

On Monday, August 6, 2018 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, Community Redevelopment Agency Director Jessica Newman, Chief John Eason and City Clerk Holly Smith.

Discuss 1010 S. 8th Avenue

Minshew stated that someone was in attendance from that address. Minshew explained to the Commission that currently a mobile home structure exists on the property and the property owner would like to replace it with another mobile home. Minshew stated the property is zoned C-1 and mobile homes are only permitted in either AG, FR, and R-4 which is specifically for mobile home parks. Minshew advised with it not being a conforming use in that zoning district staff had told them they would have to do standard construction or a modular building to replace it, they could not replace it with another mobile home. Minshew stated in Section 7.11.05 in our code under non-conforming prohibits mobile homes except in designated zoning areas. Minshew advised the Commission the property owner wants to know if they can replace the existing mobile home with another mobile home. Minshew stated staff's thoughts are that unless Commission wants to direct us to prepare an amendment and amend our Land Development Code, I am not sure of a way around it.

Raymond Guerrero – 1010 S. 8th Avenue, Wauchula FL.

Guerrero addressed the Commission and explained the bank will only loan him so much money and it is only enough to purchase a mobile home and not a modular home. He stated the modular homes range in price from \$115,000 to \$125,000 and the bank will only loan him \$89,000 enough for a mobile home. Attorney Cloud expressed his thoughts on the matter as well. R. Smith asked if the property was zoned commercial and what the property beside Guerrero was zoned. Minshew stated everything on South 8th Avenue was zoned commercial. Minshew explained the property is zoned C-1, single-family use is only permitted in C-1 with a special exception. Minshew stated we are not requiring them to get a special exception the use was already in place when they were annexed in so it can continue indefinitely as long as it continues, if it changes use or if it ceases to exist as a single-family residence they would have to get a special exception approved for that particular use. Minshew explained there are two different types of non-conforming, you can have a non-conforming use and you can have a non-conforming structure. She stated Guerrero's non-conforming use is going to be allowed to continue without any hiccup with them at all. The only issue here right now is the non-conforming structure. Cobb asked Guerrero how long they had lived there. Guerrero replied for eight or nine years and the mobile home has been there around thirty years and it was damaged after Hurricane Irma. Guerrero stated he only has enough funds to replace the existing mobile home with another one. Lambert asked what was it zoned when Guerrero purchased the property. Minshew replied she did not know because it was in the County at that time. Lambert replied that is right we annexed that in. Lambert explained to Guerrero how doing exceptions for individuals is extremely hard. Cloud stated you could make an exception, however you would be violating your zoning code. Cloud asked Minshew if the property was re-zoned to residential would they still have the problem of the non-conforming structure. Minshew stated the only zones that permit mobile homes are AG, FR or R-4 and there is nothing contiguous to that property and it would be a spot zoning to get it to one of those zoning designations. R. Smith asked Minshew what was R-4. Minshew replied a mobile home park. Minshew stated Downing Circle is the only place that is zoned R-4. Minshew stated we have

very few properties that are zoned AG or FR. Guerrero stated it does not make sense to spend \$25,000 to remodel the old mobile home when I could just put in a new one for \$71,000 to \$75,000. He stated a mobile home is just like a modular home except it has wheels. He said it does not make sense to put \$25,000 in a mobile home that is forty years old. Minshew replied mobile homes are regulated through the Department of Motor Vehicles and have a tag with them, whereas the modular buildings are regulated by the Florida Building Code and the Department of Community Affairs. They are regulated differently. R. Smith stated they are regulated differently but are built about the same. More discussion was had on this matter. Minshew explained even if the Commission's desire was to completely re-write the code to reconsider the placement of mobile homes it would be at the very least a three month process after it goes before planning and zoning and two hearings before this board. Minshew stated nothing would get done even if that was your desire before the end of this month. Cloud replied it does not sound like that is the desire of the Commission. Cloud stated it is Commercial because you would like to see it as a Commercial use, if it was going to continue to be single family you really have no stomach for a continuation of a mobile home there that is what your policy says now and I am not hearing anyone say any differently. Cloud stated that is the position you are in right now. The Commission thanked Guerrero for coming before them.

Discuss Staff's Recommendation for RFP 18-03 Auditing Services

Minshew explained the RFP process. Minshew stated the Selection Committee's recommendation for RFP 18-03 Auditing Services was to enter into a contract with CS&L. Nadaskay asked if there was any discussion. No discussion was had on this item.

Nadaskay asked if there was anything else for the Commission portion of the agenda. No further discussion.

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

Discuss Biovation

Newman recapped prior discussion regarding terminating the agreement with Biovation. Newman stated Biovation responded back there was money owed. Newman introduced Jason Zimmerman with Gray Robinson and informed the Commission Zimmerman has been working on the negotiation for us. Zimmerman addressed the Commission and explained after Hurricane Irma there were issues. Zimmerman stated there was more than \$80,000 of invoices left owing to Biovation and there was some disputes on how much was actually owed based on the contract price and what they have done. Zimmerman explained we have come to this resolution which involves \$20,000 paid once this termination agreement is executed and \$25,000 after Biovation remediates portions of the site, closing their wells, taking down the fencing and making the site ready for us to do what we need to do going forward. Zimmerman stated of the \$80,000 they originally claimed, there is a total of \$45,000 to fix it and Newman did a request to see how much it would cost to clean it up and ignore Biovation and that cost was still about \$15,000 to \$20,000. Zimmerman stated he had worked with Cloud on this matter and felt this was a pretty decent resolution to clean-up the Biovation matter. Zimmerman stated what we are requesting is to approve this so we can finish the deal with Biovation. Lambert asked if Biovation had been involved in the process. Zimmerman replied yes, Biovation has an attorney.

