

On Monday, February 11, 2019 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, Mayor Keith Nadaskay and Gary Smith. Commissioner Kenneth Lambert was absent.

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 Redevelopment Agency Director Jessica Newman, Community Development Coordinator Kyle Long and City Clerk Holly Smith.

**Nadaskay declared a quorum.**

**Approval of Agenda**

Cobb motioned to approve the agenda as presented, 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.

**Approval of Minutes for the January 14<sup>th</sup> Meeting**

G. Smith motioned to approve the minutes of the January 14<sup>th</sup> Meeting, seconded by Cobb.

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

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

**ORDINANCES/PUBLIC HEARINGS**

**Approval of Ordinance 2019-01 - Public Hearing – 2<sup>nd</sup> Reading – Annexation of 1685 Louisiana Street**

Nadaskay asked Cloud to give a brief synopsis of the summary from the February 4, 2019 Workshop.

Cloud explained the three hearings regarding the annexation.

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

Matt Knight – 1620 Louisiana Street

Knight addressed the Commission and stated he was there tonight to express his concerns and the concerns of the majority of his neighbors regarding the City annexing further into the County. Knight gave a background of why he bought a house on Louisiana Street. Knight stated he had a petition which had been signed by 95% of the residents in the area. Knight stated the petition basically stated that they stand against any further encroachment by the City of Wauchula through any further annexations or rezoning into their area. Knight stated a couple of reasons why he felt the annexation of 1685 Louisiana Street into the City might be a necessity. One reason was because City Commissioner Lambert had been living there since shortly after the property was purchased and he saw Lambert moving his stuff in and going in and out of the property all hours of the day and night. Knight stated this was happening up until the day after the Planning & Zoning Board unanimously voted to not rezone the property. Knight stated we do not care where he lives but we do not want any further rezoning into the area. If you want to grandfather him in that would be great and keep him on the Commission and let him live out there. We just do not want anymore properties annexed and rezoned; we want to live in the country. Knight expressed concerns about being forced to hook up to City utilities in the future. The only other reason I could think of was the property could possibly be developed in the future and the City's infrastructure could not handle it. Cloud asked Knight if he had a copy of the petition and suggested giving Smith a copy of it. Knight agreed to give Smith a copy of the petition.

Marilyn Peterson – Pasture Land on Louisiana Street

Peterson stated she owns pasture land across the street from this property. Peterson asked why the City had to follow this family everywhere they go. Peterson asked if she was to buy ten acres in the City would the City let her classify it as agriculture and could she come before the Board and change the zoning and put cows in the City. R. Smith replied it could be done; we have done it in the past. Nadaskay

replied that is what Cloud was explaining earlier, this is a voluntary annexation. Peterson stated she felt it was discriminatory and we all feel the same way.

Earl Bolin – 1528 Louisiana Street

Bolin stated his main concern was whenever this property is annexed will it be de-annexed when this person finds somewhere else to live or will it still be part of the City. Nadaskay replied yes it will still be part of the City. Cloud stated this City has never contracted its City limits to my knowledge and felt it was highly unlikely the City would contract the boundaries after annexing property. Bolin asked if this property owner moves somewhere else will the City continue to follow him. Nadaskay replied if he moves to a property or anyone moves to a property that meets the conditions for annexation and requests an annexation into the City limits we would approach that and evaluate it just like we would any other request. Bolin noted he opposed the annexation.

Hearing no further comments from the public, Nadaskay closed the Public Hearing.

Attorney Cloud read Ordinance 2019-01 by title only.

