

On Monday, December 13, 2021 at 6:00 p.m., the City of Wauchula Commission met for its regular meeting.

Nadaskay called the meeting to order.

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

Also, present were City Manager Terry Atchley, Deputy City Manager Olivia Minshew, Assistant City Manager/Police Chief John Eason, City Attorney Kristie Hatcher-Bolin, CRA Director Jessica Newman, Community Development Director Kyle Long and City Clerk Holly Smith. Assistant City Manager/Finance Director Sandee Braxton attended virtually.

Nadaskay declared a quorum.

Approval of Agenda w/ Add-On's

Atchley noted the two add-on agenda items were certificate of appropriateness due to a lack of quorum for the Historic Preservation Board.

Albritton motioned to approve the agenda with add-on's, seconded by Cobb.

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

Motion carried.

Approval of Minutes for the November 1, 2021 Workshop and November 8, 2021 Meeting

G. Smith motioned to approve all minutes as presented, seconded by Albritton.

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

Motion carried.

This meeting is also being held virtually.

All virtual attendees will be muted upon entry to the meeting. If you wish to participate during public comment, please raise your hand and you will be unmuted.

- To raise your hand from a computer, select "Participants" then select "Raise Hand"
- To raise your hand from a smart device, select "Participants", then select yourself, then select "Raise Hand"

To raise your hand by phone press * 9

PRESENTATION

Minshew presented the years of service of city staff to the Commission.

Eason and Agent Charles Sloan with the FBI presented two awards. Eason presented an award to Corporal Rene Benavidez and Sloan presented an award to Officer Ryan Abbott.

PUBLIC COMMENT – NON-AGENDA ITEMS

Randall Simpson – 310 Heard Bridge Road

Simpson stated he had a 4H hog at his residence and asked if he could keep it there until the fair in February 2022. Simpson noted he was aware hogs were not allowed within the city. Cobb asked had there been a complaint. Simpson replied yes. Albritton asked if the nature of the complaint was for the smell. Simpson responded yes and explained it was cleaned daily. Simpson stated he felt the dog pens next door smelled worse than the hog. Long explained after the complaint was made, code enforcement

made contact with Simpson and confirmed there was a hog at the residence. Long stated before a code enforcement case was opened Simpson was advised to speak with the Commission regarding the matter. Long explained the code enforcement process and the length of time it would take. Simpson stated he would be okay with that as long as he could keep the hog at the residence for the remaining two months. Nadaskay informed Simpson that Long was just describing the process and was not giving authorization to keep the hog. Further discussion was had on the code enforcement process. G. Smith asked if the Commission needed to give Simpson direction. Nadaskay replied no the Commission does not give direction with this matter just informed him of the process. Simpson explained the hardship it was keeping the hog at a residence outside the city limits. Nadaskay stated the Commission could only explained to him was the process was and could not give the authorization for Simpson to keep the hog at his residence.

Ken Hunt – 528 W. Main Street (Safeguard Security)

Hunt addressed the Commission and explained whenever he was repairing the old sign realized it was rotten and called the sign company and asked them to make him a new aluminum sign. Whenever the sign company installed the new sign, they move it a little further back but it was the same footprint as the old sign. Hunt stated he was aware of a complaint regarding the sign and asked if he could put it back in the same place as before. Nadaskay asked if the clear visibility triangle was a factor. Long replied yes and the old sign was also in the clear visibility triangle however once it was taken down, moved and replaced it was no longer “grandfathered in.” Long stated there were other places the sign could go but Hunt was wanting the sign to go back in the same spot as before. Nadaskay asked if the sign was the same dimensions. Long stated it was a foot taller which could be reduced. Hunt stated the old sign had been there since 1999. Nadaskay asked Long if the old sign was in the clear visibility triangle. Long replied yes however the old sign was in place before the clear visibility triangle existed. Nadaskay stated since the old sign was not refurbished and was taken down and replaced with a new sign, the new rules apply. Long responded that was correct. Hunt stated in his defense the legs of the sign were rotten. Nadaskay asked how far into the clear visibility triangle was the new sign. Long replied roughly four feet. Cobb stated the funeral home had ordered their sign and were informed they would have to move it and felt this was the same safety issue as the funeral home. Hatcher-Bolin gave her legal opinion on what would classify the sign being considered “grandfathered in.” She stated it would be a face change only and not a structural change. Albritton stated the Commission wanted to be pro-business but had set a precedence and felt it would be unfair to allow the sign to stay. The commission asked for staff to bring back photos for them to review at the January meeting to help them make their decision.

