

On Monday, August 5, 2019 at 5:00 p.m., the City of Wauchula Commission met for its regular scheduled workshop in the Commission Chambers at 225 East Main Street, Suite 105, Wauchula.

Nadaskay called the workshop to order.

Commissioners present were Mayor Pro-Tem Neda Cobb, Russell Smith, Mayor Keith Nadaskay, Kenneth Lambert and Gary Smith.

Also present were City Manager Terry Atchley, Assistant City Manager Olivia Minshew, City Attorney Thomas Cloud, Finance Director Sandee Braxton, Police Chief John Eason, Community Development Coordinator Kyle Long, Community Redevelopment Agency Director Jessica Newman and City Clerk Holly Smith.

Discuss Medical Marijuana Legislation – Central Florida Regional Planning Council

Marissa Barmby addressed the Commission with a presentation on medical marijuana distribution facilities. Barmby stated requirements were adopted in the Code of Ordinances and the Land Development Regulations that allow medical marijuana dispensing facilities as special exceptions in C-2 and industrial districts; they were adopted on April 11, 2016, Ordinance 2016-02. Barmby noted the Table of Uses also allows pharmacies in P-1, HC-1, C-1 and C-2 and is not consistent with the current Florida Statutes. Barmby stated Florida Statutes requires that if you are going to allow medical marijuana treatment distribution facilities, they have to be treated the same as pharmacies. Barmby reminded the Commission the current moratorium expires January 1, 2020 and was requesting direction on moving forward. Barmby gave a brief history on medical marijuana and current lawsuits. Barmby stated the question tonight was, is the City going to continue to permit dispensaries because the current code does allow permitting and if so what districts do you want to allow them in and what level of approval do they need. Barmby added those are the questions if you are allowing dispensaries. Barmby stated if you want to ban them the existing language needed to be removed and new language added into the Code according to the Florida Statutes. Cloud added the current Ordinances in effect had repealed the ability to obtain the special exceptions and have been waiting to see if the Legislator made some type of definitive act. Cloud noted some act had been taken but was caught up in litigation. Cloud stated there are three alternatives: 1. Ban it outright. 2. Look at the voter percentage and allow it as any other pharmacy. 3. Change how permitting was done for medical marijuana dispensing facilities and drug stores. Recreational marijuana was briefly discussed. R. Smith and Lambert stated they felt it should not be banned. More discussion was had on restrictions regarding marijuana dispensaries. Lambert asked Cloud to go over the three options again. Cloud stated 1. Ban it. 2. Change the allowable areas for pharmacies. 3. Not change pharmacies and allow medical marijuana dispensing facilities to go wherever pharmacies are. Cloud noted option 2 and 3 are really a function whereby you change where they are permitted. Cloud stated he felt Commission had already determined they did not want the dispensaries in P-1 or HC-1. Cloud commented the remaining question was do you want to require special exceptions for pharmacies in C-1 and C-2; treat them the same. Barmby added you treat them the same but her concern was the restrictions to special exceptions with conditions. R. Smith had a couple of questions regarding where the facilities could be located and the Florida Statutes. Nadaskay asked Barmby if she had enough information from the Commission. Barmby replied yes and she would draft language for staff and Cloud to review and bring back before you.

Atchley asked Nadaskay to allow Barmby to discuss the topic of storage containers. Atchley also asked for guidance from the Commission on whether to change the current language on storage containers or leave it "as is". Minshew addressed the Commission and explained there had been an occasional request to place a storage container on a property and there was currently a case where an individual was using a container and it is not permitted. Minshew stated the current Code requires all accessory structures be

accessory to a primary structure, it cannot be on vacant property. Minshew noted the containers do not meet building code. Minshew informed the Commission the containers are not allowed anywhere and asked if they would like to see it head in a different direction or not. Lambert commented we should consider they are becoming an interesting way for retail storage and delivery in bigger markets. Barmby addressed the Commission and explained the difference between the storage shipping containers and the storage moving pods. Barmby noted the current Code stated in Section 2.04.00(F), no manufactured home, trailer, or vehicle of any kind shall be permitted as an accessory structure unless it was a temporary office or construction trailer. Barmby discussed the surrounding counties and who allowed them and who did not. Barmby stated Hardee County's regulations allow them in certain zoning districts but have stipulations. Barmby discussed typical regulations in other communities and presented the Commission with portable storage unit options. Nadaskay asked are they not allowed at all. Atchley replied no they are not allowed except for a temporary use of a construction project but once the construction project was completed and a certificate of occupancy was given the container has to go away. Atchley stated several inquiries had been made for storage container usage and staff wanted to see the interest of the Commission on whether to change the existing regulation or leave it alone. Nadaskay asked if the nature of the request was to use it as storage. Atchley replied yes. Lambert commented from his perspective it was another double edge sword and reality for him was the City already had enough junk to clean up. Lambert stated it was expensive to renovate the containers and if we thought we were going to attract the market to make the containers viable, usable and new; then that would be great but he felt it would just end up being junk in someone's back yard. More discussion was had on storage containers being renovated for living quarters. Minshew noted the Land Development Code does not disallow the modified containers for living as long as they meet Florida Building Codes. Minshew stated what people are asking to use the containers for in their current state as a storage option is not allowed in our code. Barmby noted after all the discussion she would draft language regarding shipping storage containers and send to staff for review.

Resolution 2019-04 – Vacation of Rights of Way

Long addressed the Commission and explained Resolution 2019-04. Long noted the vacation was at 1st Avenue and Green Street.

With no further business to discuss, Nadaskay closed the Commission Workshop and Opened the CRA Workshop

Wauchula CRA Master Redevelopment Update 2019

Newman addressed the Board and explained the CRA was created in 1997 and the redevelopment plan was updated in 2010 and then a couple of amendments in 2011. Eight years later, we are looking at updating it again. Newman stated she had been working with Kimley-Horn.

Kelly Keppler and James Irwin from Kimley-Horn presented the proposed updates to the Board.

Project Update Reports

- **Palmetto 8**
- **Utilitech**

Newman informed the Board she had received Cobb's project update but it was before the workshop. Newman noted all of the grant extensions expire September 1st and another extension will be back before you at next week's meeting.

G. Smith asked when the CRA grant process would be back before the Board. Atchley stated it should be at the October workshop.

With no further business to discuss, Nadaskay adjourned the Workshop at 6:37 p.m.

Mayor Richard K. Nadaskay, Jr.

City Clerk Holly Smith