

On Monday, December 8, 2014 at 6:00 p.m., the City of Wauchula Commission met for its regular meeting in the Commission Chambers at 225 East Main Street, Suite 105, Wauchula.

**Nadaskay called the meeting to order.**

Commissioners present were Mayor Pro-Tem Neda Cobb, Russell Smith, Kenneth Lambert, Mayor Keith Nadaskay, Gary Smith, Sherri Albritton and Dr. Peter Preston.

Also present were City Manager Terry Atchley, Assistant City Manager Olivia Minshew, City Attorney Thomas Cloud, Community Redevelopment Agency Coordinator Jessica Newman, Chief John Eason, Lt. Matthew Whatley and City Clerk Holly Smith.

**Nadaskay declared a quorum.**

**Approval of Minutes for November 3, 2014 Workshop**

Cobb motioned to approve the minutes of November 3<sup>rd</sup> Workshop, seconded by Albritton.

With no discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

**Approval of Minutes for November 10, 2014 Commission Meeting**

Cobb motioned to approve the minutes of November 10<sup>th</sup> Meeting, seconded by Preston.

With no discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

**Approval of Agenda**

Lambert motioned to approve the agenda as presented, seconded by R. Smith.

With no discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

**AWARDS/PRESENTATIONS**

**Curb Appeal Award – DECEMBER 2014**

Nadaskay presented the award to 528 West Main Street, home of Safeguard Security.

Kenneth Hunt, owner, was not present to accept the award.

Nadaskay reminded the audience of the procedures for making public comments during the meeting.

**ORDINANCES/PUBLIC HEARINGS**

**Request approval of Ordinance 2014-16 – AMENDING CHAPTER 23, ARTICLE 2, REGULATIONS FOR SPECIFIC DISTRICTS, SECTION 2.02.01 ZONING DISTRICT SUMMARY TABLES, TABLE 2.02.01(A) TABLE OF LAND USES TO INCLUDE FARM LABOR CAMPS AND JUNKYARDS- Public Hearing – 2<sup>nd</sup> Reading**

Nadaskay announced the Public Hearing and asked anyone who wished to speak identify themselves for the record and address the Commission.

Jennifer Codo-Salisbury from Central Florida Regional Planning Council was in attendance for the Public Hearing. She explained the Ordinance was to correct a scrivener's error which occurred during the updating of the Code. Ms. Codo-Salisbury answered questions about the zoning of such uses as well as other questions from the public as to the specific locations which these uses would be allowed.

Hearing no further comment, Nadaskay closed the Public Hearing.

Attorney Cloud read Ordinance 2014-16 by title only.

Lambert motioned to approve Ordinance 2014-16, seconded by Cobb.

With no further discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

**Request approval of Ordinance 2014-17 - AMENDING CHAPTER 23, ARTICLES 3, 7 AND 8 RELATED TO THE PLANNING AND ZONING BOARD MAKING THE FINAL DETERMINATION ON VARIANCE APPLICATIONS- Public Hearing – 2<sup>nd</sup> Reading**

Nadaskay announced the Public Hearing and asked anyone who wished to speak identify themselves for the record and address the Commission.

Jennifer Codo-Salisbury from Central Florida Regional Planning Council was in attendance for the Public Hearing and explained the reason for the Ordinance.

Hearing no further comment, Nadaskay closed the Public Hearing.

Attorney Cloud read Ordinance 2014-17 by title only.

Preston motioned to approve Ordinance 2014-17, seconded by G. Smith.

With no other discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

**Request approval of Ordinance 2014-18 - AMENDING CHAPTER 23, ARTICLE 2, REGULATIONS FOR SPECIFIC DISTRICTS, SECTION 2.03.00, GENERAL REGULATIONS FOR ALL ZONING DISTRICTS, TO INCLUDE SECTION 2.03.10 TEMPORARY, OFF PREMISES SALES OF MOTOR VEHICLES AND VESSELS - Public Hearing – 2<sup>nd</sup> Reading**

Nadaskay announced the Public Hearing and asked anyone who wished to speak identify themselves for the record and address the Commission.

Jennifer Codo-Salisbury from Central Florida Regional Planning Council was in attendance for the Public Hearing and explained the amendments needed in the Code. Some discussion was had on the subject and the impact such sales have on the area and other issues such as fees and requirements.

Hearing no further comment, Nadaskay closed the Public Hearing.

Attorney Cloud read Ordinance 2014-18 by title only.

Lambert motioned to approve Ordinance 2014-18, seconded by R. Smith.

