

City of Bowling Green

Minutes of Meeting

July 19, 2021

Present: Commissioner Jones, Vice-Mayor Fite, Commissioner Durastanti, Commissioner Lunn, 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 – June 16, 2021**

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

B. Ordinance No. 2021-01 – 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 APPROXIMATELY 2.05 ACRES LOCATED AT 4805 CHURCH AVENUE (PARCEL NUMBER 04-33-25-0010-00004-0001) AND WEST CENTRAL AVENUE (PARCEL NUMBER 04-33-25-0010-00004-001C), FROM THE FUTURE LAND USE OF LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; AND AMENDING THE FUTURE LAND USE ELEMENT POLICY 1.2.B. TO INCLUDE A SITE SPECIFIC POLICY LIMITING THE DENSITY OF THE PARCELS TO A MAXIMUM OF NINE (9) DWELLING UNITS PER ACRE; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Attorney Buhr read Ordinance 2021-01. Brenda Torres with the Central Florida Regional Planning Council stated that the subject property is 2.05 acres. The Future Land Use is currently Low Density Residential and the proposal is for Medium Density Residential limiting to nine (9) dwelling units per acre. Vice-Mayor Fite made a motion to approve. Motion was seconded by Commissioner Durastanti. Roll call vote, all in favor, motion carried.

C. Ordinance No. 2021-02 – 2nd reading

AN ORDINANCE OF THE CITY OF BOWLING GREEN, FLORIDA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOWLING GREEN FOR APPROXIMATELY 2.05 ACRES FROM R-2 (SINGLE AND TWO FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT LOCATED AT 4805 CHURCH AVENUE (PARCEL NUMBER 04-33-25-0010-00004-0001) AND WEST CENTRAL AVENUE (PARCEL NUMBER 04-33-25-0010-00004-001C); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Brenda Torres of CFRPC went over the PUD Master Plan which is phase II. They are adding three (3) duplexes and a private road along with a fence. They have conditions of approval with a PUD. Attorney Buhr read Ordinance 2021-02. Vice-Mayor Fite made a motion to

approve. Motion was seconded by Commissioner Durastanti. Roll call vote, all in favor, motion carried.

D. Ordinance No. 2021-05 – 1st 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. Mr. Day mentioned that Attorney Buhr made the changes that were brought up at the last meeting. Attorney Buhr commented that the Ordinance will be tweaked along the way until it gets to a point where everyone is happy with it. Vice-Mayor Fite made a motion to adopt. Mayor Gardner seconded the motion. Roll call vote, all in favor, motion carried.

4. New Business

A. FDOT Presentation – Deborah Chesna

Deborah Chesna, Bicycle/Pedestrian Planning Coordinator for FDOT, discussed highway safety plans and mentioned that they will be having a strategies planning studio. It will address the 3 R's (Resurfacing, Restoration, and Rehabilitation) on Highway 17. She stated that they will hold a workshop and will be working with planners on August 5th. Francisco Arreola of 417 Lake Branch Road mentioned the fatalities on Highway 17 and a possibility of a turning lane or another light. Ms. Chesna replied that there is no room for a turning lane unless the City goes down to a two-lane. She stated that there are many options but that everything has a tradeoff. Jim Kelly of 4640 Bryan Avenue asked if one option would be to use the railroad right-of-way for northbound lanes. Commissioner Jones asked what the probability was of them sticking to what the Commission and citizens decide. Ms. Chesna responded that the only thing going in to the plan is what the Commission approves by resolution. Vice-Mayor Fite voiced his concern with them stopping at Banana Street and not going beyond Hardee and Doc Coil Rd. Ms. Chesna stated that she will have the crash data at the workshop. Vice-Mayor Fite also mentioned that the time for the workshop should be extended a few hours in to the evening hours because of work schedules. Donald Chancey, P.O. Box 845 in Wauchula, asked if this was similar to what was done in downtown Lakeland in South Florida Avenue. Ms. Chesna replied that it was. Mr. Chancey commented that he loved the aspect of it from a planning standpoint but that 20 years ago they participated in meetings about widening the roadways, so that during hurricanes, people from the South can go North. Ms. Chesna responded that the workshop is the same but that she didn't say the concept plan was going to be the same.

B. Ordinance No. 2021-06 – 1st 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. Brenda Torres stated that the property is 10.13 acres. She stated that the property owner is the Bishop of Diocese. The current Future Land Use is Low Density Residential with the proposed Future Land Use of Medium Density Residential. Motion to approve was made by Commissioner Durastanti and was seconded by Mayor Gardner. Vice-Mayor Fite asked Brenda if a notice was mailed to neighbors. She responded that it was. That they usually mail them a week before. He stated that he didn't see any signage on the property. Ms. Torres responded that they did place signage out on the property. Roll call vote, 3 for, 2 against (Jones, Lunn), motion carried.

