2024

Supplemental Exhibits



Figure 3: Existing Zoning Map



LAND USE CLASSIFICATIONS

- +—+ RAILROAD CENTERLINE
- - - - HOPKINS MEANDER LINE
- +—+ RAILROAD CENTERLINE
- flu_boundary_lines
- lot_line
- flu_background_parcel
- SINGLE - FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- MULTI - FAMILY RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES

Exhibit 4: Existing Future Land Use Map



CITY OF OKEECHOBEE
General Services Department
55 Southeast 3rd Street
Okeechobee, Florida 34974
863-763-3372 X 9824
Fax: 863-763-1686

ABANDONMENT OF RIGHT-OF-WAY PETITION

PETITION NO. 24-001-SC

Application fee (non-refundable) \$600.00 Note: (Resolution No. 98-11) Schedule of Land Development Regulation Fees and Charges When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.	Date Fee Paid: 12-2-22	Receipt No: 59072
	TRC Meeting: 4-18-24	Publication Date: Letters Mailed: N/A
	PB/BOA Meeting: 5-16-24	Publication Dates: Letters Mailed: 5-1-24
	City Council 1 st Reading: 6-4-24	CMR Letter E-mailed:
	City Council Public Hearing: 7-2-24	Publication Date:

Right-of-way Definition: Land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress or egress, or other purpose by the public, certain designated individuals, or governing bodies. [F.S. Ch. 177 § 177.031(16)]. Easements for roads and related purposes shall be considered as right-of-way.

Legal Description of the Right-of-Way to be Abandoned:

ALL THAT PORTION OF NORTHWEST 5TH AVENUE (FORMERLY OSCEOLA STREET) LYING NORTH OF THE RAILROAD RIGHT-OF-WAY AND SOUTH OF NORTHWEST 9TH STREET (FORMERLY FIFTEENTH STREET), ACCORDING TO THE PLAT OF OKEECHOBEE, AS RECORDED IN PLAT BOOK 5 AT PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

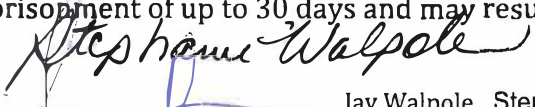
Note: Upon abandonment of a right-of-way in the City of Okeechobee or First Addition of City of Okeechobee Subdivision's, there may be a Fee Simple Interest from the Hamrick Trust. For more information contact Gil Culbreth, 3550 US Hwy 441 South, Okeechobee, Florida 34974, 863-763-3154.

Purpose of the Right-of-Way Abandonment:

The client needs the use of this street for his business.

✓	Name of property owner(s): Jay Walpole
	Owner(s) mailing address: PO BOX 1723, OKEECHOBEE, FL 34973-1723
	Owner(s) e-mail address: missy8062@yahoo.com
	Owner(s) daytime phone(s): 863-634-1066 Fax:

✓	Required Attachments
✓	Copy of recorded deed of petitioner as well as any other property owner whose property is contiguous to the right-of-way.
✓	Letters of Consent or Objection. (If more than one property owner is involved and they are not signing the petition). SEE NOTE BELOW FOR ADDITIONAL INSTRUCTIONS
✓	Location map of subject property and surrounding area within 100' (See Information Request Form attached) and dimensions of right-of-way.
✓	List of all property owners within 300' of subject property (See Information Request Form attached)
✓	Site Plan of property after abandonment. (No larger than 11x 17)
✓	Utility Companies Authorization Form. (See attached)
✓	Supplementary supporting information: Copy of recorded Plat of the Subdivision where right-of-way exists no larger than 11x17. (Can be obtained from the County Clerk's Office, Court House)
	PLEASE NOTE: <i>If there are other property owners that are contiguous to the subject right-of-way, a notarized letter must be attached with the following information: date, their name(s), what property they own, and whether they object to or consent to the right-of-way abandonment. (See attached sample letter)</i>

✓	Confirmation of Information Accuracy
I hereby certify that the information contained in and/or attached with this petition is correct. The information included in this petition is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the summary denial of this petition.	
	1/26/24
Jay Walpole Stephanie Walpole	
Signature	Printed Name Date

PLEASE COMPLETE THE FOLLOWING

**FINDINGS REQUIRED FOR GRANTING A VACATION OF RIGHTS-OF-WAYS
(Sec. 78-33, page CD78:4 in the LDR's)**

It is the Petitioner's responsibility to convince the Technical Review Committee, Planning Board/BOA and City Council that approval of the proposed vacation is justified. Specifically, the Petitioner should provide in his/her application and presentation sufficient explanation and documentation to convince the reviewing body to find that:

1. Proposed vacation is consistent with the Comprehensive Plan:
The requested right of way is currently not used for access or utilities, there is a mention of right of way in the City's Comprehensive plan with reference to access and proper traffic flow. Since this right of way ends at the railroad right of way and only allows for access to adjoining landowners, it would be feasible to abandon. The LDR's mention right of way in Section 78-32, which describes the uses of right of way within the City, also in Section 78-33, which describes vacation of right of way requirements.

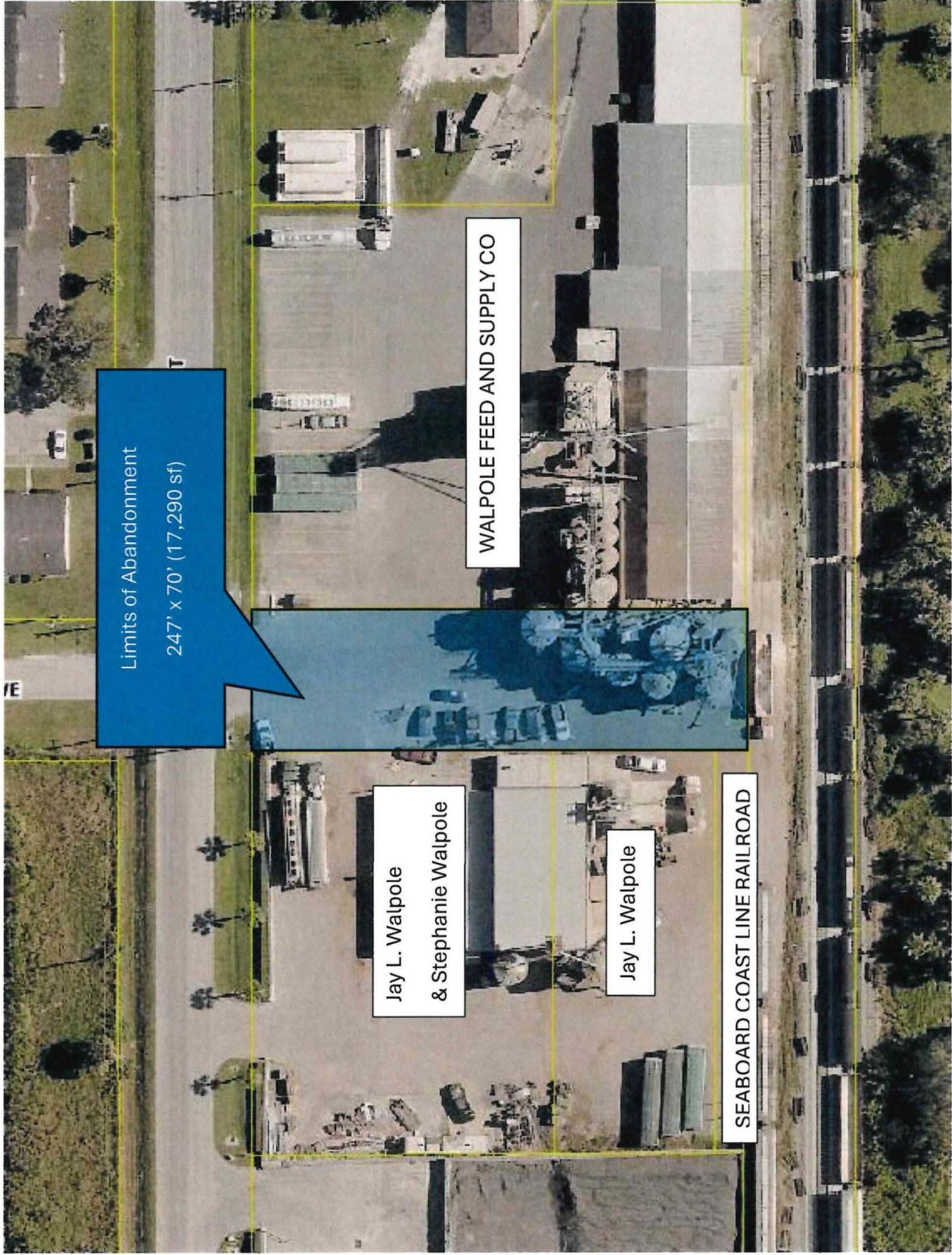
2. Right-of-way to be vacated is not the sole access to any property, and the remaining access is not an easement:
The right of way is not sole access to any property and a remaining land will have access by easement. Copy of easement provided.

3. Proposed vacation is in the public interest and provides a benefit to the City:
The proposed vacation of the right of way is within a block that the applicant would like to add into his operation, so this vacation will allow the existing ROW square footage to add additional property to the applicants property and return the property to the tax rolls.

4. Proposed vacation would not jeopardize the location of any utility.
There may be utilities within the requested abandonment. These will be protected with the easement attached.

The City Staff will, in the Staff Report, address the request and evaluate it and the Petitioner's submission in light of the above criteria and offer a recommendation for *approval* or *denial*).

Walpole – NW 5th Avenue Abandonment
Abandonment and Owner Identification Exhibit



Prepared By and Return to
John D. Cassels, Jr. Esq.
Cassels & McCall
P.O. Box 968
Okeechobee, Florida 34973

FILE NUM 2017006368
OR BK 792 PG 968
SHARON ROBERTSON, CLERK & COMPTROLLER
OKEECHOBEE COUNTY, FLORIDA
RECORDED 06/22/2017 03:52:13 PM
RECORDING FEES \$10.00
RECORDED BY M Pinon
Pg 968 (1 pg)

Parcel ID Number: 3-15-37-35-0010-00460-0010

CORRECTIVE WARRANTY DEED

THIS WARRANTY DEED made this 14th day of June, 2017, between **OKEECHOBEE ASPHALT & READY MIX CONCRETE, INC.**, a Florida corporation whose mailing address is PO Box 1994, Okeechobee, FL 34973, hereinafter called the **GRANTOR**, to **JAY L. WALPOLE and STEPHANIE WALPOLE**, a married couple, whose mailing address is PO Box 1664, Okeechobee, FL 34973, hereinafter called the **GRANTEE**:

(Wherever used herein, the terms "Grantors" and "Grantees" include all the parties to this instrument, and the heirs, legal representatives and assigns of individuals and the successors and assigns of corporations).

WITNESSETH:

That the **GRANTOR**, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the **GRANTEE**, all that certain land situate in Okeechobee County, Florida, to-wit:

LOTS 1, 2, 3 AND 4, BLOCK 46, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

SUBJECT TO restrictions, reservations and easements of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

* Singular and plural are interchangeable as context requires.

IN WITNESS WHEREOF, the said **GRANTOR** have executed this Deed the day and year first above written.

Signed, Sealed and Delivered in our presence:

OKEECHOBEE ASPHALT & READY MIX
CONCRETE, INC., a Florida corporation

Karin Ammons
1st WITNESS-Signature
Karin Ammons
1st Witness-Print Name

By: Robert P. GENT
ROBERT P. GENT, Vice President

Stephanie Gomez
2nd WITNESS-Signature
Stephanie Gomez
2nd Witness-Print Name

STATE OF FLORIDA
COUNTY OF OKEECHOBEE

The foregoing instrument was acknowledged before me this 14th day of June, 2017, by ROBERT P. GENT, as Vice President of Okeechobee Asphalt & Ready Mix Concrete, Inc., who is personally known to me, or has produced _____ as identification.

Karin Ammons
NOTARY PUBLIC
Kevin Ammons



ABSTRACTOR'S NOTE: THIS DEED IS BEING EXECUTED AND GIVEN TO CORRECT AN ERROR IN THAT CERTAIN WARRANTY DEED RECORDED IN O.R. BOOK 785, PAGE 903, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

Prepared By and Return to
John D. Cassels, Jr.
Cassels & McCall
P.O. Box 968
Okeechobee, Florida 34973

Parcel ID Number(s): 3-15-37-35-0010-00460-0010

FILE NUM 2018010256
OR BK 811 PG 1971
SHARON ROBERTSON, CLERK & COMPTROLLER
OKEECHOBEE COUNTY, FLORIDA
RECORDED 08/10/2018 03:40:06 PM
AMT \$10.00
RECORDING FEES \$10.00
DEED DOC \$0.70
RECORDED BY G Mewbourn
Pg 1971; (1 ps)

QUIT CLAIM DEED

THIS QUIT CLAIM DEED executed this 10 day of August, 2018, by **OKEECHOBEE ASPHALT & READY MIX CONCRETE, INC., a Florida corporation** whose mailing address is PO Box 1994, Okeechobee, FL 34973, first party, to **JAY L. WALPOLE and STEPHANIE WALPOLE, a married couple**, second party.