With no further discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

**Request approval of Ordinance 2014-19 - AMENDING CHAPTER 23, ARTICLE 2, REGULATIONS FOR SPECIFIC DISTRICTS, SECTION 2.02.01, ZONING DISTRICT SUMMARY TABLES, SPECIFICALLY TABLE 2.02.01(A) TABLE OF LAND USES TO INCLUDE PAWN SHOPS, AND AMENDING CHAPTER 23, ARTICLE 3, DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS, SECTION 3.08.00 DEVELOPMENT STANDARDS FOR USES PERMITTED WITH CONDITIONS TO INCLUDE PAWN SHOPS; AND AMENDING ARTICLE 9, DEFINITIONS AND ACRONYMS, TO INCLUDE PAWN SHOPS - Public Hearing – 2<sup>nd</sup> Reading**

Nadaskay announced the Public Hearing and asked anyone who wished to speak identify themselves for the record and address the Commission.

Jennifer Codo-Salisbury from Central Florida Regional Planning Council was in attendance for the Public Hearing and explained the amendments regarding pawn shops within the City.

Hearing no public comment, Nadaskay closed the Public Hearing.

Attorney Cloud read Ordinance 2014-19 by title only.

Preston motioned to approve Ordinance 2014-19, seconded by Cobb.

With no further discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

**Request approval of Ordinance 2014-21 - AMENDING THE CODE OF ORDINANCES, CHAPTER 23, ARTICLE 4, SIGN REGULATIONS, AND THE CODE OF ORDINANCES, CHAPTER 23, ARTICLE 9, DEFINITIONS, TO INCLUDE SIDEWALK SIGNS – 1<sup>st</sup> Reading**

Attorney Cloud read Ordinance 2014-21 by title only.

Lambert motioned to approve Ordinance 2014-21, seconded by G. Smith.

Albritton had questions about the amendment which Ms. Minshew answered for clarification purposes.

With no further discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

Albritton had some questions regarding the Ordinance and minor discussion was held.

**Request approval of Ordinance 2014-22 - UPDATE OF THE ADOPTED CAPITAL IMPROVEMENTS ELEMENT AND 5-YEAR CAPITAL IMPROVEMENTS PLAN OF THE CITY OF WAUCHULA 2030 COMPREHENSIVE PLAN – 1<sup>st</sup> Reading**

Attorney Cloud read Ordinance 2014-22 by title only.

G. Smith motioned to approve Ordinance 2014-22, seconded by Albritton.

Albritton had a question regarding the dog park, which Lambert and Ms. Minshew addressed, and the CRA gateway enhancements which Ms. Newman explained. She then asked how the plan works within the budget and discussion was had on the subject.

Discussion was then had on public comment being held during 1<sup>st</sup> readings and the recommendation of having only one reading of Ordinances like the County does.

With no further discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

## **CITY MANAGER, NON-CONSENT AGENDA**

### **Announce Power Cost Adjustment**

Mr. Atchley advised the Power Cost Adjustment for November should be \$0.02700 which is the same as October. And the tax-exempt portion should be \$0.02700 which is down by \$0.001 from October.

### **Discuss Resolution 2014-13 – Amending Resolution 2013-21 – Public Comment**

Attorney Cloud explained the specifics of the amendments to the Resolution.

Albritton stated public comment should be had at workshops and that she had no problem with it anytime the Commission met. There was then discussion on the pros and cons of both sides of the issue.

Nadaskay clarified the amendment allows for public comment to be heard during workshops if the Commission chooses to do so but does not mandate it be done. There was discussion on recent workshops and other issues regarding public comment during workshops.

Preston motioned to Resolution 2014-13, seconded by Lambert.

With no further discussion, Nadaskay called for all in favor.

Cobb, R. Smith, Lambert, G. Smith and Preston responded aye.

For those opposed like sign, Albritton responded aye.

Motion carried five to one.

### **Discuss Resolution 2014-14 – Legislative Priorities**

Mr. Atchley reviewed the legislative priorities for the Commission to review and comment on. He then explained the legislation, its impact on the City as well as what time the meeting will be held.

Lambert motioned to approve Resolution 2014-14, seconded by G. Smith.

With no discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

### **Discuss Resolution 2014-15 – CDBG Procurement Policy**

Ms. Minshew explained the updates to the current adopted policy for the Commission's review.

Preston motioned to approve Resolution 2014-15, seconded by Cobb.

Albritton asked if any substantial changes were made to the policy and Ms. Minshew advised the changes were updates to the policy to bring everything in line with current requirements and had been requested by the grant providers. Additional discussion was held about the updates.

With no further discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

Discussion was then had on what project the grant is for and what CDBG stands for.