Ray Graham – 417 Bell Street

Graham addressed the Commission and voiced his concern with noise in his neighborhood. Graham stated he has called several times complaining of the noise. Eason explained to the Commission the calls Graham was referring to. Eason suggested that Graham continue to call whenever there was an issue. Eason stated he would direct staff to do extra patrol in Graham’s neighborhood. Nadaskay replied that sounded like a good start and advised Graham to continue to call whenever there was an issue.

Tanya Royal – 308 Bell Street

Royal addressed the Commission. Royal stated she agreed with Ray Graham’s comments and noise in their neighborhood. Royal stated she was the chair of the Historic Preservation Board. Royal stated a representative from R. Riveter had been before the Historic Preservation Board and the Board did not have an issue tearing down the building at 110 N. 5th and stated there was not any historic value. Royal stated the fence at Giovanni’s had not been before them but felt it was a decision for the Commission to make.

ORDINANCES/PUBLIC HEARINGS

Ordinance 2021-14 – 2nd Reading – Capital Improvement Element Update

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

Hearing no comment from the public, Nadaskay closed the Public Hearing.

Bolin read Ordinance 2021-14 by title only.

Albritton motioned to approve Ordinance 2021-14, seconded by Cobb.

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

Motion carried.

Ordinance 2021-15 – 1st Reading – ULDC Text Amendment Mobile Food Truck

Bolin read Ordinance 2021-15 by title only.

Albritton motioned to approve Ordinance 2021-15, seconded by R. Smith.

Albritton thanked Long for all of his hard work he had done on the ordinance. Albritton stated she had been pondering on the square footage of ½ acre. Long explained the square footage of a ½ acre. Albritton suggested two-foot trucks be allowed on ½ acre. Albritton questioned the hours of operation and whether to regulate the hours of operation. Long stated there had been discussion over the hours of operation. R. Smith stated he felt there could be a compromise on the hours of operation. R. Smith added he was good with changing it to one food truck per ¼ acre and possibly changing the hours of operation. Nadaskay asked Eason if he saw an issue with changing the hours of operation from 10 p.m. to 11 p.m. Eason stated he did not have an issue with the change. Nadaskay suggested changing the closing hour to 11 p.m. Nadaskay stated if the hours become an issue in the future, we could always readdress it, but at this time he felt there needed to be hours of operation. Nadaskay added he did not want to be too lenient and a problem arise and then try and take back the requirements. Albritton and R. Smith suggested there be 1 food truck per parcel or 1 food truck per ¼ acre. Nadaskay stated he was good with that. Albritton asked Long what the Planning & Zoning Boards thoughts were. Long stated they had a lot of discussion on the number of food trucks per parcel and/or acre and the hours of operation. After further the discussion the Commission agreed on 1 food truck per parcel and/or 1 food truck per ¼ acre.

Gary Delatorre – 203 N. Florida Avenue

Delatorre addressed the Commission and stated he was there to stand up for commercial property owners. Delatorre informed the Commission they needed to be pro-business. He stated vacant property owners still had to pay property taxes the same as other property owners. Delatorre asked the Commission not to regulate the number of food trucks per commercial properties. Delatorre stated the city needed growth. After Delatorre's three minutes, Nadaskay interrupted Delatorre and stated we have discussed this and we have relaxed the regulations to a very responsible point. Delatorre agreed.

