

City of Bowling Green

Minutes of Meeting

August 10, 2021

Present: Commissioner Jones, Vice-Mayor Fite, Commissioner Durastanti, Commissioner Lunn, Mayor Gardner, Interim City Manager Day, Police Chief Scheel, City Clerk Silva, Attorney Buhr, and members of the audience.

Absent: None

1. **Call to order** – The meeting was called to order by Mayor Gardner.
2. **Prayer** – Commissioner Durastanti

Flag Salute

3. **Old Business**

A. Approval of Minutes

1)Regular Meeting – July 19, 2021

Vice-Mayor Fite made a motion to approve. Motion was seconded by Commissioner Durastanti. Roll call vote, all in favor, motion carried.

B. Ordinance No. 2021-05 – 2nd reading

AN ORDINANCE OF THE CITY COMMISSION OF BOWLING GREEN, FLORIDA, PROVIDING FOR REGULATION OF SPECIAL EVENTS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR ADMINISTRATIVE AUTHORITY AND DEFINITIONS; PROVIDING FOR ENTITLEMENT TO A SPECIAL EVENT PERMIT AND GENERAL PROHIBITIONS AND RULES; PROVIDING FOR USES OF CITY PROPERTY AND APPLICATION REVIEW PROCESS; PROVIDING FOR SPECIAL EVENT PERMITS; PROVIDING FOR SUSPENSION, OR TERMINATION OF SPECIAL EVENT PERMITS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

Attorney Buhr read Ordinance 2021-05. Vice-Mayor Fite made a motion to adopt. Motion was seconded by Commissioner Lunn. Roll call vote, all in favor, motion carried.

C. Ordinance No. 2021-06 – 2nd reading

AN ORDINANCE OF THE CITY OF BOWLING GREEN, FLORIDA, AMENDING THE CITY OF BOWLING GREEN COMPREHENSIVE PLAN FUTURE LAND USE MAP, SPECIFICALLY AMENDING TWO (2) PARCELS OF LAND TOTALING 10.13 ACRES LOCATED AT 4315 CHESTER AVE AND SOUTHWEST OF THE INTERSECTION OF CHESTER AVE AND BANANA STREET EAST (PARCEL NUMBERS: 05-33-25-0000-09670-0000, 04-33-25-0010-00034-0001), FROM THE FUTURE LAND USE OF LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL.

Attorney Buhr read Ordinance 2021-06. Vice-Mayor Fite made a motion to proceed which was seconded by Commissioner Durastanti. Commissioner Jones asked if this was the property behind the church. Brenda Torres of the Central Florida Regional Planning Council stated that this is the Future Land Use amendment which was accompanied by a rezoning which was denied for R-3. At the last meeting the higher density was approved and today they will be coming forward with a PUD for 31 single family homes, which is

the direction that was given by the Commission at the last meeting. Commissioner Lunn asked if there were going to be any amenities for the people in that community. John Raymond with National Development stated that there will be a clubhouse which will feature a community center that will hold different literacy courses and after-school programs. Roll call vote, all in favor, motion carried.

D. Interlocal Agreement for Hardee County Community Recreation Complex Operations

Interim Manager Day stated that they have the full Commission present today to act on this. Meredith Durastanti, Director of the Hardee County Recreation Complex and Director of AVID for the Hardee County School system, stated that right now the school system budgets 50 percent of the total overall Recreational Complex. She stated that the County budgets 28 percent which then leaves 22 percent. Of the 22 percent, Wauchula budgets 70 percent, Zolfo budgets 11 percent, and she is asking Bowling Green to budget 19 percent (4% of the total overall). She mentioned that the complex is used for swim lessons, pool parties, childcare facilities, youth basketball leagues, high school swim team, and softball. She is asking that Bowling Green continue to support the Recreation Complex with \$8,000. Vice-Mayor Fite asked if this included the soccer field as well. Meredith responded that they mow the fields. Vice-Mayor Fite mentioned that this was a twenty-five year agreement which they were reducing to a five-year term. Commissioner Jones voiced his concern with Bowling Green only having one representative on the board. Meredith responded that they do it proportional to what each entity pays. Commissioner Durastanti commented that none of Meredith's salary is paid out of Recreational Complex funds, she is paid by the school board. Commissioner Lunn made a motion to enter in to agreement which was seconded by Vice-Mayor Fite. Candice Torres, employee of the City of Bowling Green, asked what approximate amount of money from the entire budget goes to Bowling Green for recreational use. Meredith responded that they don't give any money back to Bowling Green and that the money contributed by Bowling Green goes to fund the Recreational Complex in Wauchula. Vice-Mayor Fite asked Meredith if going forward, next year, if they could try to bus children from Bowling Green to the pool at least one day a week. Meredith responded that it would have to be arranged with the school system but that she will look into it. Commissioner Jones asked who would be assuming the responsibility of the children going without an adult. Meredith responded that they would be signing a waiver. Roll call vote, 4 for, 1 against (Jones), motion carried.