(Wherever used herein, the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives and assigns of individuals and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH:

That the said first party, for and in consideration of the sum of \$10.00 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of **OKEECHOBEE**, State of Florida, to wit:

THE NORTH 1/4 OF ALLEYWAY LYING SOUTH OF LOTS 1, 2, 3 AND 4, INCLUSIVE, ALL IN BLOCK 46, CITY OF OKEECHOBEE, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

SUBJECT TO restrictions, reservations and easements of record, if any.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in any wise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behalf of the said second party forever.

IN WITNESS WHEREOF the said first party has signed and sealed these presents the day and year first above written.

Signed, Sealed and Delivered in the presence of:

Jackie Palmer
Signature of Witness
Jackie Palmer
Printed Name of Witness

Robert P. GENT
ROBERT P. GENT, Vice President

Stephanie Gomez
Signature of Witness
Stephanie Gomez
Printed Name of Witness

STATE OF FLORIDA
COUNTY OF OKEECHOBEE

The foregoing instrument was acknowledged before me this 10 day of August, 2018, by ROBERT P. GENT, as Vice President of Okeechobee Asphalt & Ready Mix Concrete, Inc. who is personally known to me, or who has produced _____ as identification.

Stephanie Gomez
NOTARY PUBLIC
My Commission Expires:



9184-303498.WPD

Prepared By and Return to
John D. Cassels, Jr. Esq.
Cassels & McCall
P.O. Box 968
Okeechobee, Florida 34973

Parcel ID Number: 3-15-37-35-0010-00460-022A

FILE NUM 2017000891
OR BK 785 PG 905
SHARON ROBERTSON, CLERK & COMPTROLLER
OKEECHOBEE COUNTY, FLORIDA
RECORDED 01/30/2017 02:58:07 PM
AMT \$10.00
RECORDING FEES \$18.50
DEED DOC \$0.70
RECORDED BY S Creech
Pgs 905 - 906; (2 pgs)

WARRANTY DEED

THIS WARRANTY DEED made this 19 day of January, 2017, between FT. DRUM CORPORATION, a Florida corporation, whose mailing address is 269 NW 9th Avenue, Okeechobee, FL 34972, hereinafter called the GRANTOR, to JAY L. WALPOLE, a married man, whose mailing address is PO Box 1664, Okeechobee, FL 34973, hereinafter called the GRANTEE:

(Wherever used herein, the terms "Grantors" and "Grantees" include all the parties to this instrument, and the heirs, legal representatives and assigns of individuals and the successors and assigns of corporations).

WITNESSETH:

That the GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in Okeechobee County, Florida, to-wit:

A PARCEL OF LAND LYING IN SECTION 16, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED IN ATTACHED EXHIBIT "A".

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

* Singular and plural are interchangeable as context requires.

IN WITNESS WHEREOF, the said GRANTOR have executed this Deed the day and year first above written.

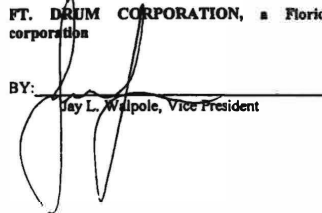

WITNESS

Josefa J. Fernandez
Print Witness Name


WITNESS

Kevin Sewell
Print Witness Name

FT. DRUM CORPORATION, a Florida corporation

BY: 
Jay L. Walpole, Vice President

STATE OF FLORIDA
COUNTY OF OKEECHOBEE

The foregoing instrument was acknowledged before me this 19 day of January 2017, by JAY L. WALPOLE, as Vice President of FT. DRUM CORPORATION, a Florida corporation, who is personally known to me.


NOTARY PUBLIC
My Commission Expires: June 14, 2018

 **MARGARET COOK**
MY COMMISSION #FF114480
EXPIRES June 14, 2018
(Seal) (407) 388-0183 FloridaNotaryServices.com

IT IS HEREBY CERTIFIED THAT WE HAVE PREPARED THIS INSTRUMENT FROM INFORMATION GIVEN TO US BY THE PARTIES HERETO. WE DO NOT GUARANTEE EITHER MARKETABILITY OF TITLE, ACCURACY OF DESCRIPTION OR QUANTITY OF LAND AS WE DID NOT EXAMINE THE TITLE TO THE PROPERTY INVOLVED.

9184-295407.WPD

EXHIBIT "A"

LEGAL DESCRIPTION

BEING A PARCEL OF LAND LYING IN SECTION 16, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA AND LYING 50.00 FEET NORTH OF AND PARALLEL WITH THE CENTERLINE OF THE CSX RAILROAD MAIN TRACK AND LYING IN AND COMPRISING A PORTION OF BLOCK 46, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE CENTERLINE OF THE VACATED 20 FEET WIDE ALLEY WITH THE EAST BOUNDARY LINE OF LOT 26 EXTENDED NORTH, OF SAID BLOCK 46, OKEECHOBEE, SAID POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF N.W. 5TH AVENUE; THENCE BEAR S00°00'00" E, ALONG SAID WEST RIGHT-OF-WAY LINE, AND ALONG SAID EAST BOUNDARY LINE, FOR A DISTANCE OF 80.26 FEET TO A POINT LYING 50.00 FEET NORTH OF SAID CENTERLINE OF THE CSX RAILROAD MAIN TRACK; THENCE BEAR S89°54'25" W, ALONG A LINE LYING 50.00 FEET NORTH OF AND PARALLEL WITH SAID CENTERLINE OF THE CSX RAILROAD MAIN TRACK, FOR A DISTANCE OF 250.00 FEET TO THE INTERSECTION WITH THE WEST BOUNDARY LINE OF LOT 22 OF SAID BLOCK 46; THENCE BEAR N00°00'00" W, ALONG SAID WEST BOUNDARY LINE, FOR A DISTANCE OF 80.26 FEET TO THE INTERSECTION WITH SAID CENTERLINE OF THE VACATED 20 FEET WIDE ALLEY; THENCE BEAR N89°54'22" E, ALONG SAID CENTERLINE, FOR A DISTANCE OF 250.00 FEET TO THE POINT-OF-BEGINNING.

CONTAINING 0.46 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND/OR RIGHTS-OF-WAY OF RECORD, IF ANY.

9184-296565.WPD

Prepared by and return to:
J. Stephen Tierney, III
Neill, Griffin, Fowler, Tierney,
Neill & Marquis
Post Office Box 1270
Fort Pierce, Florida 34954

FILE NUM 2004009587
OR BK 00532 PG 0847
SHARON ROBERTSON, CLERK OF CIRCUIT COURT
OKEECHOBEE COUNTY, FL
RECORDED 05/21/2004 03:14:02 PM
RECORDING FEES 6.00
DEED DOC 0.70
RECORDED BY M Anuez

THIS QUIT CLAIM DEED, executed this 5 day of May, 2004, by Seminole Land Co., a Florida corporation, grantor, to Walpole Feed and Supply Co., a Florida corporation, grantee, whose post office address is 2595 NW 8th Street, Okeechobee, FL 34972.

Wherever used herein, the terms "grantor" and "grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.

Witnesseth: That the said grantor, for and in consideration of the sum of \$10.00, in hand paid by the grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quit-claim unto the said grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in Okeechobee County, Florida, to wit:

The North 85.05 feet of Lots 14 thru 19, Block 47, Okeechobee, according to the plat thereof recorded in Plat Book 5, Page 5, of the Public Records of Okeechobee County, Florida, K E E D
H I I I

AND

Lots 10 thru 13, Block 47, Okeechobee, according to the plat thereof recorded in Plat Book 5, Page 5, of the Public Records of Okeechobee County, Florida. P A R K I N G
L O T

It is the intention of this Deed to convey all of the Grantor's interest in the subject property to the Grantee herein.

TITLE TO THE SUBJECT PROPERTY HAS NOT BEEN EXAMINED BY THE SCRIVENER.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in our presence:

Joseph T Ford
Printed Name of Witness
Wyllis L. Bass
Printed Name of Witness

By: Edwin E. Walpole, III
SEMINOLE LAND CO.,
Edwin E. Walpole, III, as President
P.O. Box 1177, Okeechobee, FL 34973

STATE OF FLORIDA
COUNTY OF OKEECHOBEE

The foregoing was acknowledged before me this 5 day of May, 2004, by Edwin E. Walpole, III, as President of Seminole Land Co., who is personally known to me or who produced _____ as identification.

Sharon Robertson
Print Name of Notary: Sharon Robertson
Notary Public - State of Florida
My Commission Expires: May 11, 2007
Commission #DD198771
Bonds Thru Atlantic Bonding Co., Inc.

NEILL GRIFFIN FOWLER TIERNEY NEILL & MARQUIS
CHARTERED
P.O. BOX 1270, FORT PIERCE, FLORIDA 34954 - TELEPHONE (772) 464-8200

AN ORDINANCE VACATING AND CLOSING THE FOLLOWING DESCRIBED ALLEYWAY IN THE CITY OF OKEECHOBEE, FLORIDA.

BE IT ENACTED BY THE MAYOR AND COUNCIL OF THE CITY OF OKEECHOBEE, FLORIDA, THAT:

SECTION ONE. From and after the date this ordinance becomes effective, the following described alleyway shall be vacated and closed:

All of that unnamed twenty (20) feet alleyway, running East and West through Block 46 of the town of Okeechobee, Florida, also -

All of that unnamed twenty (20) feet alleyway, running East and West through Blocks 47 and 48 of the town of Okeechobee, Florida, according to plat recorded in Plat Book 2, Page 17, of the public records of St. Lucie County, Florida and also Plat Book 1, Page 10, Records Okeechobee County, Florida.

SECTION TWO: All ordinances in conflict herewith, be, and the same are hereby repealed.

SECTION THREE: This ordinance shall take effect upon its passage according to law.

SECTION FOUR: A certified copy of this ordinance shall be filed in the Public Records of Okeechobee County, Florida.

Read in full and by unanimous consent, passed to second reading.

Read in full and upon second reading, passed in open session this the 5 day of January, 1953.

R. E. Chandler
PRESIDENT CITY COUNCIL

ATTEST: *Bonnie S. Thomas*
CITY CLERK

APPROVED BY ME, THIS THE 5 DAY OF JANUARY, 1953.

CLERK'S CERTIFICATE

W. H. Lanier
MAYOR

STATE OF FLORIDA)
COUNTY OF OKEECHOBEE) ss:
CITY OF OKEECHOBEE

I BONNIE S. THOMAS HEREBY CERTIFY THAT I am the duly qualified Clerk of the City of Okeechobee, Florida; that the above and foregoing is a true and correct copy of a Document the original of which is on file in the Office of the City Clerk of the City of Okeechobee, Florida.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of said city, this 18 day of JANUARY, A.D. 1953

SEAL

Bonnie S. Thomas
BONNIE S. THOMAS
CITY CLERK

2011-0608

195555

FILED FOR RECORD
OKEECHOBEE COUNTY, FL.
1989 JAN 21 PM 1:45
GLORIA J. FORD
CLERK OF CIRCUIT COURT

CLERK OF CIRCUIT COURT

MADE IN THE STATE OF FLORIDA
I, CLERK OF CIRCUIT COURT, DO HEREBY
CERTIFY THAT THE ABOVE IS A TRUE AND
CORRECT COPY OF THE ORIGINAL FILED
IN THE CIRCUIT COURT OF THE FIRST
JUDICIAL CIRCUIT IN AND FOR
OKEECHOBEE COUNTY, FLORIDA, ON
JANUARY 21, 1989 AT 1:45 PM.
GLORIA J. FORD
CLERK OF CIRCUIT COURT

This instrument prepared by
or under the direction of:

Kim R. Bongiovanni
Assistant General Counsel
Law Department
500 Water Street
Jacksonville, Florida 32202



FILE NUM 2014003849
OR BK 745 PG 851
SHARON ROBERTSON, CLERK OF CIRCUIT COURT
OKEECHOBEE COUNTY, FLORIDA
RECORDED 04/17/2014 04:00:05 PM
AMT \$10.00
RECORDING FEES \$69.50
DEED DOC \$0.70
RECORDED BY M Pinon
Pgs 851 - 858; (8 pgs)

RETURN TO: Fort Drum Corporation
269 NW 9th Street
Okeechobee, FL 34972

*Rec 69.50
Doc .70*

SPECIAL WARRANTY DEED

THIS DEED, made this 11 day of April, ²⁰¹⁴~~2013~~, between CSX
TRANSPORTATION, INC., a Virginia corporation, whose mailing address is 500 Water Street,
Jacksonville, Florida 32202, and whose Tax Identification Number is 54-6000720 hereinafter
called "Grantor", and FORT DRUM CORPORATION, a Florida corporation, whose mailing
address is 269 NW 9th Avenue, Okeechobee, Florida 34973, hereinafter called "Grantee",
WITNESSETH:

(Wherever used herein, the terms "Grantor" and "Grantee" may be construed in the
singular or plural as the context may require or admit, and for purposes of
exceptions, reservations and/or covenants, shall include the heirs, legal
representatives and assigns of individuals or the successors and assigns of
corporations.)

THAT Grantor, for and in consideration of the sum of ONE AND NO/100 DOLLARS
(\$1.00) and other valuable consideration, to it in hand paid by Grantee, the receipt of which is
hereby acknowledged, has granted, bargained and sold, and by these presents does GRANT,
BARGAIN, SELL and CONVEY unto Grantee, its successors and assigns, that certain tract or
parcel of land situate, lying and being at Okeechobee, Okeechobee County, Florida, and having or
being a portion of parcels with Folio Tax Identification Numbers of 1-17-37-35-0A00-00001-1000,
3-15-37-35-0010-00460-0220, and 2-16-37-35-0A00-00005-0000 hereinafter designated "the
Premises," more particularly described in Exhibit A, attached hereto and incorporated herein, and
containing 2.41 acres, more or less.