Nadaskay stated if we have missed the hours of operation, we can re-evaluate it but at this point he did not see food trucks lined up down Highway 17 trying to come to the city. Delatorre handed the Commissioners a copy of the property owners bill of rights. Delatorre asked the Commission not to regulate commercial properties and to be pro-business. Nadaskay stated the Commission was being pro-business and felt they were not doing anything overtly towards commercial businesses. Nadaskay added there are regulations inside of businesses regardless of what the business is. Nadaskay stated if we have missed it, we can revisit it. Delatorre stated he did appreciate the Commission doing away with the 175 feet next to another business and the other changes. Nadaskay thanked Delatorre for his public comments.

Nadaskay reminded the Commission there was a motion on the floor that needed to be addressed.

With no further discussion, Nadaskay asked for all in favor say aye, no one responded, all those opposed like sign, all responded aye.

Motion failed.

Nadaskay asked for a motion to direct staff to make the discussed changes.

Albritton motioned to approve Ordinance 2021-15 directing staff to change (section 2) one food truck per parcel or one food truck per ¼ acre and change (section 3) the hours of operation to 5:00 a.m. to 11:00 p.m., seconded by R. Smith.

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

Motion carried.

Ordinance 2021-17 – 1st Reading – ULDC Amendment Home Based Businesses

Bolin read Ordinance 2021-17 by title only.

Albritton motioned to approve Ordinance 2021-17, seconded by Cobb.

R. Smith asked for background information on ordinance 2021-17. Long stated the Florida Legislature recently enacted Chapter 2021-202, Laws of Florida, codified in section 559.955 of the Florida Statutes to prohibit local governments from regulating home-based businesses in a manner inconsistent with the statute. Long added this ordinance would resolve the inconsistencies between the City's Unified Land Development Code and the state statute. Long stated it was basically a housekeeping item with the ULDC.

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

Motion carried.

Ordinance 2021-18 – 1st Reading – Section 3 Code of Ordinance - Alcohol

Bolin read Ordinance 2021-18 by title only.

R. Smith motioned to approve Ordinance 2021-18, seconded by G. Smith.

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

Motion carried.

NADASKAY RECESSED THE COMMISSION MEETING AND CALLED TO ORDER THE GENERAL PENSION BOARD MEETING

Approval of September 13, 2021 minutes

Albritton motioned to approve the minutes of September 13, 2021, 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.

Quarterly Reports & Earnings for the General Pension and the OPEB

Braxton discussed the quarterly reports and earnings for the General Pension and OPEB.

G. Smith motioned to approve General Pension and OPEB Financial Reports of the 1st quarter as presented, 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.

Detail Expense Report

Braxton discussed the detail expense report for 2021.

Albritton motioned to approve the detail expense report for the General Pension and the OPEB, 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.

NADASKAY ADJOURNED THE GENERAL PENSION BOARD MEETING AND RECONVENED THE COMMISSION MEETING

Approval of the General Pension Board's actions

Albritton motioned to approve the actions of the General Pension Board, seconded by Cobb. With no discussion, Nadaskay called for all in favor, all responded aye. Motion carried.

CITY MANAGER/NON-CONSENT

Announce Power Cost Adjustment

Atchley announced the PCA for December should be \$0.018, an increase from the prior month. The tax-exempt portion should be \$0.017, the same as the prior month.

Board Appointments

Minsheu presented the Board Appointments to the Commission.

Airport Advisory Board – Ward Grimes and Mike Wilkinson (3-year term)

Finance/Audit Committee – Removed Mr. Maddox

Historic Preservation Board – William (Bill) Boynton (4-year term), Raafat Zackary term expires 2021 and was unable to confirm whether he would like to be reappointed. Staff recommended leaving the vacancy and possibly reducing the Board size in the future.

Police Pension – Commissioner Nadaskay Jr. (2-year term), Sgt Robert Spencer term expires the end of 2021 and the Police Department will hold an election for that spot.

Planning & Zoning Board – Donna Steffens and Wayne Graham (3-year term)

Insurance Review Committee – Removed Mr. Maddox

Albritton motioned to approve the Board Appointments as presented, seconded by Cobb.

