

On Monday, October 4, 2021 at 5:00 p.m., the City of Wauchula Commission met for its regular scheduled workshop.

### **Nadaskay called the workshop to order.**

Commissioners present were Mayor Pro-Tem Neda Cobb, Russell Smith, Mayor Keith Nadaskay and Gary Smith. Commissioner Sherri Albritton attended the workshop virtually.

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

### **Code Enforcement Update**

Bergens addressed the Commission and gave a code enforcement update from January 1, 2021 – September 30, 2021. Bergens noted 128 cases had been opened, 113 had been closed and 15 remained open. Minor discussion was had.

### **Special Event Application – Alley/Street Closure – Merry Market**

Cynthia Paxton – 401 East Main Street, Wauchula

Paxton addressed the Commission and explained the special event application for the Merry Market event. Nadaskay asked Eason if he had any objections. Eason replied no sir.

### **Special Magistrate Agreement**

Long addressed the Commission and explained the special magistrate agreement. Long stated Jeffrey Dawson the City's special magistrate for the past 4 years recently passed away in a car accident. Long informed the Commission that Mr. Cloud had referred Elliott Mitchell from Lakeland. Long stated we would piggyback off of Fort Meade and split the travel cost. Long noted the listed rate of \$215 would actually be \$165 per hour. Nadaskay asked if the services had to be put out for bid. Atchley replied no because we are piggybacking off of Fort Meade.

### **Resolution 2021-18 – FDOT Supplemental Grant Agreement – Melendy Street from 10<sup>th</sup> to 7<sup>th</sup> Avenue**

Minshew addressed the Commission and explained Resolution 2021-18. Minshew explained the supplemental grant agreement was decreasing the original awarded grant amount. The amount of this agreement was for \$80,000 and would be for design only. Minshew stated after further inspection of the road there appeared to be no base under the existing road and it was in worse shape than originally thought.

### **Use Agreement with Hardee Youth Sports – Farr Field**

Atchley addressed the Commission and explained the proposed use agreement with Hardee Youth Sports, Inc. Atchley stated they have spent approximately \$16,000 on concession and bathroom renovations and have replaced one of the two new electric score boards. Atchley noted the agreement would be for two-years. Atchley recommended consideration and approval of the two-year agreement. Nadaskay asked if they were going to pay rent. Atchley replied no because they will continue the minimum maintenance.

### **Discuss Alcohol Ordinance**

Long addressed the Commission and began explaining the current alcohol ordinance. Long explained the sale of alcohol was not allowed between the hours of 1:00 a.m. to 1:00 p.m. each Sunday and 1:00 a.m. to 7:00 a.m. all other days. Long discussed the sale of alcohol in surrounding cities. Nadaskay asked if

residents had approached the City regarding the ordinance. R. Smith replied no he had spoken with residents over the years regarding it and asked City staff to do a little research and put it on the workshop agenda. R. Smith stated his recommendation was to make the hours the same seven days a week due to new businesses coming to town and serving alcohol on Sundays. Albritton asked if staff had any recommended changes for the ordinance. Long stated not at this time and no one has requested a change in hours. Atchley stated staff would look to see if there were any legislative changes. Discussion was had on other cities allowing the sale of alcohol on Sunday after 7:00 a.m. R Smith stated his thought was to make the hours of sale the same for every day of the week. Long stated if the City was to make the time universal it would be no sale of alcohol from 1:00 a.m. to 7:00 a.m. everyday. Cobb asked about the County's regulation. Long stated they have the same regulations we have in place currently. Nadaskay stated he did not have an opinion one way or the other but did not see a reason to change it. Albritton stated she did not have a problem either but she mentioned during Brent Stephens presentation he mentioned wanting to be able to serve alcohol at Giovanni's on Sundays while watching football on the patio. Albritton added she felt Beef O Brady's would want to be able to sell alcohol before 1:00pm. Albritton commented she did not have a problem with changing the hours to be the same everyday of the week. R. Smith asked Eason if he had an opinion. Eason replied no sir in my line of work if you are going to drink you are going to buy it the night before. Eason added he did not have a strong opinion one way or another nor did he have the data to support it. Long asked the Commission if they would like him to change the hours to 1:00 a.m. to 7:00 a.m. every day of the week. R. Smith replied he wanted to see the change. Long stated he would also research any legislative changes that may need to be added such as sale of alcohol "to go". Hatcher-Bolin noted there was a provision within the current ordinance regarding the consumption of alcohol outside a dining establishment. Eason elaborated on that provision and stated changes would need to be made to the ordinance in section 3.8 to add outside dining.

