

On Monday, May 9, 2022 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, Commission Gary Smith and Sherri Albritton.

Also, present were City Manager Terry Atchley, Deputy City Manager Olivia Minshew, Assistant City Manager/Finance Director Sandee Braxton, Assistant City Manager/Police Chief John Eason, Director of Project Management and Procurement Ward Grimes, Community Development Director Kyle Long, Code Enforcement Officer Raina Bergens, City Clerk Holly Smith and City Attorney Kristie Hatcher-Bolin.

Nadaskay declared a quorum.

Approval of Agenda

Albritton motioned to approve the agenda, seconded by Cobb.

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

Motion carried.

Approval of Minutes from the April 4, 2022 Workshop and the April 11, 2022 Meeting

Cobb 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

PUBLIC COMMENT

Roy Brown – 1521 Lisa Drive, Wauchula

Brown addressed the Commission and stated the City had a code enforcement case against him and the magistrate that was over the case died and his case was left in limbo. Brown stated the new magistrate said he could not do anything about the previous ruling. Brown noted the City had imposed a \$20,000 fine against him. Brown continued by saying he had replaced 4 windows, 2 doors and painted. Brown stated he applied for a permit on September 13, 2021 and due to the pandemic, there are no windows locally however he found some windows in Miami. Brown added it took three months to get the windows and install them. Brown stated the magistrate only gave him ten days to install 4 windows and 2 doors and after that the magistrate died. Brown questioned the death of the magistrate. City staff confirmed Special Magistrate Dawson did pass away. Brown stated he did not feel it was fair that the City was charging him \$20,000 after he fixed the house up. Nadaskay asked staff to give an update to the Commission on the matter. Hatcher-Bolin addressed the Commission and explained she had reviewed all the file and the permit was applied for one month after the magistrate found there was a violation and gave ten days. Hatcher-Bolin stated it was originally noticed for violation May 3, 2021 and the notice was sent via certified mail and posted at the property where the violation existed. Hatcher-Bolin noted this

gave the property owner twenty-one days. Hatcher-Bolin stated on August 6, 2021 the code enforcement officer Bergens found the property was still in violation and at that point a notice of non-compliance was issued and a hearing date was set. Hatcher-Bolin noted a notice of a hearing for August 18, 2021 was sent via certified mail and posted at the property in violation. Hatcher-Bolin stated at the August 18, 2021 hearing the magistrate entered an order finding the violation still existed and gave Brown ten days to become compliant. Hatcher-Bolin noted almost three months after the first notice of the violation was when the magistrate entered an order to comply within ten days or a fine of \$250 a day would be assessed. Hatcher-Bolin stated this was in-line with the City's code and Florida Statute 162. Hatcher-Bolin pointed out to the Commission that the fine was not \$20,000, however it was a \$250 a day fine and the longer you are not in compliance the larger the fine grows. If it had been taken care of months ago or within the 10 days there would have been no fine. Hatcher-Bolin stated after the ruling from the special magistrate a person has 30 days to appeal it before the Circuit Court and the appeal for Brown had expired. Hatcher-Bolin asked Bergens if the property was compliant. Bergens replied no, the new wood was not painted. Brown stated that was not bare wood, it was painted. Albritton asked Hatcher-Bolin if Brown was asking for the \$250 a day fine to be waived and if the Commission had the authority to waive the fine. Hatcher-Bolin stated the Commission had the ability to waive the fine only if the property was in compliance and as of today the violation still exists. Albritton asked Bergens if the violation still existed. Bergens replied yes as of this morning. Bergens showed the Commission current photos of the house. Albritton stated it looked like the new wood on the house had not been painted and asked if there was any other wood not painted from the original violation. Bergens stated she had not been on the property and did not know if all the wood had been painted. This was all she could see from the road. Brown stated paint was not part of the violation, it was windows and two doors. Albritton asked if the accumulation of stuff of the front porch was part of the violation. Bergens stated it was still there. It gets cleaned up and then piles up again. Albritton stated if Brown's property was not compliant then there was nothing the Commission could do. Cobb informed Brown if he had come before them during COVID then an extension may have been granted, but he did not. Brown argued with the Commission regarding painting. Nadaskay and Albritton both informed Brown that painting was in the original violation. Nadaskay advised Brown to get the property in total compliance based on the original citation and once that was complete you are welcome to come back before the Commission. Hatcher-Bolin informed Brown there was nothing further the Commission could do until the property was brought into total compliance and signed off by Bergens. Brown informed the Commission that he never received the certified letter. Nadaskay and Hatcher-Bolin stated the notice was also posted at the address of the violation. Albritton stated she had drove by the property and the front porch looked terrible and would not want to live next to it. Albritton asked Brown if he could have the tenant clean up the front porch. Brown stated the tenant was looking for another place to live. Albritton asked Brown if he would want to live next to it. Brown replied he would not want to live beside the property in question nor the property beside it. Bergens stated the property had the \$20,000 fine along with a lien on the property. Brown told the Commission that Long informed him the City needed the property and asked if Brown would give the City the property. Minshew advised the Commission that City staff had not asked for that piece of property. Brown looked at Long and said stand up and tell them. Long stood up and told Brown he had no clue what Brown was talking about. Brown added Long wanted him to give the property to the City. Hatcher-Bolin advised Brown to get the property into total compliance and come back before the Commission. Brown continued talking while Juan Plata was speaking to the Commission. Eason asked Brown to please be quiet or go outside for the Commission could not hear the speaker. Juan Plata informed the Commission he was hired by Brown and would work with Brown to get the property into compliance. Bergens advised the Commission the case was originally opened in May 2021 and permits were not pulled until January 2022.