### **Discuss Board Appointments**

Nadaskay reviewed the current standings and discussed new appointments:

Cemetery Committee: Nadaskay as current Chair and Andy Maddox; Central Florida Regional Planning Council is currently Neda Cobb; Nadaskay stated if anyone wanted to continue to serve in their current positions to let him know or if they did not, to let him know.

Nadaskay advised an opening on Hardee County Recreational Complex due to Mr. Freeman no longer being a Commissioner and offered it to Albritton. She accepted and Mr. Atchley explained the position.

Lambert then requested to step down from Finance/Audit Committee and take on the Hardee County Recreational Complex and offered it to Albritton because he believed she could learn the complexity of the funding that exists if she and the Mayor agreed. Albritton accepted enthusiastically. Nadaskay asked Preston and R. Smith if they would remain on Finance/Audit Committee to which they agreed and Lambert would be on the Recreation Committee. Nadaskay and G. Smith remained on Police Pension Board and R. Smith remained on the Insurance Review Committee.

Nadaskay noted an opening on the Historic Preservation Board to which Lambert asked why Ms. Newman was not on that Board and discussion was held on the topic.

The two openings on the Planning and Zoning Board were discussed including Mr. Garry Phillips had submitted his application to be re-appointed. Advertising of the openings and the lack of responses were discussed. The vacancy of the Code Enforcement Board was also discussed.

Lambert motioned to approve the appointments made by the Mayor, seconded by G. Smith.

With no further discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

Mr. Atchley then reviewed the Airport Authority Board; three of the four expiring seats have requested not to be re-appointed leaving only one interested in reappointment. Due to the Commission's request for and the recent issues with the Airport, staff recommended not appointing anyone to the Airport Authority until after January's Workshop on it. Lambert agreed it was a good idea and the Commission acquiesced.

### **Discuss Family Dollar License Agreement**

Lambert advised he would abstain from discussion or voting on this item which inured his personal financial gain. Ms. Minshew reviewed the agreement specifics for the Commission.

G. Smith motioned to approve the Family Dollar License Agreement, seconded by Preston.

Albritton asked about the length of the agreement which Ms. Minshew and Attorney Cloud explained.

With no further discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

### **Discuss Letters of Intent received for use of the Old Police Department**

#### **– Send Me Missions and ASAPP**

Mr. Atchley discussed previous discussions, the letters and staff's recommendation to move forward with these two organizations and possibly the Hardee County Coalition for the Homeless if they would choose to utilize the space. So far, there had been no contact with the Coalition since their original e-mail to Mr. Atchley requesting space.

Cobb motioned to accept the Letters of Intent with the expectation of the third, seconded by R. Smith.

Nadaskay clarified wording differences between the letters of intent referencing the space to be used by each organization to which everyone agreed and understood.

With no further discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

### **CITY MANAGER, CONSENT AGENDA**

There were no items for the Consent Agenda.

Mr. Atchley read a letter from the John Scott Daly Florida Institute of Government – Florida League of Cities for the Completion of the Institute for Elected Municipal Officials training course which he then presented to Albritton.

He then commended Chief John Eason who graduated from Florida Criminal Justice Institute's Chief Executive Seminar. He reviewed the history and itinerary of the program.

Mr. Atchley also advised Lavon Cobb, Chairman of the Airport Authority Board was to be in attendance tonight but was unable due to the blessing of a new grandchild. Chairman Cobb did want the message relayed that the Board is concerned for the safe operation of the Airport and asked the Commission to move forward with the proper training and reestablishment of personnel on site.

Mr. Atchley wanted to make everyone aware City staff members will begin Airport Management training next week with Tim Shea of Avcon, the City's Airport consulting firm.

### **CITY ATTORNEY**

Attorney Cloud had nothing to present the Commission at this time.

### **COMMENTS FROM COMMISSIONERS, OTHER ELECTED OFFICIALS, CITIZENS**

Albritton voiced concerns about whether or not the FAA or NTSB had expressed concerns regarding the Airport. Mr. Atchley advised they had not and asked Chief Eason to elaborate. Chief advised both

agencies were contacted for both incidents. For the first crash, FAA sent no one to the site but someone was in contact with them continually. On the second occurrence, someone from the FAA showed up the same night, did a walkthrough of the runway and spoke to the pilot and Chief Eason. At this time, he advised Chief Eason there were no safety concerns as their preliminary findings in both incidents show they appear to have been caused by pilot error and not to a facility related issue. Chief Eason advised of discussions with FDOT also regarding training.