### **With no further business to discuss, Nadaskay closed the Commission Workshop and Opened the CRA Workshop**

#### **Sale of 2019 and 2020 Voluntary Cleanup Tax Credit**

Newman addressed the Board and explained the 2019 and 2020 Tax Credits for 226 West Main Street Brownfield Site. Newman stated next year she would have to get quotes for the tax credits. R. Smith asked where did the money go. Newman replied back into the CRA fund.

Cobb gave updates on RLC and CFRPC.

Cobb asked for an update on mobile food trucks. Long addressed the Commission and advised he was drafting an ordinance with the proposed changes with omitting the 175-foot setback distance and the hours of operation. Long stated it would go before the Planning & Zoning Board at their October meeting and back before the Commission in January. Long explained the reason for the time span was for any proposed changes. Atchley stated on behalf of staff they will definitely follow the direction you have given them but we are strongly, strongly encouraging you to consider not eliminating any type of setbacks on mobile food trucks. Atchley continued by explaining everyone else in the City has to meet setbacks (shed, house, fence, building). Atchley asked why would you give one entity special treatment. Atchley stated no one else within the City did not have to meet setbacks and staff wanted the Commission to be aware. Nadaskay stated maybe research needed to be done to see what the right distance might be. R. Smith stated there was a clear visibility triangle they had to meet. Long stated yes. Atchley added staff was referring to property lines. Atchley stated there are reasons on why some type of setback should be kept to prevent things from piling up. R. Smith asked Atchley if he was referring to the 175-foot setback from unit to unit. Atchley replied whenever we left the September 13<sup>th</sup> meeting the Commission discussed doing away with the 175-foot setback. Atchley again asked the Commission to give some thought as to

totally doing away with any type of setback for the mobile food trucks. Atchley asked would you like to see four food trucks per parcel or forty. Nadaskay stated there are several options such as: a set number per square footage of a parcel or distance from door to door. Long replied the City did have building densities with so many units per parcel and/or acre. Nadaskay stated staff was making a good point regarding setbacks. Atchley added staff wanted to make sure the Land Development Code remained consistent. Nadaskay suggested omitting the 175-foot distance from a business to food truck but have a number of food trucks per parcel or distance from another food truck. Cobb replied we need to decide on what we would like to see and not continue changing the requirements. Atchley asked the Commission if they wanted staff to look at the hours of operation. Atchley stated all other restaurants are closed in the middle of the night. Nadaskay stated he felt the food trucks wanted to catch the people that go to work early. Atchley stated staff would look at hours of operation and density per parcel. R. Smith suggested looking at the density of the mobile home park and compare size. Atchley stated the difference with the density of mobile home parks is mobile food trucks are only allowed in commercial districts and not residential. Discussion was had on the small number of food trucks wanting to come into the city limits. Atchley stated staff would do some research and bring back some recommendations. G. Smith stated setbacks would work for a smaller parcel and a number of units would work better for a larger parcel. Nadaskay and R. Smith agreed. Nadaskay stated he did not want to make anything too restrictive or get in anyone's way of running a business but there are certain regulations that should apply and density is one. Long replied if you would like to eliminate the 175-foot, which essentially does not allow them next to another restaurant, he recommended going with a density. G. Smith recommended allowing one food truck on smaller parcels and allowing a certain number on larger parcels. Nadaskay asked Long to research allowing one food truck and if more than one they have to be X distance apart or you are allowed one and no more than a number per acre. Long discussed the aesthetics of a mobile food truck versus businesses. Cobb stated the couple of food trucks the city had did not look bad but she understood Long's concerns. Nadaskay stated Long had some direction and ideas. Long asked about hours of operation. Long stated the current hours of operation were 5 a.m. to 10 p.m. Nadaskay stated 5 a.m. seemed early. Cobb stated she felt the morning time was good. R. Smith stated if no one was buying the food truck workers would not stay. Cobb asked should we just stay with the existing hours. R. Smith suggested doing away with the hours and it would regulate itself. Eason spoke up and informed the Commission the food truck on Townsend Street was robbed at 5 a.m. a few weeks ago. Eason recommended not allowing food trucks to stay open late at night. Cobb noted bad stuff had been happening in her neighborhood and explained things that had been happening. Long stated he would do more research and suggested one food truck per half-acre or one per parcel. R. Smith stated one per half acre sounded good. Nadaskay was still uncertain of the hours of operation. Atchley stated Long had plenty of information to work with.

Discussion was had on the parking lot behind Java.

R. Smith asked about the Crane Park development. Long stated he meet with the developer and CFRPC about months ago to discuss the project and the developer was made aware of what needed to be changed on the proposed site plan/plat. Long stated he had not heard back from them.

**With no further business to discuss, Nadaskay adjourned the Workshop at 6:16 p.m.**

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Mayor Richard K. Nadaskay, Jr.

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City Clerk Holly Smith