

On Monday, September 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, Assistant City Manager/Finance Director Sandee Braxton, Director of Project Management and Procurement Ward Grimes, Communication Coordinator Cheyenne Pohl, City Attorney Kristie Hatcher-Bolin and City Clerk Holly Smith. Community Development Director, Kyle Long, attended the meeting virtually.

**Nadaskay declared a quorum.**

**Approval of Agenda**

Braxton asked the Commission to move tab 18 above tab 7 and remove tab 5.

Cobb motioned to approve the agenda with the proposed changes, seconded by Albritton.

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

Motion carried.

**Approval of Minutes for the August 9, 2021 Meeting**

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.

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**

**Representative Melony Bell**

Rep. Bell along with Karen, Senator Albritton's assistant, presented the City with a 1-million-dollar water main line LP grant award. Rep. Bell recognized the City's lobbyist Connie Vanassche for all of her hard work and dedication.

**ORDINANCES/PUBLIC HEARINGS**

**Ordinance 2021-08– Public Hearing – 2<sup>nd</sup> Reading – Annexation for 305 Riverside Drive**

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 2021-08 by title only.

Albritton motioned to approve Ordinance 2021-08, seconded by G. Smith.  
With no further discussion, Nadaskay asked for all in favor, all responded aye.  
Motion carried.

**Ordinance 2021-09— Public Hearing – 2<sup>nd</sup> Reading – Future Land Use Map Amendment for 305 Riverside Drive**

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 2021-09 by title only.  
Albritton motioned to approve Ordinance 2021-08, seconded by G. Smith.  
With no further discussion, Nadaskay asked for all in favor, all responded aye.  
Motion carried.

**Ordinance 2021-10— Public Hearing – 2<sup>nd</sup> Reading – Rezone of 305 Riverside Drive**

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 2021-10 by title only.  
G. Smith motioned to approve Ordinance 2021-10, seconded by Albritton.  
With no further discussion, Nadaskay asked for all in favor, all responded aye.  
Motion carried.

**Pulled from Agenda - Ordinance 2021-11 – 1<sup>st</sup> Reading – Comprehensive Plan Text Amendment – Property Rights Element**

**Ordinance 2021-12 – Public Hearing – 2<sup>nd</sup> Reading – ULDC Text Amendment – Mobile Food Truck**

Nadaskay announced the Public Hearing and asked anyone who wished to speak to identify themselves for the record and address the Commission  
Gary Delatorre – 203 N. Florida Avenue, Wauchula  
Delatorre addressed the Commission and stated the 175-foot distance from another restaurant was an injustice to commercial property owners. Delatorre stated he felt the City should not regulate businesses. He asked the Commission to consider removing the 175-foot distance from the ordinance. Delatorre stated Wauchula needed businesses. Delatorre also complained about the hours of operation (5am-10pm). Delatorre stated we are supposed to have “free enterprise” in a capitalistic country.  
Long addressed the Commission and explained the change that was made from first reading to second. Long noted the change was in Section 2: Locations. The change was the waiver of the prohibition from the owner or authorized agent of the property owner. Long reminded the 175-foot distance was established whenever the ordinance was first drafted and the Commission had the final decision on the density of mobile food trucks. Albritton asked Long how far had the distance been. Long replied it had always been 175-feet but it was from property line to property line not front entrance. Albritton replied a food truck could be closer than 175-feet if a property owner said it was allowed. Long responded correct. R. Smith added more than one food truck could be on the same property as long as the property owner allowed it. Long replied correct. Discussion continued between Delatorre and the Commission regarding the distance of mobile food trucks. Nadaskay spoke up and stated whenever the distance was first established, we had a room full of restaurant owners and we tried to be considerate of them. Nadaskay stated we had gone too far with some of the original regulations and we have tried to pull some of those back. More discussion continued on the 175-foot distance. Cobb and Albritton asked why didn't the City

do away with the distance and the hours of operation. Atchley stated the changes could not be made at this time because it was second reading you would have to back up and start over. The process would have to start over and would have to go before the Planning & Zoning Board and the restaurant owners would need to be informed of the proposed changes. Atchley confirmed with Hatcher-Bolin that Commission could deny approval of the ordinance. Hatcher-Bolin replied the Commission had the right to deny the ordinance. Atchley recommended approving the ordinance as it was presented and begin the process to amend the changes the Commission discussed. Nadaskay commented if the ordinance was not approved tonight the ordinance with stricter regulations would remain in place. Delatorre did not agree with the approval the ordinance without the change to the distance and hours of operation being included. Hatcher-Bolin spoke up and said if the proposed ordinance was not approved the ordinance with the stricter regulations would remain in effect. Hatcher-Bolin stated since the current ordinance was adopted the Florida Legislation had a preemption ordinance F.S. 509.102 and some of the issues with permitting and licensing in the current ordinance needed to be addressed. Hatcher-Bolin stated the proposed ordinance addressed the permitting and licenses issues and needed to be adopted. Hatcher-Bolin stated the ordinance could be amended in the future after its adoption tonight. Delatorre continued to voice his dissatisfaction with the Commission's decision to approve the proposed ordinance. Albritton informed Delatorre the Commission had heard him and would revisit the mobile food truck ordinance regarding the 175-distance and the hours of operation. Long asked for clarity from the Commission on what changes they would like to see regarding mobile food trucks. Long noted from what he had heard it was the 175-feet distance and changing the hours of operation. Nadaskay replied yes. Long asked if there would be a limit on units per parcel. Nadaskay stated those were good point to debate at a workshop and advised Long to research it further.

