



CITY OF OKEECHOBEE, FLORIDA
OCTOBER 20, 2020, REGULAR CITY COUNCIL MEETING
REVISED DRAFT SUMMARY OF COUNCIL ACTION

I. CALL TO ORDER

Mayor Watford called the regular meeting of the City Council for the City of Okeechobee to order on Tuesday, October 20, 2020, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida. Pursuant to Executive Order No. 20-69 issued by Governor DeSantis on March 20, 2020, and extended by Executive Order No. 20-246 effective September 30, 2020, the meeting was conducted utilizing communications media technology (CMT) as provided by Florida Statutes 120.54(5)(b)2, by means of Zoom.com Meeting ID 2459713294. The Host computer was operated by Executive Assistant Brock. The video, audio, and digital comments were recorded and retained as a permanent record. The invocation was offered by Mayor Watford, followed by the Pledge of Allegiance by Council Member Jarriel.

II. ATTENDANCE

Roll Call was taken by City Clerk Lane Gamiotea to establish a quorum. Members present: Mayor Dowling R. Watford, Jr., Council Members Wes Abney, Monica Clark, Bob Jarriel, and Bobby Keefe. City Attorney John Fumero was in attendance.

Department Heads in attendance: City Administrator Marcos MontesDeOca, Police Chief Bob Peterson, Fire Chief Herb Smith, and Public Works Director David Allen. Additional support staff in attendance: Deputy City Clerk Bobbie Jenkins, General Services Coordinator Patty Burnette, Finance Director India Riedel, and Executive Assistant Robin Brock.

III. AGENDA AND PUBLIC COMMENTS

A. Mayor Watford asked whether there were any agenda items to be added, deferred, or withdrawn; New Business Item E was added.

B. Council Member Abney moved to approve the agenda as amended; seconded by Council Member Jarriel.

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.

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

IV. PROCLAMATIONS AND PRESENTATIONS

A. Mayor Watford proclaimed October 24, 2020 as "World Polio Day." The document was accepted by Mrs. Melisa Jahner and Mrs. Denise Whitehead, and read into the record as follows: "Whereas, Rotary is a global network of neighbors, friends, leaders, and problem-solvers who unite and take action to create lasting change in communities across the globe; and Whereas, the Rotary motto, Service Above Self, inspires members to provide humanitarian service, follow high ethical standards, and promote goodwill and peace in the world; and Whereas, Rotary in 1985 launched PolioPlus and in 1988 helped establish the Global Polio Eradication Initiative, which today includes the World Health Organization, U.S. Centers for Disease Control and Prevention, UNICEF, and the Bill and Melinda Gates Foundation, and Gavi, the Vaccine Alliance, to immunize the children of the world against polio; and Whereas, polio cases have dropped by 99.9 percent since 1988 and the world stands on the threshold of eradicating the disease; and Whereas, to date, Rotary has contributed more than US \$2.1 billion and countless volunteer hours to protecting more than 2.5 billion children in 122 countries; and Whereas, Rotary is working to raise an additional \$50 million per year, which would be leveraged for maximum impact by an additional \$100 million annually from the Bill and Melinda Gates Foundation; and Whereas, these efforts are providing much-needed operational support, medical staff, laboratory equipment, and educational materials for health workers and parents; (continued on page 2)

IV. PRESENTATIONS AND PROCLAMATIONS CONTINUED

ITEM A CONTINUED: and Whereas, there are over 1.2 million Rotary members in more than 35,000 clubs throughout the world that sponsor service projects to address such critical issues as poverty, disease, hunger, illiteracy, and the environment in their local communities and abroad. Now Therefore, I, Dowling R. Watford, Jr., Mayor of the City of Okeechobee, FL, do hereby proclaim October 24, 2020, as 'World Polio Day' in Okeechobee and encourage all citizens to join me and Rotary International in the fight for a polio-free world." Mrs. Jahner thanked the Council for the Proclamation. She also provided "polio piggybanks" and challenged City employees to contribute coins to them to help the End Polio Now movement sponsored by the Rotary Club of Okeechobee.