Albritton asked if Lavon Cobb would be present at the Workshop to which Mr. Atchley advised all members will be notified and invited. Discussion was had on the Workshop and what it may entail; Attorney Cloud reminded everyone that no official action could be taken then and only topics relating to the Airport Authority would be discussed at the Workshop amongst the Commission.

Henry Kuhlman, Frank Kirkland, Rick Martin, Mr. Horst and Danielle White signed up to provide Citizen Comments.

Mr. Kuhlman began a discussion on the agenda process; the fact that Mr. Atchley acted within his rights regarding Jim Hay; the Charter giving Mr. Atchley the power he has; whether or not someone can be on a Board and also do business with that Board and Chapter 112.

Mr. Horst is trying to get chess into Hardee County. He has met with church leaders and has handed out chess sets to the library and in Bowling Green. He advised he would be willing to teach if necessary and felt the interpersonal relationships developed would be beneficial to the City. He would also like to see a four county tournament with neighboring counties to help promote the game.

Mr. Martin asked whether or not the Airport Authority was currently functioning. Mr. Atchley advised three were needed for a quorum. The applications for and appointments made to the Airport Authority Board were also discussed. The Workshop in January is to specifically discuss these matters with the members of the Airport Authority present before any appointments are made. The applications are still valid and appointments can still be made. Mr. Martin thanked the Commission for the information. Lambert stated he has dealt with many issues for close to 14 years and wanted to have a real serious discussion on the Airport, that he wanted some things changed and discussed how to do it right. To allow those who want to participate in the process and the quickest time is January. The structure of it, the businesses associated with it, the fees charged as well as what the Airport is allowed to be used for need to be reviewed and addressed. This has always been done in conjunction with the Airport Authority and upon their recommendation. Lambert also discussed other issues the Commission needed to review in regard to the Authority Board. Discussion was had on the vacancies; those up for reappointment are Bill Mulcay, Bill Lambert, Colon Lambert and Joe Smith. Three of the members have requested not to be reappointed. Mr. Kuhlman then asked who makes the recommendations for these appointments. The Airport Authority Board makes recommendations to the City Commission for appointments to the Board and they are approved by the Commission. Much more discussion was had on the appointments to the Board if in fact it continues to exist and the future of the Airport and events held there. Lambert stated some of his concerns with the Airport are: that it operates at a loss; Bensen Days – we have bent over backwards – why do they want to be here considering the negative comments made about Mr. Atchley; proof of the money claimed to be generated by Bensen Days; a new growth plan; management team; constructive and healthy dialog with concerned citizens.

R. Smith stated he has problems with the Airport Board making quorums and having to cancel meetings but there is a lot on the table that needs to be addressed. Research what other Airports do and make some changes that might improve the Airport. It may take some time to iron everything out. He further discussed other concerns and how now is the time to get everything out there. Other discussion was had on the Board's smooth operation of the Airport and what has been brought to the Commission by them. Other concerns, solutions and benefits were discussed at some length.

Mrs. White thanked the Commission for the opportunity to converse and taking time to listen. She believed we need to build up the area, get more businesses and clean up the area. She thanked Albritton and Raina with Code Enforcement for help with that issue. She also thanked Mr. Atchley for explaining the budget because she did not realize the extent of it.

Lambert expressed concerns about the challenges within the City. He felt citizens should take pride in their neighborhood and get involved with their neighbors. He discussed his opinions on the state of the City as he rides around observing and explained the complexity of Code Enforcement and its process.

He also stated pride is a big part of the problem. He thanked Mrs. White for not only being involved but also being concerned. More discussion was had on the blight within the City and how to best address it.

## **Nadaskay then recessed the Commission Meeting and called to order the meeting of the CRA Board**

### **Approve CRA Minutes of November 10, 2014**

Preston motioned to approve the minutes of November 10<sup>th</sup>, seconded by Cobb.

R. Smith asked where the market study was posted. Ms. Newman advised it is not on the website yet.

Discussion was had on how the Commission could best review the study as well as the time of the Restructuring Committee meeting which will be a workshop review of the study and other issues.

With no further discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

### **Discuss Plant Quotes**

Ms. Newman explained and presented the plant quotes from Redding's Lawn and Landscaping for the Board's review. She advised it would require a budget adjustment for the purchase of the new plants. Some questions were raised about the plant choices, whether they were required by DOT or not and discussion was had on the topic among the Commission and Wes Redding.