Discuss Crews Park Bid

Newman presented an extensive bid document for Crews Park and noted it had been reviewed by Mason Williams at Gray Robinson. Newman stated the only thing not in the document that you have is insurance information. Nadaskay asked when the bid document was going to be advertised. Newman replied if it is

approved at next week's meeting, then it will open next week. Newman stated the highlighted areas are where dates need to be added. Nadaskay asked how long would the bid be open for. Newman replied a month or a little longer and the bid would be awarded in October.

Discuss Utilitech Project Update and Agreement Extension Request

Newman explained to the Commission a grant was awarded to Utilitech and the contract will expire September 30, 2018 and the project will not be completed by that date.

Kurt Thompson – Utilitech – 130 West Main Street

Thompson addressed the Commission and told them the plans were sitting in Planning and Zoning and the contractor is ready to go. Thompson stated at this time we are just waiting on the County to say okay here is your permit. Newman asked Thompson for an estimated timeframe. Thompson stated his contractor will not give a timeframe until the County gives the okay. Thompson stated after the permits are received the contractor will take around three months to complete the renovation. Lambert asked Thompson how long have the plans been in the Building Department waiting on approval. Thompson replied somewhere around a month and a half. Thompson stated the Building Department met with our contractor last week to discuss the plans. Lambert asked Thompson the timeframe from when the plans were originally submitted, when the issue was found and corrected and what the issue was. Thompson stated the issue is the lip on the steps. Thompson explained the issues the Building Department has with the steps. Lambert stated what I am trying to understand is the timeframe from when the problem was originally discovered until it was resubmitted to the Building Department and what was their approval time to get back to you with an okay. Thompson replied they have not gotten back to us with an okay and the timeframe is about a month. R. Smith stated so you resubmitted about thirty days ago and still have not heard back. Thompson replied right. R. Smith stated so you are just waiting on them, they are the hold up. Thompson stated at the moment, well that is at least what my contractor is telling me. Lambert stated what we have here is still an ongoing thing of retro-fitting older buildings and what it takes to get it done and the length of time. Thompson stated the first issue we had with the stairs it held us up about two months. Lambert stated what we are trying to figure out is how we get more efficient at the process because we are not very efficient right now it doesn't seem like. Lambert stated and this is the second extension on one of these projects and I am sure there will be several more coming up. I am just trying to understand how we get better at understanding what the timeframes need to be and what we can do to assist in getting some of those approvals sped up. Lambert stated I am not assuming it is anyone's fault but we need these projects to have specific attention paid to them because we funded portions of them for a reason. Nadaskay commented we chose this date for a reason to stay in this year. Lambert replied yes we did. Newman stated this item will be on next week's agenda for an approval to extend the contract.

Discuss Palmetto 8 Project Update and Agreement Extension Request

Newman informed the Commission that this contract actually expired November 2017. Newman stated she thought it was a two year agreement but it was only a one year agreement and should have been brought back last year. Newman stated so this agreement is currently expired.

Dr. Juan Curci – Palmetto 8 – 206 West Palmetto

Curci addressed the Commission and stated the project had grown in size. Curci stated there will be eight apartments – 2 are 3 bedrooms, 2 bath; 2 are 3 bedrooms, 1 bath; and 4 are 2 bedrooms, 2 bath. There will also be a building of about 8,000 square feet and it will be commercial. He stated 2,200 square feet of it will be a dental office, which is my practice. Curci stated we have run into the same problem the previous gentleman is experiencing. He stated from the date the CRA approved the grant until we received the permit it was more than a year. When we got the permit to build half of the project the agreement had already expired. Curci stated he still did not have the permit for the commercial side due

to issues with a fire suppression system. It is just one thing after another and that is the reason for the extension request. Nadaskay asked if they had all the permits they need now. Curci replied no we have the permits for the residential area but the permits for the dental and the commercial area they are still in the process. He stated we were there last week and there was some confusion about specs for the windows and was misplaced somehow. Lambert asked Curci questions on the communication between him and the Building Department. Nadaskay stated maybe in the future we can ask for status updates on these projects. Lambert replied I think after our last issue we said we were going to require that in the future. Nadaskay stated we just need to put that in the agreements and have a standing agenda item for project updates. Newman commented that she has to do quarterly reports for Florida Main Street and I have to go through the Building Department permits to see who has gotten CO's and the list is quite extensive. Nadaskay asked Curci a timeframe once he receives a permit for everything. Curci replied the contractor wants to do the entire project at once and estimates a timeframe of 4-6 months. Nadaskay asked Newman if the IDA needed to give an extension. Newman replied no I will let them know but I did ask and the agreement is with us not Dr. Curci.

With no further business to discuss, Nadaskay adjourned the Workshop at 5:56 p.m.

Mayor Richard K. Nadaskay, Jr.

City Clerk Holly Smith