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

Bolin read Ordinance 2021-12 by title only.

Albritton motioned to approve Ordinance 2021-12, seconded by R. Smith.

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

Motion carried.

#### **Resolution 2021-12 – Tentative Millage Rate**

Braxton addressed the Commission and explained the resolution that was adopted in July had the incorrect roll-back rate in it and wanted to make the correction. The roll-back rate was 5.4674.

Albritton motioned to approve Resolution 2021-12, seconded by Cobb.

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

Motion carried.

#### **Ordinance 2021-13 – 1<sup>st</sup> Reading – Final Budget for 2021/2022 Fiscal Year**

Bolin read Ordinance 2021-13 by title only.

G. Smith motioned to approve Ordinance 2021-13, seconded by Albritton.

Braxton addressed the Commission and explained the changes since the July workshop. The proposed budget in July was \$19,606,984 and the amended amount is \$19,202,072. Braxton noted this was a decrease of \$404,912 due to lower-than-expected insurance premiums and a few other minor changes.

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

Motion carried.

#### **Public Comment – Non-Agenda Items**

No public comment

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

### **Approval of June 14, 2021 minutes**

Albritton motioned to approve the minutes of June 14, 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.

### **Pension Budget 21-22**

Braxton addressed the Board and explained the proposed budget for the General Fund pension was \$47,058, the Police pension was \$8,651 and the OPEB was \$133,371.

G. Smith motioned to approve the pension budget for 2021-2022 fiscal year, 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.

### **OPEB Authorization Letter**

Braxton addressed the Board and explained the OPEB authorization letter.

Cobb motioned to approve the OPEB authorization letter, seconded by Albritton.

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

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

### **Request approval of the Quarterly Reports & Earnings for the General Pension and the OPEB**

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

Albritton motioned to approve General Pension and OPEB Financial Reports of the 4<sup>th</sup> 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.

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

### **Approval of the General Pension Board's actions**

Cobb motioned to approve the actions of the General Pension Board, seconded by G. Smith.

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 September should be \$0.013, a decrease from the prior month.

The tax-exempt portion should be \$0.017, the same as the prior month.

#### **Giovanni's Amended Lease Agreement**

Atchley addressed the Commission and explained the amended lease agreement with Giovanni's.

Albritton motioned to approve the Giovanni's amended lease agreement, seconded by Cobb.

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

Motion carried.

### **Emergency Management Plan**

Pohl addressed the Commission and explained the proposed Emergency Management Plan. Pohl briefly described the four (4) phases. Nadaskay commented he felt phase two (2) was two phases. Pohl stated that was discussed. Braxton and Eason the reason for phase two (2).

Albritton motioned to approve the Emergency Management Plan, seconded by Cobb.

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

Motion carried.

#### **Resolution 2021-09 – Interlocal Agreement for Building Department Services**

Long addressed the Commission and explained Resolution 2021-09.

Albritton motioned to approve Resolution 2021-09, seconded by G. Smith.

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

Motion carried.

#### **Resolution 2021-10 – Variance for 202 S. 9<sup>th</sup> Avenue (EOC)**

Long addressed the Commission and explained Resolution 2021-10. Long noted the request was for a 5-foot variance.

Albritton motioned to approve Resolution 2021-10, seconded by R. Smith.

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

Motion carried.

#### **Resolution 2021-11 – Legislative Priorities**

Minshew addressed the Commission and explained Resolution 2021-11.

Cobb motioned to approve Resolution 2021-11, seconded by G. Smith.

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

Motion carried.

#### **Resolution 2021-14 – Taxiway A Rehab Grant Acceptance**

Minshew addressed the Commission and explained Resolution 2021-14.

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

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

Motion carried.

#### **CITY MANAGER, CONSENT AGENDA**

**Special Event Application – Street Closure**

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

**SRO Agreement with Hardee County School Board**

G. Smith motioned to approve the Consent Agenda as presented, seconded by Albritton.

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

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

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

Cobb gave meeting updates with CFRPC.

**With no further business to discuss, Nadaskay adjourned the Commission Workshop at 7:45 p.m.**

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Mayor Richard K. Nadaskay, Jr.

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City Clerk Holly Smith