R. Smith motioned to approve the quotes as presented, seconded by Lambert.

R. Smith then questioned the maintenance and survivability of the plants chosen which lead to additional discussion.

### **Discuss Vacant Lot Sign Quotes**

Ms. Newman explained the sign would be placed at the lot on the corner of 8<sup>th</sup> and Main discussed at earlier meetings and workshops. She had an example of how the finished sign would look and advised they would be 3'x4' and 2 sided. Discussion was had on the reasoning behind the sign which primarily would be to promote a potential partnership for development of the vacant lot. The material the sign would be made of, its look and durability were also discussed. However, the framing was still in question. Lambert stated since precedence would be set for Main Street, Alumacore would look better framed but additional discussion was held. She then explained the quotes from Stitch 'n' Sign, Digitech Graphics Group and Precision Signs, Inc.

Lambert motioned to accept the quote for Alumacore from Stitch 'n' Sign, seconded by Preston.

Additional discussion was had on the exact location for the sign, at the old Coker Fuel building lot and what prospects are expected for it.

With no further discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

### **Neighborhood Meetings**

Ms. Newman advised they have completed 6 neighborhood meetings so far. Of the 1,176 invitations sent out only 16 were returned due to mailing issues; 41 were returned filled out and a total of 19 residents attended the six meetings. As soon as she can get all the information formatted, Ms. Newman will present the results of the meetings, surveys and resident input to the Commission for review. Nadaskay asked if the neighborhood meetings would be continued in the future and Ms. Newman stated it would be very helpful if they did. Even if it were every other year, the citizens who attended seemed very enthusiastic about it and hoped attendance might be better in the future.

### **Main Street Wauchula Report**

Ms. Newman advised 12 tons of snow was to be brought in for our Hometown Holiday on Friday night. She listed the different types of entertainment; that downtown shopping and dining would be available and the festival would run from 6:00 p.m. to 9:00 p.m.

Also, the Historic Ghost Tour would be held on January 30<sup>th</sup>. Tickets go on sale early January and it should be a great event.

Ms. Newman stated tomorrow she would meet with DOT, Kimley-Horn and the design committee to review the locations of the way finding signs. She hopes to have a draft of locations to present to the Commission in January.

Commissioner Cobb stated she attended one of the neighborhood meetings and was impressed with it and Ms. Newman.

**With no further business to discuss, Nadaskay adjourned CRA Board Meeting and reconvene Commission Meeting**

**Approve CRA Board's actions**

G. Smith motioned to approve the actions of the CRA Board, seconded by Albritton.

With no discussion, Nadaskay called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

Attorney Cloud asked to address the Commission. He had been asked if anyone at his firm would be able to handle eviction proceedings against Mr. Hay. He asked for the Commission's authorization before requesting his firm to follow the procedure.

Lambert asked if the City received any cooperation from Mr. Hay regarding leaving the property. Mr. Atchley advised Mr. Hay was still on the property the December 1<sup>st</sup> deadline for him to vacate had not been met.

Lambert motioned to proceed with the eviction, seconded by Preston.

Albritton asked if this was normal protocol at the end of a contract or lease to start these proceedings.

Attorney Cloud stated yes, it is the normal protocol. Lambert asked if Mr. Hay gave any indications why he has not vacated. Mr. Atchley advised no. Lambert asked if Mr. Hay was aware of the date to vacate and Albritton asked if he had been given notice. Mr. Atchley advised Mr. Hay was aware and given verbal notice when he was laid off. Discussion was had with the notices and other issues of the matter. There were comments from the public about this issue and discussion became loud. Comments continued until Nadaskay restated the motion and then R. Smith asked if Mr. Hay had retained council. Mr. Atchley replied his attorney had contacted the City's labor attorney. R. Smith stated let attorneys fight attorneys.

Nadaskay then called for all in favor, all responded aye.

For those opposed like sign, no response. Motion carried.

Mr. Atchley introduced Chief Eason who stated the reaccreditation process will begin this week on Wednesday the 10<sup>th</sup> and run through Thursday and Friday. The first accreditation was accomplished in June 1999 and he summarized the process for reaccreditation. The awards will be presented in February.

Lambert stated he has tried to remain close to the City's employee base through the years without being interfering but with an open door policy. He has been through the times of employees who are terribly unhappy but don't want to speak out. So he has recently asked specific questions and found no discontent whatsoever anywhere. He wanted to publicly acknowledge that Mr. Atchley's job is not easy and he apologized to him for the public comments made in public forums about Mr. Atchley including name calling. Lambert stated Mr. Atchley has his full support as City Manager and thanked him for what he is doing.

**REMINDERS:**

December 12, 2014 6:00pm-9:00pm – Hometown Holidays

January 5, 2015 @ 5:00pm – City Commission Workshop

January 12, 2015 @ 6:00pm – City Commission Meeting

The Commission wished everyone a Merry Christmas.

**With no further business to discuss, Nadaskay adjourned the Commission Meeting at 8:35 p.m.**