*no longer
exists*

TOGETHER WITH all buildings, structures and improvements thereon, and all and
singular the rights, alleys, ways, waters, privileges, hereditaments and appurtenances to said
Premises belonging or in anyway incident or appertaining.

EXCEPTING unto Grantor the ownership in and to the Track within and on the Premises.

EXCEPTING unto Grantor the ownership in and to all existing signal and/or communication poles, wires, guys, etc., within or on the Premises and located generally along or near the eastern line thereof; and RESERVING unto Grantor a perpetual easement to maintain said existing signal and/or communication pole line, wires, guys, etc., and to reconstruct same, or to construct new poles, wires, guys, etc., sufficient in number and type to meet Grantor's present and future communication and/or signal needs, generally along the alignment of said existing pole line, TOGETHER WITH the right of ingress and egress to and from the reserved signal easement more particularly shown on Exhibit A.

RESERVING unto Grantor a perpetual non-exclusive roadway easement, hereinafter "the Roadway Easement", for the purpose of access over and across the Premises to Grantor's adjacent property, which Roadway Easement is more particularly described on Exhibit A attached hereto and incorporated herein.

RESERVING unto Grantor, its successors and assigns, a perpetual exclusive easement, hereinafter the "Occupancy Easement", in, over, under and along those portions of the Premises encumbered by existing occupancies of every type and nature, whether recorded or not, together with the right to maintain, operate, use, replace, relocate, renew and remove such occupancies.

TO HAVE AND TO HOLD the Premises unto Grantee, Grantee's heirs and assigns or successors and assigns, forever.

Grantor hereby WARRANTS that: (a) SUBJECT TO reservations, easements, covenants, restrictions and limitations of record or platted, all existing public utilities and roadways, and all existing encroachments, ways and servitudes, howsoever created, determinable by a proper survey or by an inspection thereof, Grantor will forever defend the Premises unto Grantee against claims of or by Grantor and all other persons lawfully claiming or to claim the same or any part thereof by, through or under Grantor; (b) Grantor will execute such other and further assurances of the same as may be required.

Grantee acknowledges that the premises ("Premises") conveyed hereunder has been historically used for railroad industrial operations and is being conveyed for use only as industrial or commercial property. Grantee, by acceptance of this deed, hereby covenants that it, its successors, heirs, legal representatives or assigns shall not use the Premises for any purpose other than industrial or commercial purposes and that the Premises will not be used for (a) any residential purpose of any kind or nature (residential use shall be defined broadly to include, without limitation, any use of the Premises by individuals or families for purposes of personal living, dwelling, or overnight accommodations, whether such uses are in single family residences, apartments, duplexes, or other multiple residential dwellings, trailers, trailer parks, camping sites, motels, hotels, or any other dwelling use of any kind), (b) any public or private school, day care, or any organized long-term or short term child care of any kind, or (c) any recreational purpose (recreational use shall be defined broadly to include, without limitation, use as a public park, hiking or biking trail, athletic fields or courts, or public gathering place), (d) agricultural or (e)

mitigation banking for wetlands. By acceptance of this deed, Grantee further covenants that it, its successors, heirs, legal representatives or assigns shall not use the groundwater underneath the Premises for human consumption, irrigation, or other purposes.

Grantee hereby agrees, as additional consideration for the conveyance of the Premises, to defend, indemnify and hold Grantor harmless from and against any and all liability, loss, cost and/or expense, including reasonable attorney fees, arising out of or in connection with any and all suits or causes of actions instituted by third parties against Grantor or Grantee as a result of the conveyance of the Premises to Grantee or as a result of the failure of title to any portion of the Premises.

Grantee and Grantor agree and acknowledge the covenants and easements contained in this Deed shall be covenants "in gross" and easements "in gross" which shall remain binding on Grantee, its successors, heirs, legal representatives and assigns regardless of whether Grantor continues to own property adjacent to the Premises. Grantee acknowledges Grantor will continue to have a substantial interest in enforcement of the said covenants and easements whether or not Grantor retains title to property adjacent to the Premises.

Said covenant(s) shall run with title to the Premises conveyed, and bind upon Grantee, Grantee's heirs, legal representatives and assigns, or corporate successors and assigns, and anyone claiming title to or holding Premises through Grantee.

AND FURTHER FOR THE CONSIDERATION AFORESAID, Grantor does hereby GRANT and CONVEY, WITHOUT WARRANTY, unto Grantee, Grantee's heirs, personal representatives, successors and/or assigns, a maintenance easement hereinafter referred to as "the Maintenance Easement", as more particularly described as Encroachment A in Exhibit E, attached hereto and incorporated herein, for the continued location and removal of the portion of the passenger station located on lands of Grantor adjacent to the Premises.

TO HAVE AND TO HOLD the Maintenance Easement and rights herein granted, solely for the purposes herein contained; SUBJECT, however, to any public utilities and other facilities located in, on, over, under or across the Maintenance Easement, and all agreements, easements and rights granted or reserved therefore, whether the instruments granting or reserving the same be recorded or unrecorded; ALSO SUBJECT to the terms, conditions, exceptions and reservations as follows:

1. Grantee, Grantee's heirs, personal representatives, successors and/or assigns, shall not at any time impair or interfere with the lateral or subjacent support of Grantor's properties, structures, tracks or improvements adjacent to the Maintenance Easement, or otherwise damage the same in any way.
2. Excluded from the Maintenance Easement are any other rights-of-way for access, ingress, or egress, whether by way of necessity, implication or otherwise, across or over other adjoining properties of Grantor.
3. At such time as the passenger station is removed or substantially damaged, the Maintenance Easement shall terminate, and Grantee, Grantee's heirs, personal representatives, successors and/or assigns,

EXHIBIT A

Description of property at: Okeechobee, Okeechobee County, FL
To: Fort Drum Corporation
CSXT Deed File No.: 2013-11523

PARCEL 1

BEING A PARCEL OF LAND LYING IN SECTION 16, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA AND LYING 50.00 FEET NORTH OF AND PARALLEL WITH THE CENTERLINE OF THE CSX RAILROAD MAIN TRACK AND LYING IN AND COMPRISING A PORTION OF BLOCK 46, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE CENTERLINE OF THE VACATED 20 FEET WIDE ALLEY WITH THE EAST BOUNDARY LINE OF LOT 26 EXTENDED NORTH, OF SAID BLOCK 46, OKEECHOBEE, SAID POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF N.W. 5TH AVENUE; THENCE BEAR S00°00'00"E, ALONG SAID WEST RIGHT-OF-WAY LINE, AND ALONG SAID EAST BOUNDARY LINE, FOR A DISTANCE OF 80.26 FEET TO A POINT LYING 50.00 FEET NORTH OF SAID CENTERLINE OF THE CSX RAILROAD MAIN TRACK; THENCE BEAR S89°54'25"W, ALONG A LINE LYING 50.00 FEET NORTH OF AND PARALLEL WITH SAID CENTERLINE OF THE CSX RAILROAD MAIN TRACK, FOR A DISTANCE OF 250.00 FEET TO THE INTERSECTION WITH THE WEST BOUNDARY LINE OF LOT 22 OF SAID BLOCK 46; THENCE BEAR N00°00'00"W, ALONG SAID WEST BOUNDARY LINE, FOR A DISTANCE OF 80.26 FEET TO THE INTERSECTION WITH SAID CENTERLINE OF THE VACATED 20 FEET WIDE ALLEY; THENCE BEAR N89°54'22"E, ALONG SAID CENTERLINE, FOR A DISTANCE OF 250.00 FEET TO THE POINT-OF-BEGINNING.

CONTAINING 0.46 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND/OR RIGHTS-OF-WAY OF RECORD, IF ANY.

PARCEL 2

BEING A PARCEL OF LAND LYING IN SECTION 16, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA AND LYING NORTH OF AND PARALLEL WITH THE CENTERLINE OF THE CSX RAILROAD MAIN TRACK, AND LYING IN AND COMPRISING A PORTION OF BLOCK 47 AND 48 AND A PORTION OF THE 70.00 FEET VACATED RIGHT-OF WAY OF N.W. 3RD AVENUE LYING BETWEEN BLOCKS 47 AND 48, OKEECHOBEE, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT

3-15-37-35-0010-00460-0220

BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE CENTERLINE OF THE VACATED 20 FEET WIDE ALLEY WITH THE EAST BOUNDARY LINE OF LOT 26 EXTENDED NORTH, OF SAID BLOCK 48, OKEE CHOBEE; THENCE BEAR S00°10'14"E, ALONG THE EAST BOUNDARY LINE OF LOT 26 OF SAID BLOCK 48, FOR A DISTANCE OF 50.28 FEET TO A POINT; THENCE BEAR S89°54'25"W, ALONG A LINE 80.00 FEET NORTH OF AND PARALLEL WITH SAID CENTERLINE OF THE CSX MAIN TRACK, FOR A DISTANCE OF 95.17 FEET TO THE INTERSECTION WITH THE EAST BOUNDARY LINE OF LOT 24 OF SAID BLOCK 48; THENCE BEAR S00°00'00"E, ALONG SAID EAST BOUNDARY LINE, FOR A DISTANCE OF 30.00 FEET TO A POINT LYING 50.00 FEET NORTH OF SAID CENTERLINE OF THE CSX RAILROAD MAIN TRACK; THENCE BEAR S89°54'25"W, ALONG A LINE 50.00 FEET NORTH OF AND PARALLEL WITH SAID CENTERLINE OF THE CSX RAILROAD MAIN TRACK, FOR A DISTANCE OF 857.50 FEET TO THE INTERSECTION WITH THE WEST BOUNDARY LINE OF LOT 20 OF SAID BLOCK 47; THENCE BEAR N00°00'00"W, ALONG SAID WEST BOUNDARY LINE, FOR A DISTANCE OF 80.27 FEET TO THE INTERSECTION WITH SAID CENTERLINE OF THE VACATED 20 FEET WIDE ALLEY; THENCE BEAR N89°54'22"E, ALONG SAID CENTERLINE, FOR A DISTANCE OF 952.52 FEET TO THE POINT-OF-BEGINNING.

CONTAINING 1.69 ACRES, MORE OF LESS, AND BEING SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND/OR RIGHTS-OF-WAY OF RECORD, IF ANY.

PARCEL 3

BEING A PARCEL OF LAND LYING IN SECTION 16, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA, AND LYING 50.00 FEET NORTH OF AND PARALLEL WITH THE CENTERLINE OF THE CSX RAILROAD MAIN TRACK, AND CONTAINING ALL OF LOT 4 AND A PORTION OF LOT 5, BLOCK 48, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 4, SAID POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 441 N. (PARROTT AVENUE); THENCE BEAR S00°10'14"E, ALONG SAID WEST RIGHT-OF-WAY LINE, AND ALONG THE EAST BOUNDARY LINE OF SAID LOT 4 AND 5, FOR A DISTANCE OF 80.18 FEET TO A POINT LYING 50.00 FEET NORTH OF SAID CENTERLINE OF THE CSX RAILROAD MAIN TRACK; THENCE BEAR S89°54'25"W, ALONG A LINE LYING 50.00 FEET NORTH OF AND PARALLEL WITH SAID CENTERLINE OF THE CSX RAILROAD MAIN TRACK, FOR A DISTANCE OF 142.45 FEET TO THE INTERSECTION WITH THE WEST BOUNDARY

LINE OF SAID LOT 5; THENCE BEAR N00°10'14"W, ALONG SAID WEST BOUNDARY LINE OF LOT 5 AND ALONG THE WEST BOUNDARY LINE OF SAID LOT 4, FOR A DISTANCE OF 80.31 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE BEAR N89°57'32"E, ALONG THE NORTH BOUNDARY LINE OF SAID LOT 4, FOR A DISTANCE OF 142.45 FEET TO THE POINT-OF-BEGINNING.

CONTAINING 0.26 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND/OR RIGHTS-OF-WAY OF RECORD, IF ANY.

BEING more particularly shown on plat of survey dated March 6, 2014 prepared by Steven W. DeHays, Professional Land Surveyor Number 5178, DeHays Design, 13176 SW 144th Parkway, Okeechobee, Florida, 34974, incorporated herein by reference.