V. CONSENT AGENDA

A motion was made by Council Member Keefe to approve the consent agenda items A through C [September 2020 Warrant Register in the amounts: General Fund \$596,022.92, Public Facilities Improvement Fund \$23,201.64, Capital Improvement Projects Fund \$225,414.61, and Law Enforcement Special Fund \$225.00 (the complete list is incorporated within the official minute file); annual renewal of the crime lab fees of \$35,620.00 with Indian River Crime Laboratory (as provided in Exhibit 1); rejection of submittals received for Bid No. PW 04-00-09-20 City Hall, Fire Department, Records Retention Building Painting Project (as provided in Exhibit 2)]; **seconded by Council Member Clark.**

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.

VI. MAYOR WATFORD OPENED THE PUBLIC HEARING AT 6:12 P.M.

A. A motion was offered by Council Member Jarriel to read proposed Ordinance No. 1218 by title only regarding Land Development Regulations Text Amendment No. 20-001-TA [as provided in Exhibit 3]; **seconded by Council Member Clark.**

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.

Attorney Fumero read proposed Ordinance No. 1218 by title only as follows: "**AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING CHAPTER 90 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF OKEECHOBEE; AMENDING SECTION 90-162, REVISING PERMITTED USES IN THE RESIDENTIAL MOBILE HOME ZONING DISTRICT; AMENDING SECTION 90-165, REVISING MINIMUM LOT AND STRUCTURE REQUIREMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**"

Council Member Clark moved to approve the first reading and set November 17, 2020 as the final Public Hearing for proposed Ordinance No. 1218; seconded by Council Member Jarriel.

Mayor Watford yielded the floor to City Planning Consultant Mr. Ben Smith, LaRue Planning and Management Services, who explained the proposed Text Amendment is the outcome of an inquiry received from a builder regarding development rights in the Residential Mobile Home (RMH) zoning district. The permitted uses in the RMH district were not well defined, and the setbacks did not correlate with the allowable density.

Proposed Ordinance No. 1218 provides the following amendments to Chapter 90-Zoning, Article III-Districts and District Regulations, Division 4-Residential Mobile Home (RMH) District: Section 90-162 Permitted Uses, (2) Mobile home park, with one mobile home per lotsite (each site meeting the lot and site area requirements of Section 90-165(2)(a)). (8) Site-built or modular single-family homes on lots in mobile home parks existing as of August 1, 2007. (9) Mobile homes and single-family homes on undersized lots that have existed since August 1, 2007.

VI. PUBLIC HEARING CONTINUED

ITEM A. CONTINUED: Section 90-165 Lot and structure requirements, (2) Minimum lot and site area. a. ~~Mobile home and single family home: Area 5,000 7,620 square feet;~~ b. Single Family Home: Area 10,000 square feet, Width 50 feet. ~~b.c. Other permitted principal uses.~~ (3) Minimum yard requirements: ~~a. District yard minimum: 20 feet on all property boundaries.~~ ba. Mobile home and single-family home. eb. Other permitted principal uses.

Mayor Watford opened the floor for public comments; there was none. Council Member Abney questioned the significance of the date August 1, 2007. There being no significance, Attorney Fumero recommended amending it to be the effective date.

A motion to amend [proposed Ordinance No. 1218 by changing] the date of August 1, 2007 to November 17, 2020, in Section 90-162(9) was offered by Council Member Abney and seconded by Council Member Jarriel.

VOTE ON MOTION TO AMEND: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion to Amend Carried.

VOTE ON MOTION AS AMENDED: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried as Amended.

MAYOR WATFORD CLOSED THE PUBLIC HEARING AT 6:25 P.M.

VII. NEW BUSINESS

A. A motion was offered by Council Member Jarriel to read proposed Ordinance No. 1219 by title only regarding Land Development Regulations Text Amendment No. 20-002-TA [as provided in Exhibit 4]; seconded by Council Member Clark.

