

On Monday, November 8, 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, Assistant City Manager/Finance Director Sandee Braxton, Director of Project Management and Procurement Ward Grimes, Director of Support Services & Internal Auditing James Braddock, City Attorney Kristie Hatcher-Bolin, CRA Director Jessica Newman, Community Development Director Kyle Long and City Clerk Holly Smith.

**Nadaskay declared a quorum.**

### **Approval of Agenda**

Albritton motioned to approve the agenda as presented, seconded by Cobb.  
With no discussion, Nadaskay asked for all in favor, all responded aye.  
Motion carried.

### **Approval of Minutes for the October 4, 2021 Workshop and October 11, 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**

### **FDOT Highway 17 Resurfacing Project Update**

Vitor Suguri – FDOT Community Planner

Suguri began his presentation

Southbound One-Way Pair – Design phase funded in fiscal year 2024 and construction funded in fiscal year 2026.

Northbound One-Way Pair – Does not qualify for resurfacing at this time but will make changes to the northbound one-way once it is in need of resurfacing.

Recommendation for Scoping

- Enhance crosswalks at all side streets
- Stamped Crosswalks at Signals – Need further coordination with city staff
- Speed feedback signs for Southbound directions between Oak and Bay

- Shared-Use-Path on east side for Northbound and on west side of Southbound from Will Duke (MP 2.071) to Peace River (South of SLD limits) currently only looking at southbound – 12ft. wide share-use-path recommended for scoping

Nadaskay asked if the speed feedback signs were electronic. Suguri explained there were various types of electronic speed signs. Albritton asked if the enhancement and crosswalk changes were for ADA. Suguri briefly explained the changes.

### **Building Strong Communities Award**

Braddock addressed the Commission and explained the Building Strong Communities Award the City of Wauchula received from FMFA.

### **PUBLIC COMMENT – NON-AGENDA ITEMS**

Gary Delatorre – 203 N. Florida Avenue

Delatorre addressed the Commission and voiced his issue with the proposed food truck ordinance.

Delatorre stated at the last commission meeting he attended, the commission instructed staff to eliminate the 175 feet distance and the hours of operation. He stated he missed a meeting and somehow the verbiage got changed and when he went to the Planning and Zoning meeting, the ordinance had been changed. Delatorre noted at the P&Z meeting the proposed food truck ordinance was a food truck per half acre and not the elimination of the 175 feet distance. Delatorre stated he felt the one food truck per half acre was more restrictive than the 175 feet distance. He felt the city was not supporting small business. Delatorre said the hours of operation were still 5am to 10pm and he thought the commission was eliminating the hours of operation as well. He continued with his dissatisfaction of the new changes to the food truck ordinance. Nadaskay asked Long to bring the commission up to speed on the new proposed changes to the food truck ordinance. Long addressed the commission and explained at the October workshop (the one Delatorre did not attend) food trucks were brought up during comments from commissioners. The discussion was brought up about eliminating the 175 feet distance requirements and that would result in a “free for all” effect. Staff then recommended one food truck per parcel or one food truck per half acre and as far as the time frame that was debated briefly and Chief discussed an incident that had happened a few weeks back regarding the food truck being robbed. Long noted that is the reason the hours of operation were kept the same. Long stated the P&Z Board requested to table the food truck ordinance until their November 15<sup>th</sup> meeting and asked for the minutes from the October 4<sup>th</sup> commission workshop. Nadaskay stated he recalled discussion regarding density and density requirements. Nadaskay added the commission was trying to make the requirements less restrictive than they were. R. Smith explained the armed robbery which had taken place at the current food truck and that swayed the commission to leave the hours of operation as they were. Delatorre stated all businesses have that risk and he stated the hours would regulate themselves. Delatorre continued voicing his disapproval of the one food truck per parcel or one food truck per half acre. Nadaskay stated he felt it was a fair compromise. Long stated at the P&Z meeting he informed the Board that roughly 130 parcels could have a food truck on them. Long added food trucks are allowed in C-2 and Industrial zoning. Long noted that would allow for roughly 300 food truck could be allowed in the City of Wauchula. Long stated we are not trying to regulate them where they cannot exist in the city, the one per half acre was more for aesthetics. Nadaskay stated if a bunch of food trucks come into the city and we find the ordinance was not working we could revisit it but if we do away with all requirements it is hard to take back something when all the requirements were done away with. Delatorre continued to remind the commission they had agreed to do away with the 175 feet distance and then staff brings back language with one truck per half acre. Nadaskay stated he felt the commission had shown the openness and willingness to listen to issues and evaluate them. Nadaskay added every time we have had an issue, we have addressed it and made it less restrictive and I do not know if it goes the other direction and a

problem arose how we get back out of it. Nadaskay stated if any property owner came before us and presented an issue and see that the density or hours are not working out, we have shown the willingness to listen so I do not know why we could not do that if it became an issue. Nadaskay continued by stating I do not know how we would get out of it if we just eliminate it completely. Delatorre began comparing Hardee County to the surrounding counties. Atchley cautioned the commission of having no regulations. Cobb stated she was the one that had asked about food trucks and when it would be back before the commission and during a workshop and/or meeting there is a place on the agenda where commissioners are allowed to ask questions. Cobb informed Delatorre that the discussion was had at the workshop he did not attend and she was asking the time line for the ordinance and the proposed changes were discussed. Cobb stated we are trying to make the ordinance better and Long made the changes from the discussion we had at the October workshop and that is what happened and it was in the minutes. Cobb thanked Delatorre and stated she was sorry he did not agree with the proposed changes but the commission was showing its willingness to work with businesses.