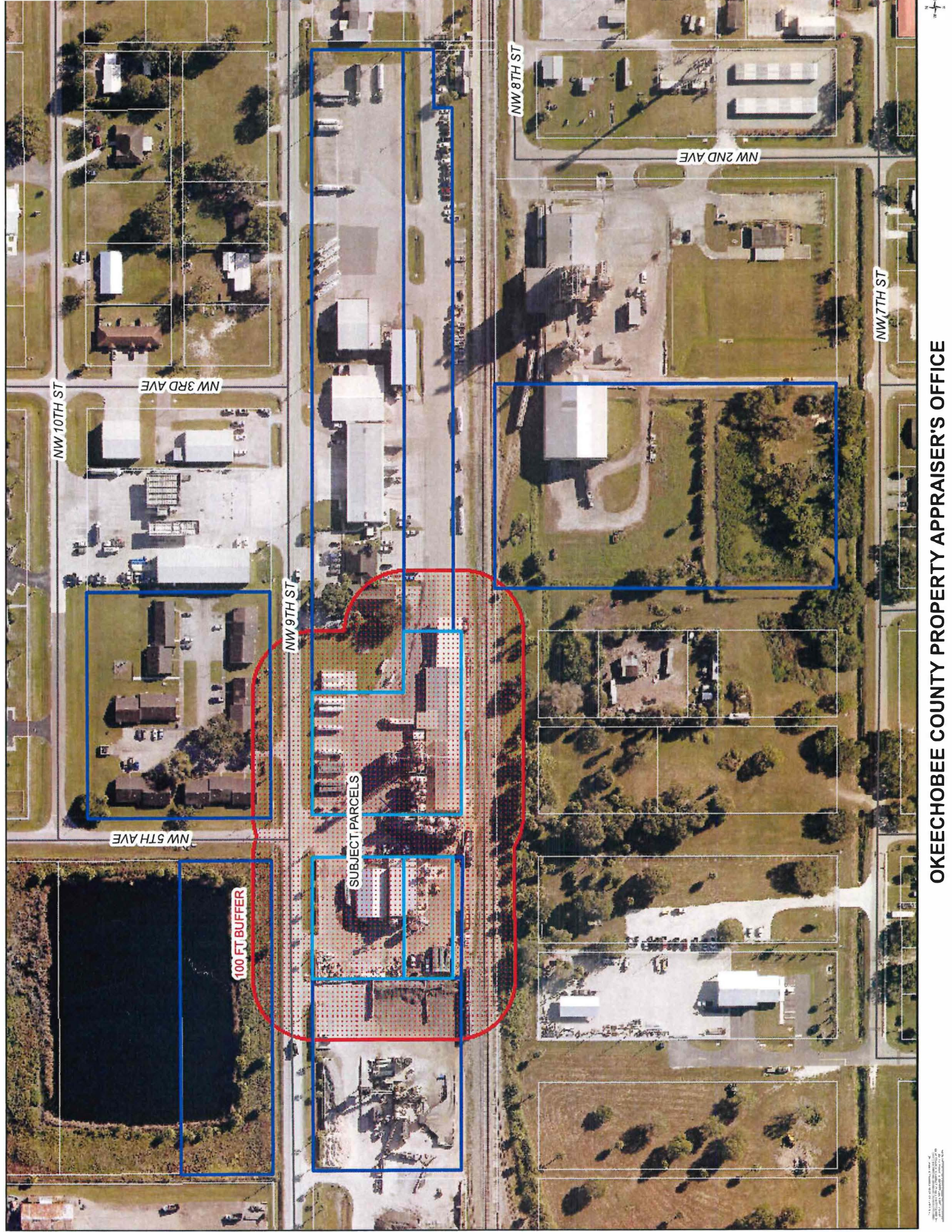
BEING a portion of the property acquired by Florida Western & Northern Railroad and the Seaboard Air Line Railroad Company, predecessors of Grantor, by the following instruments, recorded among the Public Land Records of Okeechobee County, Florida:

<u>Railroad</u>	<u>Acquired From</u>	<u>Date of Instrument</u>	<u>Book/Page</u>
FW&N RR	Okeechobee Co.	7/10/1924	7/47
FW&N RR	Okeechobee Co.	7/10/1924	7/51
FW&N RR	Okeechobee Co.	1/3/1925	7/343
SAL RR	Conley T W Jr et al	12/22/1958	28/449

Through mesne conveyances, the Florida Western & Northern Railroad Company was merged into the Seaboard Air Line Railroad Company. On July 1, 1967 the Atlantic Coast Line Railroad Company merged with the Seaboard Air Line Railroad Company to form the Seaboard Coast Line Railroad Company. On December 29, 1982 the Louisville And Nashville Railroad Company merged into Seaboard Coast Line Railroad Company, and the name of the surviving corporation changed to Seaboard System Railroad, Inc. On July 1, 1986, Seaboard System Railroad, Inc. changed its name to CSX Transportation, Inc.

PARCEL NUMBER	OWNER	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP
2-16-37-35-0A00-00005-0000	SALRY RR	C/O CSX CORP	500 WATER STREET J910	JACKSONVILLE	FL	33202
3-15-37-35-0010-00380-0030	303 REALTY LLC	PO BOX 848		OKEECHOBEE	FL	34973-0848
3-15-37-35-0010-00380-0070	TANGLEWOOD LTD	C/O A & M PROPERTIES INC	PO BOX 330	LAKELAND	FL	33802
3-15-37-35-0010-00390-0010	FOSLER LLC	C/O RANDY SIMLER	310 LAKE SHORE DR APT 3	LAKE PARK	FL	33403-3563
3-15-37-35-0010-00390-0170	FOSLER LLC	C/O RANDY SIMLER	310 LAKE SHORE DR APT 3	LAKE PARK	FL	33403-3563
3-15-37-35-0010-00460-0050	C W ROBERTS CONTRACTING INC	3372 CAPITAL CIR NE		TALLAHASSEE	FL	32308-3710
3-15-37-35-0010-00460-0220	SEABOARD COAST LINE RAILROAD	%WALPOLE FEED & SUPPLY CO	2595 NW 8TH STREET	OKEECHOBEE	FL	34974
3-15-37-35-0010-00470-0010	WALPOLE KEITH A	2850 SW 16TH ST		OKEECHOBEE	FL	34972
3-15-37-35-0010-00470-0200	FORT DRUM CORPORATION	PO BOX 1177		OKEECHOBEE	FL	34973-1177
3-15-37-35-0010-00600-0010	UNITED FEED CO-OP INC	BOX 485		OKEECHOBEE	FL	34973-0485
3-15-37-35-0010-00610-0010	UNITED FEED CO-OP INC	P O BOX 485		OKEECHOBEE	FL	34973-0485
3-15-37-35-0010-00610-0030	MASON WILLIAM H	1032 SW 20TH AVE		OKEECHOBEE	FL	34974
3-15-37-35-0010-00610-0110	UNITED FEED CO-OP INC	P O BOX 485		OKEECHOBEE	FL	34973-0485
3-15-37-35-0010-00620-0010	MITCHELL G HANCOCK INC	704 NW 6TH AVE		OKEECHOBEE	FL	34972
3-15-37-35-0010-00620-0110	MITCHELL G HANCOCK INC	704 NW 6TH AVE		OKEECHOBEE	FL	34972
3-15-37-35-0010-00630-0010	MITCHELL G HANCOCK INC	704 NW 6TH AVE		OKEECHOBEE	FL	34972-2523

5+6
updated 2-19-24



NW 10TH ST

NW 3RD AVE

NW 5TH AVE

NW 9TH ST

NW 8TH ST

NW 2ND AVE

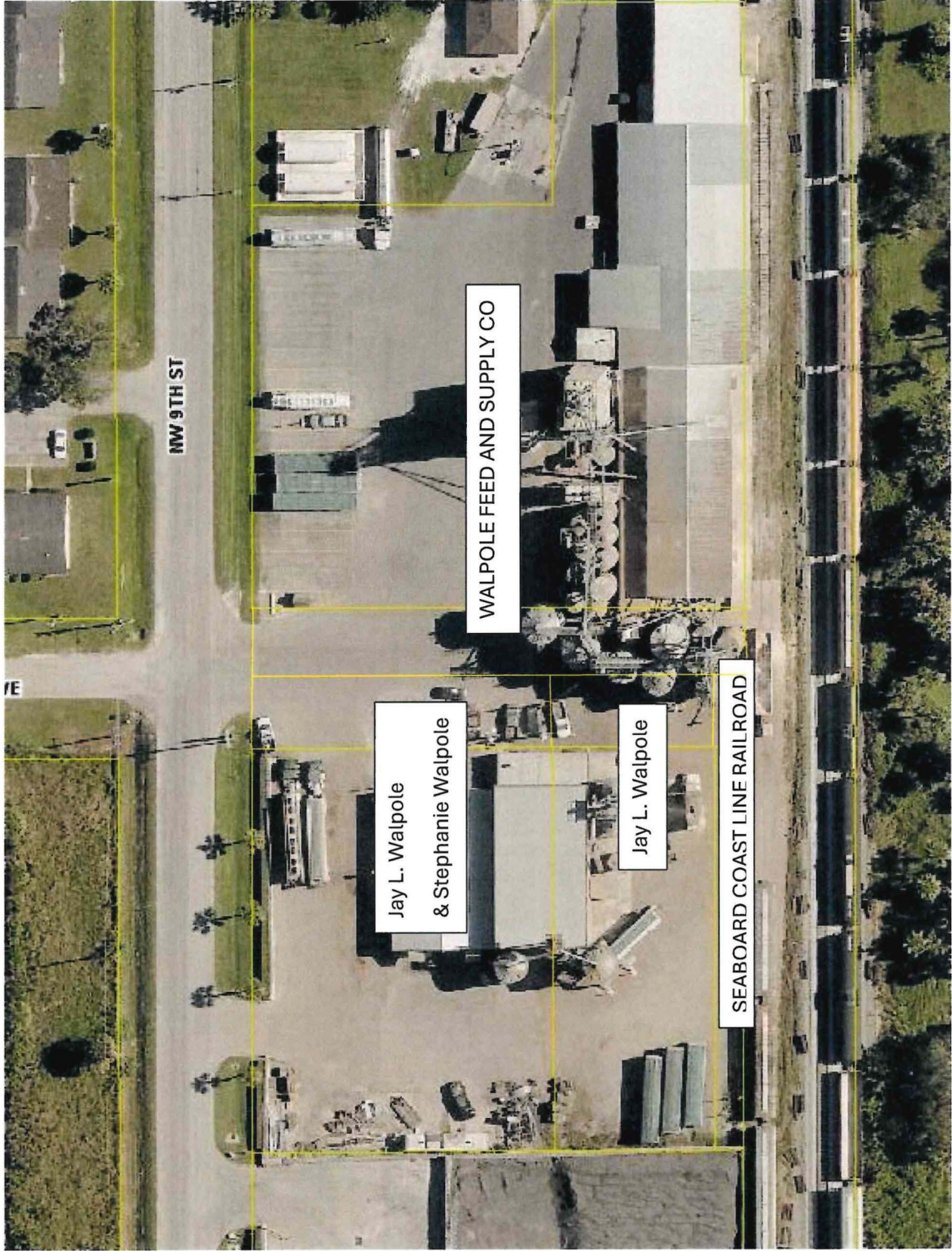
NW 7TH ST

SUBJECT PARCELS

100 FT BUFFER



Walpole – NW 5th Avenue Abandonment
Post Abandonment Exhibit

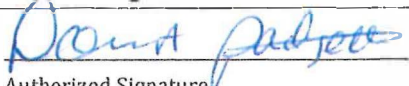


CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION
Utility Companies Authorization Form

Instructions:

Applicant: Deliver the petition and this form to the following Utility Companies for their comments. It must be signed and dated with a contact number for each person.

Utility Companies: If an easement is needed, provide a complete legal description for it. The City Attorney will address it as a nonexclusive perpetual easement within the Ordinance. If there is going to be a relocated easement, provide legal of where it's to be relocated to. The City Attorney will address this in the Ordinance by denoting the relocated easement is in an attached exhibit to the Ordinance. Additionally, the effective date will be upon the City's receipt of the recorded relocated easement between the owner and utility company and provided on the utility company's form.

Florida Power & Light	FPL HAS NO OBJECTION HOWEVER		
863-467-3708	IF OVERHEAD OR UNDERGROUND		
Donna Padgett	UTILITIES ARE IN THIS REQUEST WE NEED EASEMENT.		
	Donna Padgett	863-467-3708	11/9/22
Authorized Signature	Typed Name & Title	Phone No.	Date

See attached map & email

Embarq d/b/a Century Link	See attached letter & map.		
941-421-0205			
Camille Knotts			
camille.knotts@lumen.com			
Nre.easement@centurylink.com			

Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

Comcast Cable			
Anthony Springsteel Daniel Tiburcio			
772-921-9125 772-321-1566			
anthony.springsteel@comcast.com	Daniel_tiburcio2@comcast.com		

 Daniel Tiburcio Construction spec 2 11/11/2022
Authorized Signature Typed Name & Title Phone No. Date

Okeechobee Utility Authority			
John Hayford			
863-763-9460			
100 SW 5th Avenue			

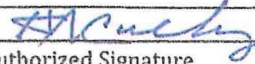
 John F. Hayford 863-763-9460 11/28/2022
Authorized Signature Executive Director Typed Name & Title Phone No. Date

Florida Public Utilities			
Ivan Gibbs			
561-723-3459			
igibbs@chpk.com			

 Ivan Gibbs / Engineering Technician 561-723-3459 9-23-2022
Authorized Signature Typed Name & Title Phone No. Date

***REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

Hamrick Estate	THE HAMRICK TRUST OWNS THE FEE INTEREST		
Gil Culbreth, Co-Trustee	IN THE RIGHT-OF-WAY		
863-763-3154			

 H.G. Culbreth Co-Trustee 89-21-2022
Authorized Signature Typed Name & Title Phone No. Date

Patty Burnette

From: Padgett, Donna <Donna.Padgett@fpl.com>
Sent: Wednesday, March 20, 2024 1:59 PM
To: Patty Burnette; Gary Ritter; Steven L. Dobbs, P. E.
Cc: Busbin, Jennifer; Bsmith@m-da.com
Subject: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]FW: ABANDONMENT REQUEST WALPOLE

Good afternoon

Patty

Yes, this is how I was advised to sign this abandonment request and city would get the easement taken care of
Been some time.