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.

Attorney Fumero read proposed Ordinance No. 1219 by title only as follows: **“AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING CHAPTER 70 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF OKEECHOBEE; AMENDING SECTION 70-340, BROADENING THE APPLICABILITY OF THE FINDINGS REQUIRED FOR GRANTING PETITIONS; AMENDING FORM 1 OF APPENDIX A TO CLARIFY THE PROCEDURES FOR COMPREHENSIVE PLAN AMENDMENT PETITIONS; AMENDING FORM 3 OF APPENDIX A TO CLARIFY THE PROCEDURES FOR ZONING DISTRICT BOUNDARY CHANGE PETITIONS; CREATING FORM 19 IN APPENDIX A TO PROVIDE STANDARDS AND PROCEDURES FOR ADMINISTRATIVELY INITIATED COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENTS; CREATING FORM 20 IN APPENDIX A TO PROVIDE STANDARDS AND PROCEDURES FOR ADMINISTRATIVELY INITIATED ZONING DISTRICT BOUNDARY CHANGE PETITIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.”**

Council Member Clark moved to approve the first reading and set November 17, 2020 as the final Public Hearing date for proposed Ordinance No. 1219; seconded by Council Member Keefe.

Mr. Smith explained, as Council directed, the Planning Board has been working on revising the conflicts between the zoning and future land use maps. These amendments will pave the method to process those amendments. Applicability of the findings required for granting petitions need to be broadened; and amendments to Forms 1 and 3 of Appendix A, and the addition of Forms 19 and 20 for the City initiated program were provided. Council Member Abney clarified City initiated petitions would not require a survey and there was no legal issue with requiring them when initiated by applicants.

VIII. NEW BUSINESS CONTINUED

ITEM A CONTINUED: Mayor Watford opened the floor for public comments. Mr. Steve Dobbs questioned the process of determining which parcels would qualify for a City-initiated program. Mr. Smith confirmed the Planning Board is currently working on recommendations for a streamlined program to be forwarded to the City Council for approval. Mr. Dobbs and the Council noted their appreciation and were glad to see this making progress.

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.

- B. Council Member Jarriel moved to adopt proposed Resolution No. 2020-18, creating the Flagler Park Design Review Advisory Committee (FPDRAC) [as provided in Exhibit 5]; seconded by Council Member Keefe.**

Attorney Fumero read proposed Resolution No. 2020-18 by title only as follows: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OKEECHOBEE, FLORIDA, ESTABLISHING THE FPDRAC.”**

Exhibit 5 included a memorandum issued from Attorney Fumero that provided the FPDRAC would be comprised of seven members appointed by the City Council along with two alternate members, with a term of one-year. Members are subject to the State of Florida Sunshine, Ethics and Public Records laws. Proposed Resolution No. 2020-18 outlines the duties of the FPDRAC, the rules of conduct, and authority of the chair. The City Administrator, or his designee, would serve as a non-voting ex-officio member.

The City Clerk will advertise and receive citizen board applications and present them for appointment by the City Council.

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.

- C. A motion was offered by Council Member Clark to appoint Council Member Wes Abney as a [non-voting] ex-officio member to the Citizens Charter Review Advisory Committee [through January 4, 2021]; seconded by Council Member Keefe.**

After a brief discussion, it was confirmed the Council may consider appointing him as a regular member at the end of his Council Member term. Mayor Watford reiterated his position from the October 6, 2020 meeting regarding this subject.

VOTE: Ayes-Council Members Abney, Clark, Jarriel, and Keefe. Nays-Mayor Watford. Motion Carried.