4. New Business

A. Ordinance No. 2021-08 – 1st reading

AN ORDINANCE OF THE CITY OF BOWLING GREEN, FLORIDA, AMENDING THE BOWLING GREEN COMPREHENSIVE PLAN, ADDING A PROPERTY RIGHTS ELEMENT TO ENSURE THAT PRIVATE PROPERTY RIGHTS ARE CONSIDERED IN LOCAL DECISION MAKING CONSISTENT WITH FLORIDA STATUTES 163.3177(6); PROVIDING FOR TRANSMISSION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR REVIEW AND COMPLIANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Buhr read Ordinance 2021-08. Brenda Torres of CFRPC gave a presentation on a comprehensive plan amendment to the property rights element to ensure that private property rights are considered in the decision making as defined in Florida Statutes. She stated that House Bill 59 requires all jurisdictions to adopt a property rights element into their comprehensive plan. Vice-Mayor Fite asked Attorney Buhr if he had to time to review

this. Attorney Buhr responded that the City generally relies on the Central Florida Regional Planning Council for this and it would be duplicating effort. Vice-Mayor Fite made a motion to approve which was seconded by Commissioner Durastanti. Roll call vote, all in favor, motion carried.

B. Ordinance No. 2021-09 – 1st reading

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOWLING GREEN, FLORIDA, SPECIFICALLY AMENDING TWO (2) PARCELS OF LAND TOTALING 10.13 ACRES LOCATED AT 4315 CHESTER AVE AND SOUTHWEST OF THE INTERSECTION OF CHESTER AVE AND BANANA STREET EAST (PARCEL NUMBERS: 05-33-0000-09670-0000, 04-33-25-0010-00034-0001), FROM THE ZONING OF R-1, SINGLE FAMILY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT TO ALLOW FOR 31 SINGLE FAMILY HOMES) AND TO RECOGNIZE AN EXISTING CHURCH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Buhr read Ordinance 2021-09. Brenda Torres of the CFRPC stated that this is the rezoning for the Bishop of Diocese from R-1 to PUD. It is for 31 single family homes. There will be a 24 ft. wide private road. Attorney Buhr asked Ms. Torres to change the conditions for the private road from “City” standards to “County” standards. Vice-Mayor Fite asked Ms. Torres to include solid waste services as well. Vice-Mayor Fite made a motion to move forward with changes which was seconded by Commissioner Durastanti. Roll call vote, all in favor, motion carried.

C. EDA Grant Application Ranking

Mr. Day stated that the EDA called on the City to rank the two applicants. He stated that City Clerk Silva reached out to both applicants to see if they wanted to come speak to the City Commission. Neither was present. Mr. Day stated that he needed to get this over to the EDA tomorrow morning. City Clerk Silva commented that she provided the Commission with whatever documents she was provided with regarding each application. She stated that she reached out to both Sara from the EDC and Mr. Graham (for Mr. Treviño) and that she did not hear back from either one. Vice-Mayor Fite made a motion to rank as presented with Hardee Youth Center 1st and the Hardee County Economic Development Council as 2nd. Motion was seconded by Commissioner Lunn. Chiquita Robinson asked if they could explain the grant. Vice-Mayor Fite responded that the applicants are ranked on their merits. Roll call vote, all in favor, motion carried.