The highlighted area is to become an ingress egress and utility easement if I understand correctly.

In the blue circles show the fpl power poles and line approximate location. If this is going to be an ingress
egress

It will cover fpl facilities

thanks



DONNA PADGETT
TECHNICAL SPECIALIST I
OKEECHOBEE SERVICE CENTER - FPL
825 NE 34TH AVE
OKEECHOBEE FL 34972
OFC 863-467-3708
EMAIL: DONNA.PADGETT@FPL.COM

Supervisor:
ALEX NEHER
772-337-7058

11/10/2022



CenturyLink

Steven L Dobbs
209 NE 2nd Street
Okeechobee, FL 34972

P843296
No Reservations/No Objection

SUBJECT: vacation request for a portion of platted road right-of-way known as N.W. 5th Avenue, Okeechobee, FL.

Mr. Dobbs:

CenturyLink of Florida, Inc. has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

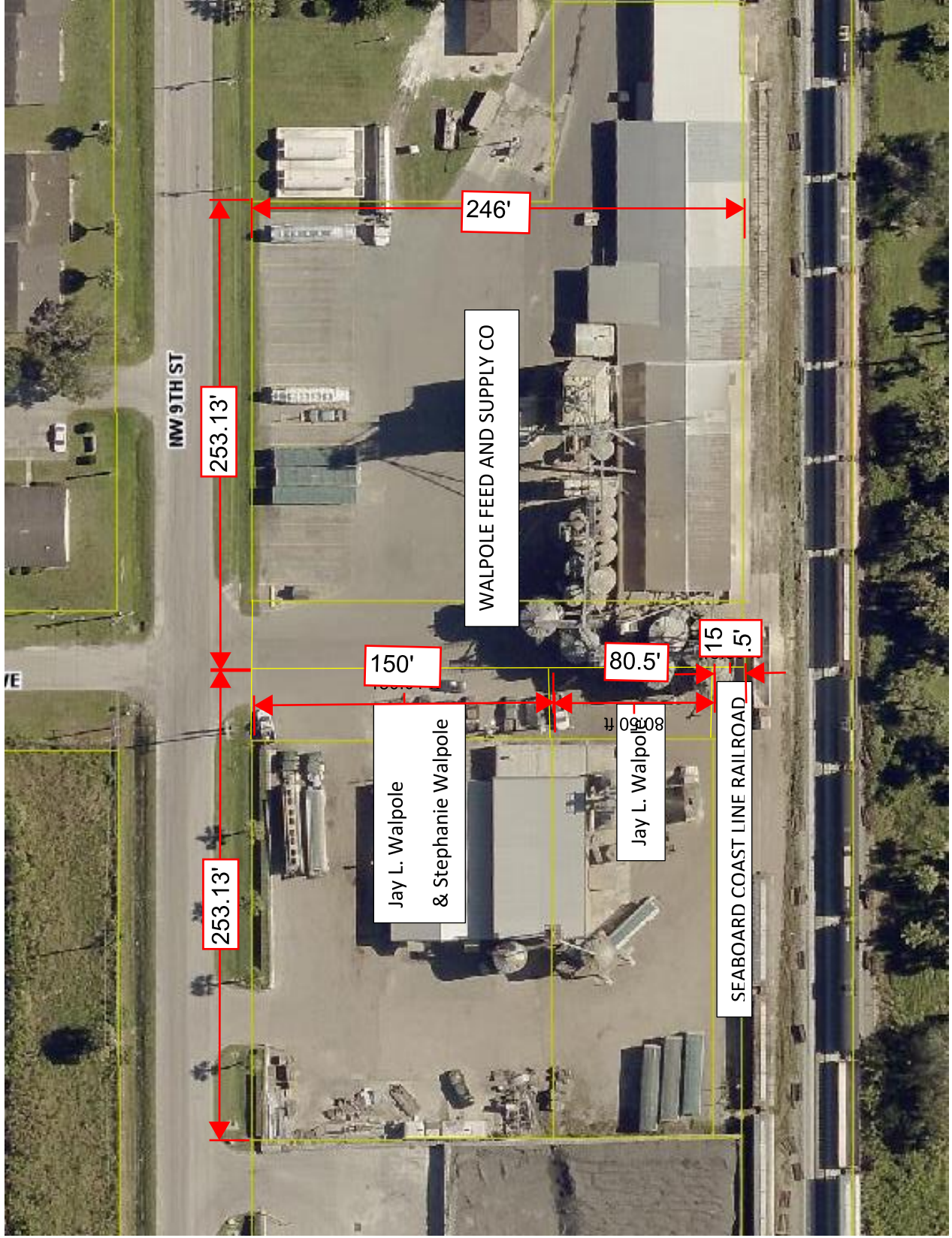
This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

If you have any questions please contact Jerry Peacock at 850-933-8440 or jerry.a.peacock@lumen.com.

Sincerely yours,

Victoria S. Bucher, SR/WA, R/W-NAC, R/W-AMC
Network Real Estate- ROWA
33 North Main Street
Winter Garden, FL 34787
Victoria.bucher@lumen.com

Walpole – NW 5th Avenue Abandonment
Post Abandonment Exhibit



MAY 23 2024

Official Records File#2024005626 Page(s):2
Jerald D Bryant
Clerk of the Circuit Court & Comptroller
Okeechobee, FL Recorded 5/23/2024 11:24 AM
Fees: RECORDING \$18.50 D DOCTAX PD \$0.70

Prepared by/Return to: Steven Dobbs
SLD Newlines Engineering, 209 NE 2nd Street Okeechobee, FL 34972

ACCESS EASEMENT

The undersigned, "Grantor" for the sum of \$10.00 and other good and valuable considerations, the receipt whereof is hereby acknowledged, does hereby grant unto CSX Railroad, 500 Water Street J910, Jacksonville, FL 33202, and to its successors or assigns, the right to enter upon the lands of the undersigned, situated in the County of Okeechobee, State of Florida, and more particularly described in exhibit A.

THIS AGREEMENT made this 23rd day of May, 2024 between **Fort Drum Corporation**, PO Box 1723 Okeechobee, Florida 34973 herein called party of the first part and **CSX Railroad**, its successors and/or assigns of the State of Florida, herein called party of the second part.

WHEREAS, the party of the first part represents and warrants that it owns and has fee simple title to that certain parcel of real estate located in the City of Okeechobee, State of Florida, more particularly bounded and described as follows:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

NOW THEREFORE, it is mutually agreed as follows:

THAT the parties, for themselves, and assigns, grant and convey unto each party, and their assigns, an easement in, to, upon, over and across all that certain parcel of real estate described above.

Said Easement is given for the sole purpose of ingress, egress and utilities and it is agreed and understood that it is not to be construed as an easement given to the exclusion of any one party, and assigns, or to others later, granted a similar right.

TO HAVE AND TO HOLD the said easement unto the parties and unto their successors and assigns forever.

WITNESS as to the Party of the First Part:

Fort Drum Corporation


WITNESS 209 NE 2nd St, Okeechobee FL 34972
Printed Name: JONATHAN THOMPSON


Jay Walpole
Manager


WITNESS 209 NE 2nd St, Okeechobee FL 34972
Printed Name: Wes Abney

STATE OF FLORIDA
COUNTY OF OKEECHOBEE

BEFORE ME, this 23rd day of May, 2024, personally appeared **Jay Walpole, Manager of Fort Drum Corporation** who is personally known to me: or produced _____ as identification.


Notary Public

My Commission Expires: June 23, 2026



EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT PORTION OF NORTHWEST 5TH AVENUE (FORMERLY OSCEOLA STREET) LYING SOUTH OF NORTHWEST 9TH STREET (FORMERLY FIFTEENTH STREET) , NORTH OF THE CSX RAILROAD BED, EAST OF LOTS 1 AND 26, BLOCK 46, CITY OF OKEECHOBEE, AND WEST OF LOTS 13 AND 14, BLOCK 47, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5 AT PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

The 2023 Florida Statutes (including Special Session C)

509.102 Mobile food dispensing vehicles; temporary commercial kitchens; preemption.—

(1)(a) As used in this section, the term “mobile food dispensing vehicle” means any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

(b) As used in this section, the term “temporary commercial kitchen” means any kitchen that is a public food service establishment used for the preparation of takeout or delivery-only meals housed in portable structures that are movable from place to place by a tow or are self-propelled or otherwise axle-mounted, that include self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal. Such kitchens are subject to all provisions of this chapter except as may be provided herein. The term does not include a tent.

(2)(a) Regulation of mobile food dispensing vehicles, and temporary commercial kitchens, involving licenses, registrations, permits, and fees is preempted to the state. A municipality, county, or other local governmental entity may not require a separate license, registration, or permit other than the license required under s. 509.241, or require the payment of any license, registration, or permit fee other than the fee required under s. 509.251, as a condition for the operation of a mobile food dispensing vehicle or temporary commercial kitchen within the entity’s jurisdiction. A municipality, county, or other local governmental entity may not prohibit mobile food dispensing vehicles or temporary commercial kitchens from operating within the entirety of the entity’s jurisdiction.

(b) Any mobile food dispensing vehicle or temporary commercial kitchen that is operated on the same premises as and by a separately licensed public food service establishment may operate during the same hours of operation as the separately licensed public food service establishment that operates such mobile food dispensing vehicle or temporary commercial kitchen.

(3)(a) A temporary commercial kitchen may be used in conjunction with a permanent food service establishment licensed under this chapter for the purpose of supplementing the kitchen operations of the licensed permanent food service establishment. A temporary commercial kitchen may operate in this capacity as follows:

1. On the premises of the licensed permanent food service establishment for 60 consecutive days. Upon request of the operator of a temporary commercial kitchen, the division may grant one extension of up to 60 additional consecutive days.

2. During a period of renovation, repair, or rebuilding, on the premises of the licensed permanent food service establishment or off the premises within the line of sight of, and not to exceed 1,320 feet from, the licensed permanent food service establishment for 120 consecutive days. The division may exercise discretion to grant an additional extension of time upon a reasonable and reliable demonstration by the licensed permanent food service establishment that additional time is needed to complete the renovation, repair, or rebuilding.

(b) If a permanent food service establishment licensed under this chapter, or the land upon which that establishment is sited, is rendered uninhabitable due to a natural disaster that is the subject of a declared state of emergency, a temporary commercial kitchen may operate on the premises of, or as near as reasonably practicable to, the location of the licensed permanent food service establishment. A temporary commercial kitchen may operate in this capacity only during the period of repair and rebuilding of the permanent establishment with which it is associated. The operators of a temporary commercial kitchen operating in this capacity must notify the division of the kitchen's location and renew the notification every 90 days for the duration of its operation.

(c) Except as authorized under paragraphs (a) and (b), a temporary commercial kitchen may not operate in one location for longer than 30 consecutive days. The operators of a temporary commercial kitchen must notify the division within 48 hours after commencing operation in a location.

(4) This section may not be construed to affect a municipality, county, or other local governmental entity's authority to regulate the operation of mobile food dispensing vehicles or temporary commercial kitchens other than the regulations described in subsection (2).

(5) This section does not apply to any port authority, aviation authority, airport, or seaport.

History.—s. 75, ch. 2020-160; s. 2, ch. 2023-48.

City of Okeechobee, Florida Mobile Food Dispensing Vehicles, Ord. 1272

REFERENCE MATERIAL – Excerpts of the State Food Truck Statute

The state food truck statute starts with the prohibitions and permissions:

Prohibition 1: No extra fees or permits.

Regulation of mobile food dispensing vehicles, and temporary commercial kitchens, involving licenses, registrations, permits, and fees is preempted to the state. A municipality, county, or other local governmental entity may not require a separate license, registration, or permit other than the license required under s. 509.241, or require the payment of any license, registration, or permit fee other than the fee required under s. 509.251, as a condition for the operation of a mobile food dispensing vehicle or temporary commercial kitchen within the entity's jurisdiction. s. 509.102(2)(a), Fla. Stat.

The City is aware of this and accounted for it in the preamble to the current MFDV ordinance.

Prohibition 2: No outright ban on food trucks within the City limits.

“A municipality, county, or other local governmental entity may not prohibit mobile food dispensing vehicles or temporary commercial kitchens from operating within the entirety of the entity's jurisdiction.” s. 509.102(2)(a), Fla. Stat.

The City is aware of this and has accounted for it in the current MFDV ordinance by selecting specific zoning classifications where food trucks can operate.

Prohibition 3: No bans on food trucks operating on the same parcel as their main restaurant.

Any mobile food dispensing vehicle or temporary commercial kitchen that is operated on the same premises as and by a separately licensed public food service establishment may operate during the same hours of operation as the separately licensed public food service establishment that operates such mobile food dispensing vehicle or temporary commercial kitchen. s. 509.102(2)(b), Fla. Stat.

The City is aware of this and will address it in future amendments to the Code.

Permission 1: The City can still regulate the operation of MFDVs outside of the above 3 prohibitions.

“This section may not be construed to affect a municipality, county, or other local governmental entity's authority to regulate the operation of mobile food dispensing vehicles or temporary commercial kitchens other than the regulations described in subsection (2).” s. 509.102(4), Fla. Stat.