- D.** Exhibit 6 included a memorandum from Attorney Fumero providing at its meeting on July 21, 2020, the City Council directed him to negotiate with Okeechobee County, on the City’s behalf, to develop a proposed Fire Services Interlocal Agreement (FSIA). Since that time, numerous conference calls have been conducted with the County’s Attorney and Administrator to discuss specific FSIA terms and conditions. To maintain open and up-to-date communications, Attorney Fumero provided updates on negotiations and outstanding issues concerning the FSIA at the August 28, 2020, September 3, 2020, September 21, 2020, and October 6, 2020 City Council meetings. On September 18, 2020, Administrator MontesDeOca and Attorney Fumero conducted one-on-one briefings with the Mayor and each Council Member.

At the October 6, 2020, Council meeting, Attorney Fumero reported the outstanding FSIA items as set forth in a memorandum issued on October 2, 2020. The final direction of the City Council and subsequent negotiations with the County encompassed the following:

1. City shall fund a maximum of up to three temporary positions at the County for a period of no longer than two years. There are three City employees who are not currently in paramedic training but who may enroll in the future.

IX. NEW BUSINESS CONTINUED

ITEM D.1. CONTINUED: The County will consider these individuals for employment as temporary employees. In this regard, additional FSIA language was developed to set forth the conditions for up to three temporary positions at the County. These temporary positions are intended to allow additional time for City fire personnel to successfully obtain paramedic certification.

2. City Council directed that, in the event that any one of those seven City fire personnel currently in the paramedic program are unsuccessful in obtaining paramedic certification before commencement date, such individuals shall have priority preference (based upon seniority at the City) in taking one or more of the three temporary City funded positions at the County
3. Regarding the FSIA commencement date, to allow ample time for City fire personnel to complete paramedic training and become certified, the City Council signed off on a FSIA commencement date of June 1, 2021.
4. While outside the scope of the FSIA, City Council agreed on the separation packages for each of the affected fire personnel. Each affected City fire personnel will be provided with a separation agreement specifying payment terms and related issues.

City fire personnel were informed that they must submit a completed employment application with the County on or before October 16, 2020, should they wish to be considered for County employment.

Attorney Fumero distributed the latest draft of the FSIA at the beginning of the meeting. He noted that there are certain aspects of the FSIA that are pending, subject to review and approval. Two experts were retained by the City for the limited purpose of reviewing the pension, labor and union issues raised by the FSIA. With regard to pension issues, Attorney Jim Lynn of Tallahassee is reviewing the City's obligations and options regarding City fire personnel pension obligations. The Florida Department of Retirement is also reviewing the issue but has not provided their findings to date. Attorney Carmen Rodriguez is reviewing union and separation agreement terms. While the body of the FSIA is generally complete, four substantive exhibits are in the process of being finalized. They are Exhibit A-Listed employees to be hired by County; Exhibit B-Temporary positions; Exhibit C-Pension election form; Exhibit D-City's inventory fire vehicles and equipment to be transferred to County.

Council Member Jarriel moved to approve the Interlocal Agreement between Okeechobee County and the City of Okeechobee for Fire Services in substantial conformance with the draft dated October 12, 2020, that has been presented tonight, recognizing that there may be additional refinements to the Agreement including those addressing labor and pension issues. If there are material changes to the Interlocal Agreement hereafter, Staff is directed to present such changes to Council for approval; seconded by Council Member Clark.

It was also confirmed that the longevity service bonus pay issue, brought about by Council Member Abney, has not been resolved and will be presented to the Council within the next month. Mayor Watford confirmed the vehicles that will be given to the County at no cost are the ladder truck, fire engine 9, and a pickup truck. The truck is currently in question as the City will need to retain it. The inspection fees will be remitted to the County quarterly with no collection fee paid to the City.

The Fire Station Apparatus Storage Bays will be utilized for storage only by the County for a period not to exceed two years, with the County reimbursing the City for utilities. Administrator MontesDeOca added the insurance premiums were also to be reimbursed, but Attorney Fumero confirmed that was not included in the FSIA. Council Member Clark voiced concerns with the City not receiving the fees collected in association with inspection fees, as the County Administrator stated those fees would come back to the City. Attorney Fumero replied he specifically addressed that and has an email explaining that is no longer the County's position.