ORDINANCES/PUBLIC HEARINGS

Ordinance 2022-02 – Public Hearing – 2nd Reading – Future Land Use Map Amendment for 827 & 855 Oak Street

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

Bolin read Ordinance 2022-02 by title only.

Cobb motioned to deny Ordinance 2022-02, seconded by Albritton.

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

Motion carried.

Ordinance 2022-03 – Public Hearing – 2nd Reading – Rezone for 827 & 855 Oak Street

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

Bolin read Ordinance 2022-03 by title only.

Cobb motioned to deny Ordinance 2022-03, seconded by Albritton.

R. Smith asked for migrant housing in single family residence be workshop agenda item in the near future.

Long stated he had a meeting with the Health Department a couple of years ago and they agreed to asked the zoning classification before approval was given.

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

Motion carried.

Ordinance 2022-04 – 1st Reading – Setting the Qualifying Dates for the 2022 Election

Bolin read Ordinance 2022-04 by title only.

Albritton motioned to approve Ordinance 2022-04, seconded by G. Smith.

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

Motion carried.

CITY MANAGER/NON-CONSENT

Announce Power Cost Adjustment

Atchley informed the Commission the price of natural gas was continuing to spiral out of control. Atchley announced the PCA for May should be \$0.035, an increase from the prior month. The tax-exempt portion should be \$0.021, an increase from the prior month. Albritton asked staff if they could inform the residents of the increase. Cobb suggested putting it on the utility bill.

Approval of the Hardee Youth Center Building Lease Agreement

Atchley addressed the Commission and explained the lease agreement. Atchley stated the lease was for three years with an additional two, 1-year extensions.

Cobb motioned to approve the Hardee Youth Center Building Lease Agreement, seconded by Albritton.

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

Motion carried.

Approval of the Advent Health Lease Agreement

Atchley addressed the Commission and explained the lease agreement. Atchley stated the lease was for three years with an additional two, 1-year extensions.

G. Smith motioned to approve the Advent Health Lease Agreement, seconded by Albritton.

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

Motion carried.

Approval of the Garden Club Lease Agreement

Atchley addressed the Commission and explained the lease agreement.

Albritton motioned to approve the Garden Club Lease Agreement, seconded by Cobb. Albritton asked if there would be a conflict with her voting since she was a member of the Garden Club. Hatcher-Bolin asked Albritton if she had any financial gain or held an office. Albritton stated no and felt she did not have any financial gain. R. Smith asked about membership. Albritton stated it was increasing in members. With no further discussion, Nadaskay asked for all in favor, all responded aye.

Motion carried.

CITY MANAGER, CONSENT AGENDA

Resolution 2022-09 – SCOP Agreement w/ FDOT 10th Avenue FPN 447955-1-54-01

Resolution 2022-10 – SCOP Agreement w/ FDOT Tennessee Street FPN 447956-1-54-01

Resolution 2022-11 – SCOP Agreement w/ FDOT Alabama Street FPN 447957-1-54-01

Resolution 2022-12 – SCOP Agreement w/ FDOT Turner Avenue FPN 447958-1-54-01

Resolution 2022-13 – SCOP Agreement w/ FDOT Court Street FPN 447959-1-54-01

Resolution 2022-14 – Authorizing the City Manager to sign FDOT Traffic Signal Maintenance Agreement ARW08

Resolution 2022-15 – Authorizing the Use of Law Enforcement Trust Money for Small Unmanned Aircraft System

Approval of the DBE Plan

Albritton motioned to approve the Consent Agenda 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.

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

Cobb gave RLC and CFRPC updates.

Nadaskay asked about the City of Wauchula Electrical Centennial. Atchley stated it was the 100th year of the City of Wauchula Electric Utility.

With no further business to discuss, Nadaskay adjourned the Commission Workshop at 6:58 p.m.

Mayor Richard K. Nadaskay, Jr.

City Clerk Holly Smith