D. Legal Fees Proposal – Attorney Gerald Buhr

Attorney Buhr stated that he hasn’t raised his rates since 2011. He has been serving the City for 20 years. Vice-Mayor Fite commented that Mr. Buhr has been a value to the City. He made a motion to accept the proposal. Commissioner Lunn seconded the motion. Commissioner Jones asked about the paralegal fees. Attorney Buhr responded that it is very rare and would only be if the City has litigation. Attorney Buhr stated that he does all the work unless it is an area of expertise. He said the \$135 is a special rate for the City as they normally charge \$165 for private clients. Roll call vote, all in favor, motion carried.

E. Interim City Manager

Mr. Day stated that after working with both Chief Scheel and City Clerk Silva, that both would be great choices. He stated that he has something that was going to come up but that it went sideways because he was unable to give them a timeframe as to when he would

be leaving Bowling Green. He stated that his goal would be to stay on until a new City Manager is hired and possibly work a few days with the new person. City Clerk Silva mentioned that she received over 15 applications aside from the ones previously submitted. She stated that she spoke to the Mayor and he asked her to schedule a special meeting for the 24th to review the applications. She mentioned that she got the special meeting advertised for the 24th at 6:30pm. Attorney Buhr asked if he had to attend. Mr. Day responded that they were not going to be interviewing, that they will only be reviewing. Mr. Day also commented that they also have the ones that were previously interviewed in case they wanted to reinterview them. Vice-Mayor Fite mentioned that he may or may not be here that day because he is having a medical procedure about noon. He stated that the 25th or 26th would work for him. City Clerk Silva commented that it has already been advertised because that is what the Mayor requested and he has the right to call a meeting according to the City's Charter. She asked the Commission that if they were not okay with it to let her know so that she can cancel the advertised meeting. Mr. Day asked if they knew how many people they wanted to interview. He stated that Vice-Mayor Fite could then choose who he wants and put it forward before the Commission. Vice-Mayor Fite stated that they needed to see the applications and narrow it down from that. City Clerk Silva commented that she can e-mail Vice-Mayor Fite all the applications if he would like. Vice-Mayor Fite responded that he would like them printed. City Clerk Silva responded that was fine and that he could then e-mail her his response or whatever he wants her to present on his behalf at the meeting. Judy Placer of Avion Palms stated that it seemed like the last time they went through the process of interviewing candidates they had not done the background check yet. She stated that it would be more prudent to do the background check first and not waste anyone's time by interviewing them if they don't have a suitable result. City Clerk Silva responded that this is the reason why they are holding the meeting to review the applications as she has to get direction from the City Commission before doing anything. She stated that once they decide then she can work on the background checks. She stated that they will be done before they are interviewed, the short list. Mr. Day stated that he has had people ask him why the City's police department doesn't do the background checks. He stated that they are not allowed to and that the City has to pay to do the criminal background checks.

5. Mayor Gardner

Mayor Gardner commented that he has been busy with a lot of DCF work. He stated that he really appreciates Mr. Day. Attorney Buhr commented that it has been a pleasure working with him as well. He stated that Feeding Tampa Bay will be coming again on the 28th. He stated that they are in need of volunteers. He stated that Chiquita manages it.

6. Recreation Committee

Chiquita Robinson, Chair of the Recreation Committee, stated that they have a lot going on in August. She started work again on the school bus. She said they will be having their Main Street Market again this weekend. She commented that they will be having the Back-to-School event on the 21st on Palmetto Street. She asked if they could decorate the City red, white, and blue for September 11th. She asked for yards and homes to be decorated as well. She stated that the 11th of September is also the Main Street Market. She stated that in June they fed 285 families with Feeding Tampa Bay and 355 families in July. Ms. Robinson stated that she is thinking of retiring from the Recreation Committee. She said she is willing to stay until the end of December.