VII. NEW BUSINESS CONTINUED

ITEM D. CONTINUED: Fire Chief Smith confirmed that the three temporary positions included in the FSIA will no longer be funded by the City after the two year period. Also, should any of the seven employees fail their paramedic certification, a temporary position will be given to them based on seniority, which could result in a non-certified temporary employee not being considered for employment by the County.

Mayor Watford opened the floor for public comments. Mr. Frank W. Williamson, III spoke on behalf of the Economic Council of Okeechobee, and thanked the Council for its efforts to save the taxpayers' dollars and encouraged the adoption of the FSIA. Mr. Steve Dobbs spoke in favor of the FSIA, adding that although this is a business decision, the pace of fruition happened slower than it would in the corporate world.

Mayor Watford stated his objections to the motion. There is an issue of saving taxpayers money versus providing services, which is the only reason the City exists. One has to weigh whether the savings is worth the services that will be given up. If the Council wants to save taxpayers money, then do away with the City and there will be no City taxes. Closing the Fire Department is a major change to the City, as fire services have been provided since the City was founded in 1915. He would have preferred this issue be addressed by a voter referendum. There was a large crowd in attendance, not only tonight but each time this issue has been discussed, most have spoken against it. Another savings method he offered was to implement a fire tax in the City, administered by the County, resulting in funding from non-ad valorem taxes. He strongly objected to giving the vehicles to the County since they were paid for by City taxpayers. The City should be allocated a collection fee for the fire inspection fees, as the State even allows a collection fee on sales tax. Another point of objection, although controversial, is this decision being made by five people; one of those people will not be here after January, two of the people have indicated that they may not be here in two more years, which could essentially result in three of the five people not being here to deal with the repercussions long after this decision is made. He then asked for any further discussion; none was offered. [See the Council Comments section of the agenda for additional comments on this item].

VOTE: Ayes-Council Members Abney, Clark, Jarriel, and Keefe. Nays-Mayor Watford. Motion Carried.

- E. **ITEM ADDED TO AGENDA. Council Member Clark moved to approve temporarily closing a portion of Southwest 4th Street between Southwest 5th and 6th Avenues on October 31, 2020, from 3:00 to 9:00 P.M. for a Fall Family Festival submitted by First Baptist Church [as provided in Exhibit 7]; seconded by Council Member Abney.**

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.

VIII. COUNCIL COMMENTS

Council Member Jarriel expressed his disappointment in the comments made in opposition to approving the FSIA (New Business Item D). He stated he is obligated to act on behalf of the taxpayers regardless of the amount of time remaining in one's term. After 18-months of negotiations the Council had all the facts and information to make the decision and asked that individuals refrain from making negative comments about the action taken this evening. He also expressed his appreciation to the City Fire Department employees for continuing to go above and beyond the call of duty, and to the Council Members who fought to ensure each Department employee would be taken care of. The decision on this issue is not a reflection of Fire personnel not doing their jobs. He hoped everyone could focus on the positive of the decision.

Council Member Clark thanked Staff for their continued efforts on the FSIA negotiations (New Business Item D). She wanted everyone to know she took the time to speak with the Fire Department employees to apologize for the initial lack of communication, and that they expressed their appreciation to her for the severance package.

VIII. COUNCIL COMMENTS CONTINUED

Council Member Clark then distributed an events calendar from the Okeechobee County Tourist Development Council and emphasized there will be a youth football championship tournament held in Okeechobee on November 18 through 22, 2020, which will bring in over 80 teams. All hotels have been booked, and she wanted to ensure businesses were made aware in order to prepare. She further explained the fishing tournaments scheduled bring approximately \$600,000.00 to \$1,000,000.00 per event to the County. She encouraged everyone to check the calendar on a regular basis.

IX. There being no further items on the agenda, Mayor Watford adjourned the meeting at 7:31 P.M. The next regular meeting is scheduled for November 5, 2020, at 6:00 P.M.

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

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

REVISED DRAFT