**ARTICLE VI. MOBILE FOOD
DISPENDING VEHICLES (MFDV)**

DIVISION 1. GENERALLY

Sec. 14-300. Title.

This article shall be known and may be cited as the "Food Truck Ordinance."
(Ord. No. 1272, § 2, 7-18-2023)

Sec. 14-301. Authority.

This article is enacted under the home rule power of the city in the interest of the health, safety, peace, and general welfare of the people of the city.
(Ord. No. 1272, § 2, 7-18-2023)

Sec. 14-302. Applicability.

This section applies to vendors operating mobile food dispensing vehicles (MFDV) as defined in Florida Statutes.
(Ord. No. 1272, § 2, 7-18-2023)

Secs. 14-303—14-340. Reserved.

DIVISION 2. CLASSIFICATIONS

Sec. 14-341. MFDV classifications.

(a) *Classifications.* Mobile food establishments involving the use of a MFDV shall be classified as follows:

- (1) *Class I - Mobile kitchens.* In addition to the vending of products allowed for Class II and Class III, these vehicles may cook, prepare, and assemble food items in the unit and serve a full menu. This also includes vending carts.
- (2) *Class II - Canteen trucks.* These vehicles vend fruits, vegetables, precooked foods, prepackaged foods, and pre-packaged drinks. No preparation or assembly of foods or beverages may take place on or in the vehicle, however, the heating of pre-cooked foods is allowed.
- (3) *Class III - Ice cream trucks.* These vehicles vend only pre-packaged frozen dairy or

frozen water-based food products, soft serve or hand-dipped frozen dairy products or frozen waterbased products and pre-packaged beverages.

- (4) *Exclusions.* As used in this section, the term MFDV does not include minor children operating lemonade or soft drink stands, owners or operators of fresh fruit and/or vegetable stands or other raw, uncooked, unprepared, or nonedible perishable goods, or owners or operators of food or beverage self-service vending machines.

(Ord. No. 1272, § 2, 7-18-2023)

Secs. 14-342—14-360. Reserved.

DIVISION 3. OPERATIONS

Sec. 14-361. Operating without special exception use petition approval or temporary use permit.

(a) All classes of MFDV may operate on private property in the CPO, CLT, CHV, CBD, or IND zoning districts or on any property where a permanent house of worship use is located according to the following standards:

- (1) Written, signed consent of the owner of the property on which the vehicle is operating shall be available upon request by a representative of the city or any regulating agency. The written consent shall specify the address and/or parcel identification number, and the approved operating days and times authorized by the owner.
- (2) No more than two MFDVs shall operate on one parcel at the same time.
- (3) MFDV operations, including customer queuing/waiting area may not occupy more than five percent of the parking spaces required for the other active permitted use(s) on any parcel.
- (4) Existing internal and external vehicle circulation patterns shall not be affected by MFDV operations. The MFDV opera-

tions shall not cause or increase vehicle queuing, congestion, or hazardous conditions.

- (5) Freestanding signage for each MFDV is limited to one non-affixed, A-frame ground sign to be no larger than 20 square feet in area (including both sides), to be removed once the MFDV is no longer operational.
- (6) Placement of tables, seating, and canopies is not permitted in association with MFDV operations.
- (7) All standards of section 14-364 shall apply.

(b) Class III vehicles may operate in the public right-of-way in any zoning district according to the following standards:

- (1) The MFDV may not be stationary for periods exceeding 20 minutes and must not constitute a hazard to vehicular or pedestrian traffic at any time.
- (2) No accessory or appurtenant structures or fixtures shall be erected, installed, or constructed, and no temporary awning or canopy may be employed.
- (3) No tables, seating, or canopies may be provided.
- (4) No sale of goods shall occur outside of any vehicle operating on public rights-of-way.
- (5) Operation is limited to the hours between 9:00 a.m. and sundown, whatever time that may occur.
- (6) No sale or distribution of alcoholic beverages is permitted.
- (7) Short, pre-recorded amplified songs or tunes may be broadcast so long as they comply with the city noise and vibration standards. Amplified music lyrics may not be broadcast at any time.
- (8) All standards of section 14-364 shall apply.

(Ord. No. 1272, § 2, 7-18-2023)

Sec. 14-362. Operating with a special exception use approval.

All classes of MFDVs may operate as a special exception use in those zoning districts where MFDVs are listed as a special exception use and only as approved through the special exception use petition process in accordance with any conditions and site design standards required as part of the special exception use petition approval. Application considerations are as follows:

- (1) A pre-petition meeting with city staff is recommended.
- (2) Upon determination by the city administrator, a traffic impact study may be required.
- (3) A site plan shall be submitted demonstrating adequacy of parking, internal/external vehicular circulation, pedestrian safety, customer service area, compatibility with existing onsite and offsite uses.
- (4) Adequate sanitary facilities, utility, drainage, refuse management, emergency services and access, and similar necessary facilities and services will be available to serve employees and patrons.
- (5) All standards of section 14-364.
- (6) Standards for granting a special exception use provided in section 70-373(b) and the findings for approval provided in section 70-373(c).
- (7) The ultimate decision to approve, deny, or approve with conditions any special exception use petition shall be the responsibility of the city board of adjustment, which may impose any condition necessary to ensure compatibility of the proposed use and ensure public health, safety, and welfare.

(Ord. No. 1272, § 2, 7-18-2023)

Sec. 14-363. Operating with a temporary use permit.

MFDVs may operate on private property, public property and on rights-of-way as authorized by a temporary use permit and in accordance with

any conditions of that permit. Guidelines for MFDV temporary use permit conditions are as follows:

- (1) The MFDV operator shall produce a copy of the temporary use permit for inspection upon request by a representative of the city or any regulating agency.
- (2) MFDV conducting business in conjunction with a city sanctioned event or activity, or events held on city owned or controlled property shall comply with all standards and requirements as established by the event coordinator and/or general services department, in addition to any applicable regulatory agency's regulations.
- (3) Adequate sanitary facilities, utility, drainage, refuse management, emergency services and access, and similar necessary facilities and services will be available to serve employees, patrons, or participants.
- (4) Where a tent or similar structure is to be used, such structure shall:
 - a. Comply with the requirements of the fire marshal.
 - b. Provide the city with a certificate of insurance to cover the liability of the applicant or sponsor.
 - c. Demonstrate that the tent is flame resistant by providing a certificate of flame resistance or other assurance that the structure has been properly treated with a flame retarder and has been maintained as such.
- (5) Freestanding signage for each MFDV is limited to one non-affixed, A-frame ground sign to be no larger than 20 square feet in area (including both sides), to be removed once the MFDV is no longer operational.
- (6) All standards of section 14-364 shall apply.

(Ord. No. 1272, § 2, 7-18-2023)

Sec. 14-364. General operating standards.

The following standards shall apply to all MFDVs operating in the city unless otherwise stated in the conditions of a special exception use petition approval or temporary use permit approval or otherwise stated elsewhere in this chapter.

- (1) Any person engaged in selling, preparing, or dispensing food from a MFDV shall obtain the appropriate approvals and licenses from the State of Florida DBPR, Florida Department of Health, and/or the Florida Department of Agriculture and Consumer Services before operating and shall provide copies of all approvals and licenses upon request.
- (2) The operator of a MFDV shall provide the city, or other regulatory agencies, their Florida State sales tax number upon request and shall maintain display a current vehicle registration tag.
- (3) The operator shall make the MFDV available for routine inspections by the fire marshal, city building official, or city code enforcement officer at any time requested and at any frequency deemed appropriate, while at location or in operation, to ensure compliance with all applicable federal, state, and local fire safety statutes, regulations and codes, and local regulations of this section.
- (4) The operator of the MFDV shall comply with all requirements of the most current edition of the Florida Fire Prevention Code (FFPC) and the National Fire Protection Association (NFPA). Upon inspection, if the fire marshal or an authorized designee determines any violations of the FFPC or NFPA exist, the mobile food establishment can be required to cease operations immediately.
- (5) Mobile food establishments shall have hand sanitizer, or similar, visible and readily available for customer use at all times during hours of operation.
- (6) MFDVs that remain operational on the same site for longer than three consecu-

- tive hours must provide restrooms, or written consent from the property owner allowing public access to existing restrooms within 150 feet of the stationary vehicle.
- (7) MFDV operations shall not interfere with vehicular and pedestrian movement or visibility, block access to loading/service areas, emergency access and fire lanes, driveways, sidewalks, emergency exits, or damage landscaped areas on adjacent sites.
- (8) Except for Class III MFDVs operating in the right-of-way according to the provisions of section 14-361(b), waste receptacles, not less than 32 gallons, shall be provided adjacent to the MFDV, for litter associated with the sales activity. The MFDV operator shall remove all litter, debris, and other waste attributable to the vendor and/or customers daily and ensure that waste disposal receptacle is not overfilled at any time.
- (9) Waste, fat, oil, grease, greywater, or similar substances shall not be discharged into any stormwater system, landscape area, sidewalks, or rights-of-way. MFDV operators are responsible for proper disposal of any waste material in accordance with federal, state, county, or municipal laws, rules, regulations, orders, or permits.
- (10) MFDVs shall not sell alcohol unless specifically licensed to do so and must provide copies of all alcohol-related licensing upon request.
- (11) Except for Class III vehicles operating in the rights-of-way according to the provisions of section 14-361(b), a MFDV shall not make sounds, announcements, or amplify music to call attention to its vending or products either while traveling on public or private right-of-way or when stationary.
- (12) Using balloons, banners, snipe signs, large flashing lights, flags, or other similar devices to attract customers is prohibited, except in accordance with city sign regulations.
- (13) MFDVs shall not park within any required landscape buffers or stormwater retention/detention area.
- (14) MFDVs shall not obstruct the usage of American with Disabilities Act (ADA) accessible parking spaces or associated ADA access aisles.
- (15) Serving from a freestanding grill is prohibited.
- (16) It is prohibited to solicit sales of food or beverages by:
- Stopping passersby;
 - Yelling or making loud noise to attract customers;
 - Using sound amplification in such a manner as to unreasonably disturb peace, quiet and comfort; or
 - Having an attraction which will blockade a street, sidewalk, or other public place.
- (Ord. No. 1272, § 2, 7-18-2023)
- Sec. 14-365. Enforcement.**
- (a) Owners and operators of MFDV and property owners on which such vehicles operate, shall be jointly and severally liable for any violations of this section, subject to the penalty provisions set forth in this section.
- (b) City code enforcement shall be responsible for compliance with the provisions within section 14-300. MFDVs operating in non-compliance of any of the provisions of this section will have the option to immediately cease all operations and leave the location. If there is refusal to leave the site, a citation in the amount of no less than \$200.00 per infraction/per day will be issued to the landowner and the city code enforcement will bring forward a code compliance case against the underlying landowner with the intent of collecting the fine in accordance with city code enforcement procedure.
- (Ord. No. 1272, § 2, 7-18-2023)
- Secs. 14-366—14-380. Reserved.**

	Except where further restricted by these regulations for a particular use, the maximum height of structures shall be as follows: All uses shall be 45 feet, unless a special exception is granted.
(5)	<i>Single-family dwelling unit minimum living area.</i>
	800 square feet

(LDR 1998, § 354; Ord. No. 1079, § 5, 1-17-2012; Ord. No. 1203, § 2, 2-4-2020)

Sec. 90-197. Additional regulations.

Additional regulations which shall apply to all uses in the RMF district include, but are not limited to:

- (1) Concurrency regulations.
- (2) Parking and loading regulations.
- (3) Landscaping regulations.
- (4) Sign regulations.
- (5) Accessory use regulations.
- (6) Supplementary use regulations.
- (7) Environmental and stormwater regulations.
- (8) Utilities regulations.

(LDR 1998, § 355)

Secs. 90-198—90-220. Reserved.

DIVISION 6. COMMERCIAL PROFESSIONAL AND OFFICE (CPO) DISTRICT*

Sec. 90-221. Generally.

(a) Commercial professional and office (CPO) zoning districts shall be permitted only on land designated as future land use category commercial in the comprehensive plan.

(b) Uses in commercial professional and office (CPO) zoning districts shall be subject to the regulations of this division.
(LDR 1998, § 360)

Sec. 90-222. Permitted uses.

Subject to the limitations that no retail sales, or display or storage of merchandise, and no manufacture or mechanical repair work shall be

*Cross reference—Businesses, ch. 14.

permitted, and no trucks larger than three-quarters ton capacity shall be used, the following principal uses and structures are permitted in the CPO district:

- (1) Professional office, business office, medical office.
- (2) Funeral home.
- (3) Storefront church located in a unit in a multi-use building or shopping center.
(LDR 1998, § 361; Ord. No. 1070, § 2, 1-18-2011)

Sec. 90-223. Special exception uses.

The following uses and structures are permitted in the CPO district after issuance of a special exception use petition and may have additional conditions imposed at the time of approval:

- (1) Day care center.
- (2) Personal service and dry cleaning on premises.
- (3) Cafe.
- (4) Business school.
- (5) Private club.
- (6) House of worship.
- (7) Public facility and use.
- (8) Public utility.
- (9) Permitted uses in excess of 45 feet in height.
- (10) Adult family care homes, assisted living facility as defined in F.S. § 429.02(5).
- (11) Free-standing drive-up ATM which is owned and operated by a bank or other financial institution with an office located Okeechobee County.