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

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

Discuss 221 W. Main Street

Atchley addressed the Commission and explained a new appraisal had been done on the building and an offer was on the table. Atchley stated the new roof was \$15,000 and the new appraisal came in at \$180,000. Atchley asked the Commission for direction on how to proceed. Much discussion was had on the new appraisal amount and the \$150,000 offer from the current tenant. Nadaskay stated the market was up and did not want to short change the citizens/tax payers. R. Smith felt the building should sell for at least the new appraised amount. Newman stated the City bought the building in 2009. Atchley stated he needed direction on what to tell the current tenant regarding his offer. Nadaskay suggested asking the current tenant if he wanted to purchase the building “yes or no” and if it is yes then we negotiate with the appraised value. If it is no, then there is an existing lease and we just continue “as is” knowing we do not want to do that.

R. Smith motioned to reject the \$150,000 offer from the current tenant at 221 W. Main Street, seconded by Albritton.

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

Motion carried

Add-on agenda items:

Certificate of Appropriateness – Giovanni's Fence

Atchley addressed the Commission and presented the certificate of appropriateness for the fencing at Giovanni's.

Albritton motioned to approve the certificate of appropriateness for the Giovanni's fencing, seconded by G. Smith. With no further discussion, Nadaskay asked for all in favor, all responded aye.

Motion carried

Certificate of Appropriateness – 110 N. 5th Avenue (Demo)

Atchley addressed the Commission and presented the certificate of appropriateness for the demolition of 110 N. 5th Avenue. Atchley stated this was the address that Tanya Royal, the Chair of the Historic Preservation Board, discussed earlier in the meeting. Discussion was had on whether there was any historic significance. Long confirmed he had contacted the State and they could not find anything.

Albritton motioned to approve the certificate of appropriateness for 110 N. 5th Avenue, seconded by Cobb. With no further discussion, Nadaskay asked for all in favor, all responded aye.

Motion carried

COMMENTS FROM CITY ATTORNEY, COMMISSIONERS, OTHER ELECTED OFFICIALS AND CITIZENS

Cobb gave RLC and CFRPC updates.

Nadaskay recessed the Commission Meeting and called to order the Meeting of the Board of Directors of the Wauchula Community Redevelopment Agency

Approval of CRA Minutes from November 8, 2021 Meeting

Cobb motioned to approve all minutes as presented, seconded by G. Smith.

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

Motion carried.

Palmetto 8

Newman addressed the Board and stated the current grant extension would expire the end of December. Newman stated the power had been cut in October and the building permit expired in November.

Newman asked the Board if another extension was given to please make it known that it would be the last and final extension. Newman stated they would like to see the project completed and it would be an asset to the City. Albritton asked Newman how much money was being tied up. Newman replied it was \$150,000 from the City and \$200,000 from the IDA. Newman added the grant was awarded 5-years ago and they were given a year therefore they are 4-years past. R. Smith asked if the auditors had any issues. Newman and Braxton replied no they have not.

Juan Ortiz addressed the Board and explained there had been some issues with the engineering and the building department and the issues were being addressed.

Dr. Juan Curci addressed the Board and explained he was going through a divorce and his funds were tied up with the divorce and his attorney was attempting to get some money released to continue the project.

R. Smith motioned to approve an extension until September 30, 2022 with no additional extensions, seconded by Albritton.

With no discussion, Nadaskay called for all in favor, all responded aye except G. Smith which voted no. Motion carried.

CRA Resolution 2021-03 – Budget Adjustments for 2020-2021 Fiscal Year

Braxton explained CRA Resolution 2021-03 and the adjustments.

G. Smith motioned to approve CRA Resolution 2021-03, seconded by Cobb.

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

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

Nadaskay adjourned the Wauchula Community Redevelopment Agency Board Meeting and reconvened the Commission Meeting

Approval of the Wauchula Community Redevelopment Agency Board's Actions

Albritton motioned to approve the Wauchula Community Redevelopment Agency Board's actions, seconded by Cobb.

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

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

With no further business to discuss, Nadaskay adjourned the Commission Workshop at 8:40 p.m.

Mayor Richard K. Nadaskay, Jr.

City Clerk Holly Smith