## **ORDINANCES/PUBLIC HEARINGS**

### **Ordinance 2021-14 – 1<sup>st</sup> Reading – Capital Improvement Element Update**

Bolin read Ordinance 2021-14 by title only.

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

Marisa Barmby – Central Florida Regional Planning Council (attended virtually)

Barmby addressed the Commission and explained Ordinance 2021-14 the Capital Improvement Element and the 5-year Capital Improvement Plan which is done yearly.

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

Motion carried.

### **Ordinance 2021-11 – 2<sup>nd</sup> Reading – Property Rights 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 2021-11 by title only.

Marisa Barmby – Central Florida Regional Planning Council (attended virtually)

Barmby addressed the Commission and explained Ordinance 2021-11 the changes to Property Rights Element due to House Bill 59.

Albritton motioned to approve Ordinance 2021-11, seconded by G. Smith.

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

Motion carried.

### **Ordinance 2021-16 – 2<sup>nd</sup> Reading – Final Budget Adjustments for 2020/2021 Fiscal Year**

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 2021-16 by title only.

G. Smith motioned to approve Ordinance 2021-16, seconded by Albritton.

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

Motion carried.

## **CITY MANAGER/NON-CONSENT**

**Announce Power Cost Adjustment**

Atchley announced the PCA for November should be \$0.013, the same from the prior month. The tax-exempt portion should be \$0.017, the same as the prior month.

**Special Magistrate Agreement Revision**

Long addressed the Commission and advised of the misunderstanding of the hourly rate. Long stated the hourly rate would be \$215 and not the \$165 of the previous magistrate.

G. Smith motioned to approve the Special Magistrate Agreement Revision, seconded by Cobb.

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

Motion carried

**Building Department Interlocal Agreement Revision**

Long addressed the Commission and explained city staff and the County planner had reviewed the agreement and it was brought before the commission at the October meeting and approved. Long stated it was then sent to the County Manager and after his review he did not like the hourly rate of \$37.50 with the agreement. Long noted the verbiage had been changed to read "at an hourly rate of the County Building Official at the time of service".

R. Smith motioned to approve the Special Magistrate Agreement, seconded by Albritton.

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

Motion carried

**Resolution 2021-20 – Main Street Wauchula Funding Agreement**

Newman addressed the Commission and explained Resolution 2021-20. Newman stated Florida Main Street has now added in their agreement they require a resolution of support for the Main Street program. Hatcher-Bolin noted this resolution was not approving the agreement just supporting the Main Street program.

Albritton motioned to approve Resolution 2021-20, seconded by Cobb.

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

Motion carried.

**Special Event Application – Brunch in the Park**

Newman addressed the Commission and explained the special event application for Brunch in the Park.

Eason stated he did not have any concerns with the event.

Albritton motioned to approve the special event application, seconded by G. Smith.

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

Motion carried.

**Shop Small Saturday Proclamation**

Newman addressed the Commission and explained the Shop Small Saturday Proclamation.

G. Smith motioned to approve the Shop Small Saturday Proclamation, seconded by Cobb.

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

Motion carried.

**Surplus Unit 43**

Grimes addressed the Commission and explained the surplus of unit 43.

G. Smith motioned to approve the surplus of unit 43, seconded by Cobb.

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

Motion carried.

### **Discuss proposed purchase offer for 221 West Main Street**

Atchley addressed the Commission and explained the current tenant has made a purchase offer for the building (the Giovanni's building). Atchley stated Newman had an appraisal done on the building and the appraisal was \$150,000. Atchley noted the current tenant has made a purchase offer of the appraised value. Atchley asked the commission if they would consider the purchase offer from the current tenant and direct staff and legal counsel to move forward with a purchase agreement. Atchley noted this was strictly for the building. Albritton asked if it was staff's recommendation to sell the building. Atchley stated it was his recommendation. Nadaskay asked if the city should go out for bid for the sale of the building. Atchley stated he had spoken with legal counsel and because this was a current tenant it made the sale a little different. Atchley added we could advertise if that was the commission's desire but it, we do not have to. Discussion was had about advertising for the sale of the property. Atchley stated Newman would like the right to 1<sup>st</sup> refusal written within the contract. Albritton asked for a second appraisal. G. Smith asked why the appraisal was so low. Newman commented commercial property was always lower. Newman stated her concern was protecting the park and that was the reason for the right to 1<sup>st</sup> refusal clause needed to be added. Newman noted the roof had just been replaced. Atchley stated we could valid with legal counsel to make sure what we were proposing was correct. Nadaskay asked for legal counsel to review and evaluate the proposed offer. Nadaskay added we just want to make sure we are doing it the right way.

### **Quarterly Financial Report**

Braxton presented a quarterly financial report to the commission.

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

Cobb gave RLC and CFRPC updates.

Albritton gave an update on the Education Foundation Scholarship program.

### **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 October 4, 2021 and October 11, 2021 Meetings**

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

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

Motion carried.

#### **Main Street Wauchula Funding Agreement**

Albritton motioned to approve the Main Street Wauchula Funding Agreement, 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**

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

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 8:12 p.m.**

---

Mayor Richard K. Nadaskay, Jr.

---

City Clerk Holly Smith