7. Commissioners

Commissioner Jones commented that he went down to the County yesterday because they had to make a few changes to the Drug-Free Hardee signs for the parks. He asked that they keep the County Public Works Director in prayer as he is in the hospital with COVID on a ventilator and they just lost one of their truck drivers to COVID. He stated that the signs will be coming soon. He also stated that he was waiting on a call back from Ability Housing about some other affordable housing projects that could possibly bring income for the City. Commissioner Durastanti thanked Mr. Day for everything he has been doing and told him that he appreciates him. He also thanked Ms. Robinson. He congratulated Bowling Green Elementary for being an "A" school. Vice-Mayor Fite mentioned that they voted to apply for the funding for the Phase II of the wastewater plant. He stated that he gave Mr. Day some information on a call he attended remotely yesterday. He asked if anyone was attending the Florida League of Cities Conference this year. Commissioner Jones responded that no one got approved to attend. Vice-Mayor Fite asked if the voting delegate form was sent back because he will be attending the conference. He asked if they would approve for him to be the voting delegate and that City Clerk Silva can just fax or e-mail that in. City Clerk Silva responded that she didn't receive the form. Commissioner Durastanti made a motion to approve Vice-Mayor Fite as the voting delegate. Vice-Mayor Fite stated that he would have them fax or e-mail it when he gets over there tomorrow. He stated that legislative season is getting ready to kick-off again. He mentioned the DOT walk-through last week. City Clerk Silva mentioned that there was a motion on the floor. Commissioner Lunn seconded the motion. Roll call vote, all in favor, motion carried. He mentioned the First Responders Appreciation last Friday. He mentioned maybe passing a Resolution next year closer to September 11th. He thanked Mr. Day and Attorney Buhr for everything they have done. Commissioner Lunn stated that he is now back to work.

8. City Attorney

Attorney Buhr thanked the City Commission for putting their trust in him. Mayor Gardner thanked him for everything.

9. City Manager

Mr. Day stated that he does not have COVID. He stated that he was tested the other day. He mentioned the FDOT meeting and stated that it went very well. He asked that in the future it be coordinated with the utility extension, new lines on Highway 17, instead of digging up the streets twice. He stated that they might have the ability to help the City financially with the project. He stated that the SCOP paving project went over budget by about \$16,000. He stated that he already contacted FDOT and that he applied for the money. He mentioned Tropical Storm Fred and that the City will be monitoring it throughout the week. He also mentioned Mosquito Control and that everywhere he has been they have had a Mosquito Control Unit on the tax bill. He spoke to Kevin King and asked what he would have to do to get someone in the City certified. ACO Galvan volunteered to do it. He stated that the other option is Clark Environmental, which the County uses. Vice-Mayor Fite stated that someone was spraying around town Sunday or Monday night. Mr. Day responded that they only put in \$500 and they only cover certain areas. Commissioner Jones commented about how the mosquito control works under the grant agreement. He mentioned to Mr. Day that it would be good to do a financial analysis because it seems like lately, back-to-back, people are just coming back with other amounts other than those agreed upon and it adds up over time. He said that just today they mentioned over \$50,000. Vice-Mayor Fite asked Mr. Day to reach out to USDA about funds for a truck. Attorney Buhr also mentioned the CBIRS grant, which is a budgeted item for cities in need. Someone in the audience mentioned recycling. Mayor Gardner responded that the County doesn't offer recycling.

10. Police Chief

Nothing to discuss.

11. City Clerk

Nothing to discuss.

12. Public

Kenya Hooks of 525 Bertha Fulse Street mentioned that they will be having a Back-to-School gathering for the kids. He would like to have the noise ordinance waived from 12:00pm to 6:00pm on the 14th. It will be held at the park. Vice-Mayor Fite made a motion to waive the noise ordinance which was seconded by Commissioner Lunn. Roll call vote, all in favor, motion carried. John from Peace Ranch stated that his project was recently approved. He thanked the Commission for their support. He stated that he is looking to establish what the impact fees are going to be. He has been working with Attorney Buhr on the utility agreement. He asked how his fees are going to be calculated. Attorney Buhr responded that they would have to look at it since generally it is done by ERC's for residential connections. He stated that it depends on the last study that was done. Mr. Day commented that he sent him an e-mail today before the meeting asking about the study. Mr. Day asked if there was a way to set a rate tentatively. John stated that their estimated flow is about 4,000 gallons per day. Attorney Buhr asked him to have Kimley-Horn check that and then the City could possibly do a tentative calculation based on ERC's and then apply that. Vice-Mayor Fite asked when they would be turning dirt. John replied that he is hoping in 2-4 months. Vice-Mayor Fite asked if the glamping tents would be air conditioned. John replied that they would.

Mayor Gardner adjourned the meeting.

Duane Gardner, Mayor

Maria Carmen Silva, City Clerk