R. Smith motioned to approve Ordinance 2019-01, seconded by Cobb.

Cobb stated she took this very seriously, I went to your neighborhood, I asked many questions and I researched what was going on. Cobb added the City does not want to encroach on you, yes that property is in your neighborhood but I was unaware of how much property out there was already in the City limits. The road divides you and if you want to become part of the City you would have to ask just like this owner did and you would have to pay to tap in, it is not free. Cobb stated we have to have a real reason to deny this. Atchley stated the property owner will be receiving water services and there is a small 2" water line out there and we are considering increasing the size of the line and the property owner will have to pay for the jack and bore under Terrell Road and the construction of the line to his property. Cloud asked Atchley if the water line was ungraded would a fire hydrant be installed along that line. Atchley replied that is one of the reasons for consideration that if the Commission were to consider the approval at the end of this line would be a fire hydrant. Cloud stated there would be an improvement in fire flows and availability, fire suppression, which is better than is there now. Atchley clarified the only service available out there at this time is water. R. Smith thanked the residents for attending the meeting and voicing their concerns. R. Smith stated the property owner contacted us we did not contact him and the City has never turned anyone down who has asked to be annexed into the City. R. Smith explained that people are unaware of where the actual boundary of the City limits is. R. Smith noted there are outlining areas receiving City services but they are not in the City limits, but the City charges a surcharge to these residents. R. Smith stated because of this the City loses out on grant dollars. R. Smith continued expressing his concerns and thoughts on this matter. R. Smith addressed the issue of where Commissioner Lambert lived and stated Lambert's address on file is 291 Terrell Road. Cobb stated she was going to vote against the annexation until she did the research on it. G. Smith stated this annexation is with Bill Lambert and the annexation is helping the City. G. Smith noted he was told only three people could stop the annexation, Bill Lambert, Hardee County, or the City of Wauchula. G. Smith stated he worked for the City and has to do whatever is best for the City.

Glenda Bolin – 1528 Louisiana Street

Bolin asked questions about changing a person's address whenever they move. Brief discussion was had on this matter. Knight voiced it was more ethical than anything.

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

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

### **Approval of Ordinance 2019-02 – 1<sup>st</sup> Reading - Future Land Use Map Amendment of 1685 Louisiana Street**

Attorney Cloud read Ordinance 2019-02 by title only.

R. Smith motioned to approve Ordinance 2019-02, seconded by G. Smith.

Marisa Barmby – Central Florida Regional Planning Council

Barmby addressed the Commission and discussed the years the surrounding properties were annexed into the City. Barmby stated Ordinance 2019-02 will change the future land use of 10 acres from Hardee County Town Center to City of Wauchula Low Density Residential on 9.64 acres and Conservation on 0.36 acres. The companion zoning Ordinance 2019-03 will change from Hardee County Agriculture (A-1) to City of Wauchula Single Family Residential/Duplex (R-2) on 9.64 acres and Conservation on 0.36 acres. Barmby stated Hardee Town Center allows for residential development up to 12 units per acre or 15 dwelling units an acre for an RV park. The proposed future land use is taking it to Low Density Residential which allows for 8 units per acre, which is a decrease of units per acre and does not allow for commercial or industrial use as the County allows. Barmby

showed a map of the conservation area. Barmby stated for zoning it is currently A-1 (agriculture) and allows residential of 1 dwelling per 5 acres. Barmby stated R-2 allows for up to 8 units per acre or 5 units an acre if it is a duplex. Barmby stated on January 22, 2019, the two items went before the Planning & Zoning Board and they recommended denial on both ordinances.

With no further discussion, Nadaskay called for all in favor, all responded aye.  
For those opposed like sign, no response. Motion carried.

### **Approval of Ordinance 2019-03 – 1<sup>st</sup> Reading - Rezoning of 1685 Louisiana Street**

Attorney Cloud read Ordinance 2013-02 by title only.

G. Smith motioned to approve Ordinance 2019-02, seconded by Cobb.

Noey Flores – 311 Ohio Avenue

Flores addressed the Commission and stated his question was now that the property is going to be moved to a R-2 zoning, you said that you will still allow agricultural use on it. R. Smith replied no I said we have the ability to allow agricultural use within the City if we annex property into the City that is already agricultural, but it is not agriculture. Flores asked more questions regarding surrounding properties and agricultural exemption. Barmby replied agricultural exemption is not tied to what your zoning is. Barmby stated that is the responsibility of the Property Appraiser. Barmby stated once a property is zoned if there are cows on it the cows can stay and you can keep the agricultural exemption as long as you meet the requirements. Flores stated he did not think you could have cows on R-2 zoning. Cloud replied that is an issue for the property owner.