(12) One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use.

§ 2, 9-28-2015; Ord. No. 1170, § 4, 10-2-2018; Ord. No. 1185, § 2, 8-6-2019; Ord. No. 1272, § 3, 7-18-2023)

(13) Pawnshop.

Sec. 90-224. Customary accessory uses.

Each permitted principal use and special exception use in the CPO district is also permitted to have the customary accessory uses for that use. (LDR 1998, § 363)

(14) MFDV.
(LDR 1998, § 362; Ord. No. 1008, § 1, 2-19-2008; Ord. No. 1115, § 1, 10-21-2014; Ord. No. 1127,

Sec. 90-225. Lot and structure requirements.

Except where further restricted by these regulations for a particular use, the minimum lot and structure requirements in the CPO district shall be as follows:

(1) *Minimum lot area.*

All uses:	Area	6,250 square feet
	Width	50 feet

(2) *Minimum yard requirements.*

Except where a greater distance is required by these regulations for a particular use, minimum yard setbacks shall be as follows:

a. All uses:	Front	20 feet to buildings; ten feet to parking and driveway
	Side	Eight feet; 20 feet abutting residential zoning district
	Rear	Ten feet; 20 feet abutting a residential zoning district

b. The width of an adjacent street or alley may be applied to the increased setback required when abutting a residential district.

(3) *Maximum lot coverage by all buildings.*

	<i>Maximum Coverage</i>	<i>Maximum Impervious Surface</i>
All uses:	50 percent	60 percent

(4) *Maximum height of structures.*

Except where further restricted by these regulations for a particular use, the maximum height shall be as follows: All uses shall be 45 feet, unless a special exception is granted.

(LDR 1998, § 364)

Sec. 90-226. Additional regulations.

Additional regulations which shall apply to all uses in the CPO district include, but are not limited to:

- (1) Concurrency regulations.
- (2) Parking and loading regulations.
- (3) Landscaping regulations.

- (4) Sign regulations.
- (5) Accessory use regulations.
- (6) Supplementary use regulations.
- (7) Environmental and stormwater regulations.
- (8) Utilities regulations.

(LDR 1998, § 365)

Secs. 90-227—90-250. Reserved.**DIVISION 7. LIGHT COMMERCIAL (CLT)
DISTRICT*****Sec. 90-251. Generally.**

(a) Light commercial (CLT) zoning districts shall be permitted only on land designated as future land use category commercial in the comprehensive plan.

(b) Uses in light commercial (CLT) zoning districts shall be subject to the regulations of this division.

(LDR 1998, § 370)

Sec. 90-252. Permitted uses.

The following principal uses and structures are permitted in the CLT district:

- (1) Professional office, business office, medical office.
- (2) Retail store, retail service.
- (3) Personal service.
- (4) Craft studio.
- (5) Storefront church located in a unit in a multi-use building or shopping center.
- (6) Pet grooming.
- (7) Convenience store.
- (8) Medical marijuana dispensary as defined and regulated in F.S., § 381.986.

(LDR 1998, § 371; Ord. No. 1070, § 2, 1-18-2011; Ord. No. 1119, § 2, 2-17-2015; Ord. No. 1130, § 3, 1-19-2016; Ord. No. 1163, § 1, 1-16-2018)

Sec. 90-253. Special exception uses.

The following uses and structures are permitted in the CLT district after issuance of a special exception use petition and may have additional conditions imposed at the time of approval:

- (1) Restaurant, take-out restaurant, cafe.
- (2) Dry cleaner/laundry, laundromat.
- (3) Private club, nightclub, and bar.

*Cross reference—Businesses, ch. 14.

- (4) Business school.
- (5) Radio, television or cable reception, transmission or operational facilities.
- (6) Commercial indoor recreation.
- (7) Commercial parking garage or lot, taxi-stand.
- (8) Outdoor vehicle sales lot.
- (9) House of worship.
- (10) Marina, dock, pier.
- (11) Enclosed storage.
- (12) Public facility or use.
- (13) Public utility.
- (14) Permitted uses in excess of 45 feet in height.
- (15) One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use.
- (16) Group home.
- (17) Adult family care homes, assisted living facilities as defined in F.S. § 429.02(5).
- (18) Nursing homes.
- (19) Taxidermist.
- (20) Free-standing drive-up ATM which is owned and operated by a bank or other financial institution with an office located in Okeechobee County.
- (21) Alcohol and drug rehabilitation center/detox center.
- (22) Recovery center/sober home.
- (23) Pawnshop.

(24) MFDV.

(LDR 1998, § 372; Ord. No. 962, § 1, 12-5-2006; Ord. No. 1008, § 2, 2-19-2008; Ord. No. 1067, § 1, 9-14-2010; Ord. No. 1079, § 6, 1-17-2012; Ord. No. 1119, § 3, 2-17-2015; Ord. No. 1127, § 3, 9-28-2015; Ord. No. 1130, § 4, 1-19-2016; Ord. No. 1170, § 5, 10-2-2018; Ord. No. 1185, § 3, 8-6-2019; Ord. No. 1272, § 3, 7-18-2023)

**DIVISION 8. HEAVY COMMERCIAL (CHV)
DISTRICT***

Sec. 90-281. Generally.

(a) Heavy commercial (CHV) zoning districts shall be permitted only on land designated as future land use category commercial in the comprehensive plan.

(b) Uses in heavy commercial (CHV) zoning districts shall be subject to the regulations of this division.

(LDR 1998, § 380)

Sec. 90-282. Permitted uses.

The following principal uses and structures are permitted in the CHV district:

- (1) Professional office, business office, medical office.
- (2) Retail service, retail store including outdoor display of merchandise.
- (3) Restaurant, take-out restaurant, cafe.
- (4) Personal service.
- (5) Dry cleaner/laundry, laundromat.
- (6) Funeral home.
- (7) Hotel, motel.
- (8) Private club, nightclub and bar.
- (9) Craft studio.
- (10) Business school.
- (11) Commercial indoor recreation.
- (12) Commercial parking garage or lot, taxi-stand, bus terminal.
- (13) Storefront church located in a unit in a multi-use building or shopping center.
- (14) Taxidermist.
- (15) Pet grooming.
- (16) Convenience store.
- (17) Indoor auction house.
- (18) Medical marijuana dispensary as defined and regulated in F.S. § 381.986.

*Cross reference—Businesses, ch. 14.

(19) Pawnshop.
(LDR 1998, § 381; Ord. No. 1070, § 2, 1-18-2011; Ord. No. 1079, § 6, 1-17-2012; Ord. No. 1119, § 4, 2-17-2015; Ord. No. 1130, § 5, 1-19-2016; Ord. No. 1163, § 1, 1-16-2018; Ord. No. 1170, § 6, 10-2-2018; Ord. No. 1185, § 4, 8-6-2019)

Sec. 90-283. Special exception uses.

The following uses and structures are permitted in the CHV district after issuance of a special exception use petition and may have additional conditions imposed at the time of approval:

- (1) Drive-through service.
- (2) Auto service station, car wash.
- (3) Wholesale, warehouse not including bulk storage of flammable liquids.
- (4) Enclosed warehouse and storage.
- (5) Outdoor sales and storage, building trades contractor.
- (6) Flea market.
- (7) Mechanical and repair services.
- (8) Commercial outdoor recreation.
- (9) Veterinary service.
- (10) Crematory.
- (11) Marina, dock, pier.
- (12) Recreational vehicle park, for transient recreation use.
- (13) Radio, television or cable reception, transmission or operational facilities.
- (14) Public facility or use.
- (15) Public utility.
- (16) Permitted uses in excess of 45 feet in height.
- (17) One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use.
- (18) Outdoor vehicle sales lot.
- (19) House of worship.
- (20) Hospitals, which means in patient hospital care.

- (21) Adult family care homes, assisted living facilities as defined in F.S. § 429.02(5).
- (22) Nursing homes.
- (23) Free-standing drive-up ATM which is owned and operated by a bank or other financial institution with an office located in Okeechobee County.
- (24) Alcohol and drug rehabilitation center/detox center.
- (25) Convenience store with fuel pumps.
- (26) Retail pool supplies and equipment (including storage of chemicals for use and/or retail sale).
- (27) Water treatment services (including storage of chemicals for use and/or retail sale).

(28) Pest control (including storage of chemicals for use and/or retail sale).

(29) MFDV.

(LDR 1998, § 382; Ord. No. 867, § 1, 8-17-2004; Ord. No. 962, § 1, 12-5-2006; Ord. No. 1008, § 3, 2-19-2008; Ord. No. 1067, § 2, 9-14-2010; Ord. No. 1127, § 4, 9-28-2015; Ord. No. 1130, § 6, 1-19-2016; Ord. No. 1170, § 7, 10-2-2018; Ord. No. 1272, § 3, 7-18-2023)

Sec. 90-284. Customary accessory uses.

Each permitted principal use and special exception use in the CHV district is also permitted to have the customary accessory uses for that use. (LDR 1998, § 383)

Sec. 90-285. Lot and structure requirements.

Except where further restricted by these regulations for a particular use, the minimum requirements for lots and structures in the CHV district shall be as follows:

- (1) *Minimum lot area.*

All uses:	Area	6,250 square feet
	Width	50 feet
- (2) *Minimum yard requirements.*

Except where a greater distance is required by these regulations for a particular use, the minimum yard setbacks shall be as follows:

 - a. All uses:

	Front	20 feet to buildings; ten feet to parking and driveway
	Side	Eight feet; 20 feet abutting residential zoning district
	Rear	Ten feet; 20 feet abutting a residential zoning district
 - b. The width of an adjacent street or alley may be applied to the increased setback required when abutting a residential district.
- (3) *Maximum lot coverage by all buildings.*

	<i>Maximum Coverage</i>	<i>Maximum Impervious Surface</i>
All uses:	50 percent	85 percent
- (4) *Maximum height of structures.*

Except where further restricted by these regulations for a particular use, the maximum height shall be as follows: All uses shall be 45 feet, unless a special exception is granted.

(LDR 1998, § 384)

Sec. 90-286. Additional regulations.

Additional regulations which shall apply to all uses in the CHV district include, but are not limited to:

- (1) Concurrency regulations.
 - (2) Parking and loading regulations.
 - (3) Landscaping regulations.
 - (4) Sign regulations.
 - (5) Accessory use regulations.
 - (6) Supplementary use regulations.
 - (7) Environmental and stormwater regulations.
 - (8) Utilities regulations.
- (LDR 1998, § 385)

Secs. 90-287—90-310. Reserved.

DIVISION 9. CENTRAL BUSINESS (CBD) DISTRICT*

Sec. 90-311. Generally.

(a) Central business (CBD) zoning districts shall be permitted only on land designated as future land use category commercial in the comprehensive plan.

(b) Uses in central business (CBD) zoning districts shall be subject to the regulations of this division.
(LDR 1998, § 390)

Sec. 90-312. Permitted uses.

The following principal uses and structures are permitted in the CBD district:

- (1) Professional office, business office, medical office.
- (2) Retail service, retail store including outdoor display of merchandise.
- (3) Restaurant, take-out restaurant, cafe.
- (4) Personal service.
- (5) Dry cleaner, laundry.

*Cross reference—Businesses, ch. 14.

- (6) Private club, nightclub, bar.
- (7) Craft studio.
- (8) Business school.
- (9) Commercial indoor recreation.
- (10) Commercial parking garage or lot.
- (11) Storefront church located in a unit in a multi-use building or shopping center.
- (12) Medical marijuana dispensary as defined and regulated in F.S., § 381.986.
(LDR 1998, § 391; Ord. No. 1070, § 2, 1-18-2011; Ord. No. 1163, § 1, 1-16-2018; Ord. No. 1185, § 5, 8-6-2019)

Sec. 90-313. Special exception uses.

The following uses and structures are permitted in the CBD district after issuance of a special exception use petition and may have additional conditions imposed at the time of approval:

- (1) Drive-through service.
- (2) Auto service station, car wash.
- (3) Radio, television or cable reception, transmission or operational facilities.
- (4) Mechanical and repair services.
- (5) House of worship.
- (6) Marina, dock, pier.
- (7) Public facility or use.
- (8) Public utility.
- (9) Permitted uses in excess of 45 feet in height.
- (10) One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use.
- (11) Outdoor vehicle sales lot.
- (12) Free-standing drive-up ATM which is owned and operated by a bank or other financial institution with an office located in Okeechobee County.
- (13) Pawnshop.

(14) MFDV.

(LDR 1998, § 392; Ord. No. 962, § 1, 12-5-2006; Ord. No. 1127, § 5, 9-28-2015; Ord. No. 1170, § 8, 10-2-2018; Ord. No. 1185, § 5, 8-6-2019; Ord. No. 1272, § 3, 7-18-2023)

Sec. 90-314. Customary accessory uses.

Each permitted principal use and special exception use in the CBD district is also permitted to have the customary accessory uses for that use. (LDR 1998, § 393)

Sec. 90-315. Lot and structure requirements.