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

#### **Announce Power Cost Adjustment**

Atchley announced the PCA for February should be \$0.0110 the same as the prior month. The tax-exempt portion should be \$0.0200, the same as the prior month.

#### **Request Approval to Join the Peace River Water Cooperative Coordinating Committee**

Cloud addressed the Commission and stated paragraph eight of the settlement agreement allowed us to participate in a Coordinating Committee, a group of the local governments that has vested interest in water supply within the Peace River. Cloud stated he felt the Commission had major interest in participating in those discussions and recommended they authorize him to communicate with Peace River Water Cooperative and notify them we were joining the Committee.

G. Smith motioned to approve joining the Peace River Water Cooperative Coordinating Committee, 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 Bids Received for the Surplus Equipment**

Atchley presented the bids received for surplus equipment to the Commission. Atchley stated staff is recommending accepting the bid received from Triple M Equipment for all three pieces of equipment. Cobb motioned to accept the highest bid, 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.

### **CITY ATTORNEY**

Cloud informed the Commission of the proposal for an amendment to the Constitution that would deregulate electricity. Cloud stated buried in it is a proposal that would put an end to the ability to levy franchise fees and public service taxes. This will have approximately an eight million dollar impact on cities in Florida. Cloud stated the League had hired him to represent them in opposing this proposal.

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

**Nadaskay recessed the City Commission Meeting and convened the Meeting of the Wauchula Community Redevelopment Agency's Board of Directors**

#### **Approval of CRA minutes from the December 10<sup>th</sup> Meeting**

Cobb motioned to approve the CRA minutes from December 10<sup>th</sup>, 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.

### **Commercial Revitalization Grant – Mustard Seed/Sherry White Ministries**

Newman addressed the Board and explained the grant request. Newman discussed the additional quote that had been received since the workshop meeting. Nadaskay asked the Board if someone would like to make a motion or would they prefer to ask questions first. R. Smith replied let's open it up for questions. Nadaskay asked several questions regarding the project cost of \$24,723. Newman answered the questions. R. Smith asked for clarification on the reimbursement for the grants. Newman replied once the invoice is received the reimbursement check is issued. R. Smith asked Jenny Forner, who was representing Sherry White Ministries, what they had available to get the ball moving. Forner replied if the application is approved we have volunteers that can help with painting and not hire anyone, but they will be here only for a short amount of time. Nadaskay stated I think what Commissioner R. Smith was asking if you have enough funds to cover the project and wait for reimbursement. Forner replied the paint we can do and under \$1,000 we could do but we do not have the capital. R. Smith stated he would be willing to give a partial advance. Newman stated if they choose the quote that was the lowest for the bay doors the cost will be around \$21,000, the higher quote would make the project around \$24,000. Forner replied she thought the lower quote was just as good. Nadaskay stated if we do quick math and go with the lower quotes it is roughly \$21,000, \$7,000 of that is repaving of the black top which is not an immediate necessity. R. Smith stated let's round off the number to \$22,000 and approve \$11,000 and give an advancement of \$5,500. Newman recommended the bay doors be a priority because they are the most visible. Atchley stated I think your numbers will still be the same, Newman is just asking that the structural issues be addressed first with the advancement. R. Smith stated maybe we should advance \$8,000. Atchley suggested remaining consistent as you have done on the previous grants, if it is awarded. Nadaskay stated he would like a project schedule upon the grant being awarded. Newman also recommended the grant award be contingent upon the Historic Preservation Board approval. Nadaskay asked if someone would like to make a motion. R. Smith replied he would attempt to make a motion. Nadaskay stated make a motion and we can discuss and polish it if we need to. Cloud asked Newman what was the request for. Newman replied there is not a specific dollar amount; the Board just needs to award what they feel comfortable with. Atchley added the Board needs to motion whether they want to approve the grant, determine a dollar amount and are there any contingencies added to the dollar amount. R. Smith motion to approve the grant application based off the numbers presented and I am going to round it off to \$22,000 and award 50% of \$22,000, which is \$11,000 of which \$8,000 would be an advance instead of the 50%. Cloud stated you are really authorizing staff to prepare a grant agreement, which is not in the application package, with a conditional approval of the application that would be subject to the completion of a grant agreement that will include a number of appropriate conditions including but not limited to the requirement that before the advancement of 50% of 50% of the money or \$5,500 be contingent upon approval from the Historic Preservation Board. Nadaskay replied that is almost correct except Commissioner R. Smith stated \$8,000 advancement. Atchley stated you also need to include upon final approval of the City Attorney and the City Manager to expedite the process. Nadaskay asked for a second on the proposed motion. Newman commented to add the priority of the structural issues, such as the bay doors. Nadaskay replied that is a condition. Nadaskay commented on the \$8,000 and stated he felt they should work off of percentages. R. Smith agreed. Nadaskay suggested amending the motion to award 50% and then give 50% of awarded amount as advancement; it brings it down to \$5,500 but it will be easier to manage. Newman replied you are saying award 50% but the number was rounded to \$22,000. R. Smith replied yes I rounded them. Nadaskay stated I suggested not rounding anything. Nadaskay stated go to the project cost, take the lower of the two doors, take 50% of whatever that number is and advance 50% of that value. Nadaskay added that is the way I suggest doing it in order to maintain fairness and something we can be consistent with in the future. R. Smith stated he did not disagree but his biggest concern was the project being started and not able to be finished due to lack of funding. R. Smith asked if there were any objections to 75/25. Nadaskay replied it is your motion. G. Smith asked if more than 50% had been given on a grant. R. Smith asked on an advance. Newman replied no not on an advance. G. Smith replied no on a project. Newman replied it is possible that one grant had been awarded more than 50%. G. Smith stated he would like to see the doors up so it looks good. G. Smith stated if we give more than 50% on a project maybe we could give them an advancement that would work to get the doors installed. R. Smith commented that is what he was getting at. More discussion was had on the percentage and the cost of the project. R. Smith amended his motion to award grant at half of the project cost and an advance of 50% of the grant award up front which would be 25% of the construction. Nadaskay and Cloud stated to add subject to the grant agreement with all the conditions discussed. Cloud restated the motion as, a motion to approve the application for grant (\$21,788.46) of 50% of the project cost which is \$10,894.23 with an advancement of 50% (\$5,447.12) of the awarded amount, subject to the execution of a grant agreement with the conditions previously discussed including but not limited to the approval

of the Historic Preservation Board as well as review and input from the City Manager, CRA Director and City Attorney. Nadaskay added to authorize the City Manager and the CRA Director to execute the agreement without bringing back before the Board. R. Smith and Cobb agreed to the amended motion. With no further discussion, Nadaskay called for all in favor, all responded aye. For those opposed like sign, no response. Motion carried.

#### **Lawncare Contract Review**

Newman addressed the Board and explained the contract. Newman noted this was the final extension allowed for the contract. Newman asked if it was the pleasure of the Board to grant the final extension. Newman stated next year the contract will go out for bid. G. Smith asked if the contract amount would remain the same. Newman replied yes.

G. Smith motioned to approve the 1-year extension, seconded by Cobb.

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

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

Newman informed the Board that construction had begun at Crews Park.

**Nadaskay adjourned the Meeting of the Wauchula Community Redevelopment Agency's Board of Directors and reconvened the City Commission Meeting**

#### **Approval of the CRA Board's actions**

Cobb motioned to approve the actions of the CRA Board of Directors, 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.

#### **REMINDERS:**

**February 16-23, 2019 – Hardee County Fair**

**March 4, 2019 @ 5:00pm – City Commission Workshop**

**March 11, 2019 @ 6:00pm – City Commission Meeting**

**WITH NO FURTHER BUSINESS TO DISCUSS, NADASKAY ADJOURNED THE COMMISSION MEETING AT 7:30 P.M.**

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Mayor Richard K. Nadaskay, Jr.

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City Clerk Holly Smith, CMC