Except where further restricted by these regulations for a particular use, the minimum lot and structure requirements in the CBD district shall be as follows:

- (1) *Minimum lot area.*

All uses:	Area	As needed to comply with requirements set out in this division.
	Width	None
- (2) *Minimum yard requirements.*

Except where a greater distance is required by these regulations for a particular use, the minimum yard setbacks shall be as follows:

a. All uses:	Front	None
	Side	None or at least eight feet; 20 feet abutting residential zoning district
	Rear	None; 20 feet abutting a residential zoning district

b. The width of an adjacent street or alley may be applied to the increased setback required when abutting a residential district.
- (3) *Maximum lot coverage by all buildings.*

	<i>Maximum Coverage</i>	<i>Maximum Impervious Surface</i>
All uses:	85 percent	100 percent
- (4) *Maximum height of structures.*

Except where further restricted by these regulations for a particular use, the maximum height shall be as follows: All uses shall be 45 feet, unless a special exception is granted.
- (5) *Maximum floor area ratio.* All uses shall be 3 feet.

(LDR 1998, § 394)

Sec. 90-316. Additional regulations.

The following additional regulations shall apply to all uses within this district. In the event an

applicant cannot comply with any additional regulation due to the requirements in section 90-315, such applicant may, in conjunction with

the site plan review by the technical review committee, request a waiver of any such additional regulation.

Additional regulations which shall apply to all uses include but are not limited to:

- (1) Concurrency regulations.
- (2) Parking and loading regulations.
- (3) Landscaping regulations.
- (4) Sign regulations.
- (5) Accessory regulations.
- (6) Supplementary regulations.
- (7) Environmental and stormwater regulations.
- (8) Utilities regulations.
- (9) Building design guidelines.
(LDR 1998, § 395; Ord. No. 816, § 1, 2-4-2003; Ord. No. 1079, § 7, 1-17-2012)

Secs. 90-317—90-340. Reserved.

**DIVISION 10. INDUSTRIAL (IND)
DISTRICT***

Sec. 90-341. Generally.

(a) Industrial (IND) zoning districts shall be permitted only on land designated as future land use category industrial in the comprehensive plan.

(b) Uses in industrial (IND) zoning districts shall be subject to the regulations of this division.
(LDR 1998, § 400)

Sec. 90-342. Permitted uses.

The following principal uses and structures are permitted in the IND district:

- (1) Business office.
- (2) Business school.
- (3) Retail service, retail store including outdoor display of merchandise.

*Cross reference—Businesses, ch. 14.

- (4) Research laboratory.
- (5) Manufacturing, processing, except those which produce explosives.
- (6) Mechanical and repair services.
- (7) Bulk storage of nonhazardous material.
- (8) Off-site sign.
- (9) Outdoor sales and storage, building contractor.
- (10) Wholesale sales and distribution.
- (11) Enclosed warehouse and storage.
- (12) Commercial laundry, dry cleaner.
- (13) Printing.
- (14) Auto service station, car wash.
- (15) Drive-through service.
- (16) Parking garage, parking lot.
- (17) Radio, television or cable reception, transmission or operational facilities.
- (18) Veterinary service.
- (19) Railroad facilities.
- (20) Public utility.
- (21) Public facility.
- (22) Storefront church located in a unit in a multi-use building or shopping center.
- (23) Restaurant, take-out restaurant, cafe.
- (24) Barbershop, beauty shop.
- (25) Dry cleaner/laundry.
- (26) Nail care.
- (27) Shoe repair.
- (28) Tailor.
- (29) Limited agriculture of a commercial nature on properties on which there is an active agricultural exemption, which was granted by the Okeechobee Property Appraiser not later than September 19, 2013.
- (30) Retail pool supplies and equipment, (including storage of chemicals for use and/or retail sale).

- (31) Water treatment services, (including storage of chemicals for use and/or retail sale).
- (32) Pest control (including storage of chemicals for use and/or retail sale).
- (33) Medical marijuana dispensary as defined and regulated in F.S., § 381.986.
- (34) Pawnshop.
- (35) Bar.
(LDR 1998, § 401; Ord. No. 1070, § 2, 1-18-2011; Ord. No. 1079, § 8, 1-17-2012; Ord. No. 1108, § 5, 3-18-2014; Ord. No. 1130, § 7, 1-19-2016; Ord. No. 1163, § 1, 1-16-2018; Ord. No. 1185, § 6, 8-6-2019)

Sec. 90-343. Special exception uses.

The following uses and structures are permitted in the IND district after issuance of a special exception use petition and may have additional conditions imposed at the time of approval:

- (1) Manufacturing chemical or leather products.
- (2) Bulk storage of hazardous material and flammable liquid.
- (3) Salvage yard.
- (4) Other industrial uses not listed.
- (5) Reserved.
- (6) Crematory.
- (7) Fortuneteller.
- (8) Permitted uses in excess of 45 feet in height.
- (9) Outdoor vehicle sales lot.
- (10) Adult entertainment:
 - a. Notwithstanding any other provision of this Code, adult entertainment establishments subject to article V, chapter 14 of subpart A of this Code may not be permitted in any area of the city except as permitted within the industrial district within the provisions and conditions of this Code.

- b. Distance minimums. In addition to subsection (10)a of this section, an adult establishment shall not be permitted to open, operate, or be enlarged so as to come within the following distances:
 - 1. One thousand feet of a permitted, preexisting adult entertainment establishment;
 - 2. One thousand feet of a preexisting commercial establishment that in any manner sells or dispenses alcoholic beverages for on-premises or off-premises consumption;
 - 3. One thousand feet of a preexisting religious institution;
 - 4. One thousand feet of a preexisting educational institution, or library;
 - 5. Five hundred feet of an area zoned for residential uses;
 - 6. One thousand feet of a park, whether improved or not;
 - 7. Two hundred feet of a preexisting government facility, and any halfway house.

- (11) Rehabilitation or half-way homes.
 - a. That as provided in Ordinance No. 967, and included in section 38-43, rehabilitation facilities or half-way homes for treatment and rehabilitation of sexual offenders shall be a special exception use in industrial zoning categories, subject to the following restrictions.
 - b. That any such facility shall be subject to all state laws pertinent to such facilities under the Laws of Florida.
 - c. That such facility shall at no time house in excess of six sexual offenders, excluding employees and staff of the facility.
 - d. That such facility shall be licensed by the State of Florida and be staffed by professional and licensed mental

- health care providers, and provide an organized course of treatment and rehabilitation recognized by the State of Florida and the standard of care recognized by the professions of psychology or psychiatry.
- e. That such facility shall not be located within 1,000 feet of school, public or private; a child care facility, church, public park, adult entertainment facility or a zoning district of RSF-1; RSF-2; RMF.
 - f. That sexual offender is defined as any person convicted under the laws of the State of Florida or similar statutes of any other state, country or province, for an offense recognized

as a sexual offense, regardless of degree of offense or whether adjudication of guilt was withheld by the court.

(12) Nursing homes.

(13) MFDV.

(LDR 1998, § 402; Ord. No. 743, § 1(11-80), 3-21-2000; Ord. No. 976, § 1, 2-20-2007; Ord. No. 1067, § 3, 9-14-2010; Ord. No. 1079, § 8, 1-17-2012; Ord. No. 1272, § 3, 7-18-2023)

Sec. 90-344. Customary accessory uses.

Each permitted principal use and special exception use in the IND district is also permitted to have the customary accessory uses for that use. (LDR 1998, § 403)

Sec. 90-345. Lot and structure requirements.

Except where further restricted by these regulations for a particular use, the minimum lot and structure requirements in the IND district shall be as follows:

- (1) *Minimum lot area.*

All uses:	Area	As needed to comply with requirements set out in this division
	Width	None
- (2) *Minimum yard requirements.*

Except where a greater distance is required by these regulations for a particular use, the minimum yard setbacks shall be as follows:

All uses:	Front	25 feet
	Side	15 feet; 40 feet abutting residential zoning district
	Rear	20 feet; 40 feet abutting residential zoning district
- (3) *Maximum lot coverage by all buildings.*

	<i>Maximum Coverage</i>	<i>Maximum Impervious Surface</i>
All uses:	50 percent	85 percent
- (4) *Maximum height of structures.*

(a) Except where further restricted or enacted by these regulations for a particular use, the maximum height shall be as follows: All uses shall be 45 feet, for any structure in which workers are employed and occupy, or a structure not occupied but which is in the nature of a silo, spire, storage elevator, towers and similar structures, except telecommunication towers governed by [section] 90-601 of land development regulations;

- (24) Signs placed on benches, bus shelters, or waste receptacles except;
 - a. As may be authorized in writing pursuant to F.S. § 337.407; and,
 - b. Waste or recycling receptacles located on-site and containing only the name of the business or organization and the term "waste", "recycling" or similar terms intended to confer the purpose of the receptacle.
- (25) Signs or commercial displays on motor vehicles, trailers, boats, or other transportable device in excess of ten square feet total, when such vehicle, boat, trailer or device is parked on any public street, public right-of-way, on-street parking space or other public parking area, or other municipally owned property, except:
 - a. For the period during which the driver is visiting, patronizing, or providing delivery or service to, an establishment in the immediate vicinity; or,
 - b. For vehicles which are customarily used on a daily basis for delivery or service and which are parked in the immediate vicinity of the business to which they are associated.

The purpose of this subsection (25) is to prevent the deliberate use of a vehicle or other device to thwart the city's limitations on off-premises advertising.

- (26) Off-premises signs on any property other than property located within the industrial zoning district, except that certain off-premises signs are allowed as provided for under subsections (24)a. and (25) of this section and in section 90-575.
(Ord. No. 994, § 1, 4-21-2009; Ord. No. 1058, § 1, 4-6-2010)

Sec. 90-569. Sign area computation.

(a) For freestanding signs, the sign area shall be the area within the smallest geometric shape that touches the outer points or edges of the sign face.

(b) For building signs, except murals and noncommercial artwork, the sign area shall be the area within the smallest geometric shape that touches the outer point of raised portions of the sign, or all of the borders or trims, or in the absence of such border or trim, the outer points of the letters or pictures.

(c) For freestanding signs where two sign faces are placed back to back on a single sign structure, and the faces are at no point more than four feet apart, the sign area shall be the area of one of the faces.

(d) For freestanding signs, where four sign faces are arranged in a square, rectangle, or diamond, the sign area shall be the area of the two largest faces.

(e) Where a freestanding sign or building sign is in the form of a three-dimensional object, the sign area shall be the area within the smallest geometric shape that touches the outer points or edges of the largest possible two-dimensional outline of the three-dimensional object and multiplying that area by two.
(Ord. No. 994, § 1, 4-21-2009; Ord. No. 1058, § 1, 4-6-2010)

Sec. 90-570. Allowable temporary signs (no permit required).

(a) Any temporary sign not complying with the requirements of this section is illegal and subject to immediate removal by the city.

(b) The following temporary signs are permitted without a sign permit, provided that the sign conforms to the requirements associated therewith. Further, these signs shall not be counted as part of the allowable number or area of freestanding or building signs.

- (1) Signs to indicate that an owner is, either personally or through an agent, actively attempting to sell, rent, or lease property on which the sign is located, provided that the sign:
 - a. Does not include the price, terms or similar details.
 - b. Is not illuminated in any manner so as to create a traffic hazard or

- distracted, or constitute a nuisance to any adjacent or surrounding property.
- c. Does not exceed six square feet in area in residential districts.
 - d. Does not exceed 32 square feet in all other districts.
 - e. Is removed immediately after sale, lease or rental.
- (2) Construction site identification signs provided that the sign:
- a. Does not exceed 32 square feet in sign area.
 - b. Is not displayed more than 60 days prior to the beginning of actual construction of the project.
 - c. Is removed within 15 days after the issuance of the final certificate of occupancy.
 - d. Is removed if construction is not initiated within 60 days after the message is displayed, or if construction is discontinued for a period of more than 60 days, pending initiation or continuation of construction activities.
 - e. Is not located on a public right-of-way.
- (3) Signs, including portable signs, to announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, festivals or any public, charitable educational or religious event or function, provided that the sign:
- a. Is located on the lot same property where the event will occur or, if located elsewhere, the written consent of the property owner on which the sign(s) will be located has been obtained,
 - b. Is not displayed more than 14 days prior to the event, and
 - c. Is removed within three days after the event.
- (4) Within the CBD District only, temporary portable signs placed on the city owned sidewalk in front of the business provided they do not interfere or endanger pedestrian traffic and are not displayed any time other than during the normal operating hours of the business.
 - (5) Except for Class III MFDVs operating in the right-of-way according to the provisions of section 14-361(2), and unless otherwise permitted according to an approved special exception use petition or temporary use permit, MFDV are allowed one non-affixed, A-frame ground sign to be no larger than 20 square feet in area (including both sides), to be removed once the business is no longer operational.
(Ord. No. 994, § 1, 4-21-2009; Ord. No. 1058, § 1, 4-6-2010; Ord. No. 1272, § 3, 7-18-2023)
- Sec. 90-571. Freestanding monument signs.**
- Freestanding monument signs are permitted within all commercial and industrial zoning districts provided that;
- (1) The sign area for each multiple occupancy complex and each occupant not located in a multiple occupancy complex shall not exceed 64 square feet in area, or eight feet in height.
 - (2) No development shall have more than one freestanding monument sign.
 - (3) They are located consistent with all applicable set back requirements and are not located in a public right-of-way.
(Ord. No. 994, § 1, 4-21-2009)
- Sec. 90-572. Building signs.**
- (a) Building signs for buildings with a single business or occupant;
 - (1) The total area of all building signs for an enterprise shall not exceed one square foot of sign face area for each linear foot of property along the front of the lot. For