C. Ordinance No. 2021-07

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: 05-33-25-0000-09670-0000, 04-33-25-0010-00034-0001), FROM THE ZONING OF R-1, SINGLE FAMILY RESIDENTIAL TO R-2, SINGLE AND TWO FAMILY RESIDENTIAL.

Brenda Torres of CFRPC stated that the current zoning is R-1, single-family residential, and the proposed zoning is R-2, single and two family residential. This will allow for 2.1 dwelling units per acre for single family homes and 6 dwelling units per acre for duplexes. The applicant has provided a concept plan which would have 24 units. Vice-Mayor Fite asked who the occupants would be. He asked if it would benefit the community. John Raymond with National Development, an affordable housing developer, stated that they work with the Diocese to build housing on their behalf. The rezoning is for duplex homes which would rent from \$600-\$1,000 per month for individuals with income between \$30,000 and \$45,000 per year. Vice-Mayor Fite asked if anyone from the community could reside there. Mr. Raymond replied yes. Vice-Mayor Fite asked if they would come on the tax roll. Mr. Raymond responded that they do not. Commissioner Jones asked how they could be certain that there would be equity in excess to these homes. Mr. Raymond responded that the Diocese does not develop any market rate property. It will be regulated by the Florida Housing Authority and locked for 50 years. They are required by law to maintain these. It is all owned by the church and will be managed by a third-party property manager, NDC Property Management out of Bradenton, FL. Commissioner Durastanti asked Mr. Raymond if they have built anywhere else in Hardee County. Mr. Raymond responded that they will be breaking ground on a single-family development of 24 homes in Zolfo Springs the first half of next year. They have done several subdivisions in Arcadia, all of which are owned by the Diocese. Vice-Mayor Fite asked what the possibility was to get the plan changed to single family homes. Mayor Gardner asked what the square footage would be. Mr. Raymond responded that the units will range between 1900 and 1300 square feet under air conditioned space besides a covered patio and a storage component. Vice-Mayor Fite asked if there was any convenance put on the tenants regarding number of vehicles or occupants per side. Mr. Raymond responded that they do limit the number of occupants and all cars are required to be parked in the driveways. All other vehicles will be towed. The third-party property manager handles all those components. Attorney Buhr read Ordinance 2021-07. Attorney Buhr mentioned that this is part II of the ordinance that was just passed. Vice-Mayor Fite made a motion to adopt.

Mayor Gardner seconded the motion. Roll call vote, 2 for, 3 against (Jones, Fite, Lunn), motion not passed. Brenda Torres asked if the rezoning wasn't going to pass then why pass the Future Land Use. She asked for clarification. Vice-Mayor Fite stated that the community is begging for single family structures and that they receive a lot of grief over the number of duplexes being built. Ms. Torres asked if they would like to see an R-2 zoning with single family homes. Vice-Mayor Fite responded that was correct. He mentioned smaller square footage. Ms. Torres asked if it could be amended so that the changes can be brought up during second reading. Attorney Buhr asked Ms. Torres to come with a different concept plan and reconsider the first vote. She asked if it would come again as first reading. Attorney Buhr responded absolutely since the short title would change.

D. City Manager Position

Mr. Day commented that they had four (4) candidates for the City Manager position. He stated that Mr. Shoobridge has removed his name from the process. They are left with Mr. Hunnicutt, Mr. Finz, and Mr. Adams. Vice-Mayor Fite commented that Mr. Adams came from a small municipality that had no utilities. He stated that he has no knowledge of either. He doesn't feel that he is a vial long term candidate. Mr. Day responded that Mr. Adams was actually a former City Commissioner in Sebastian which is a big City and was the IT Director for the Census Bureau and also served on the board for St. Lucie County. Commissioner Jones mentioned that both Mr. Adams and Mr. Hunnicutt have just about the same amount of experience and the City Charter still calls for them to have a City Manager in place. He feels that with the seriousness of the position, they shouldn't rush this since it's permanent. Commissioner Lunn commented that if they couldn't come up with something then they should try something else. Mayor Gardner asked if they each wanted to nominate someone. Commissioner Jones asked if it had to be done today. Attorney Buhr responded that it will be done if there is a motion to hire one of the applicants. Commissioner Durastanti responded that it does not have to be done today. Commissioner Jones stated that he did not feel comfortable choosing an applicant just yet. Mr. Day asked if the plan was to readvertise the position to see if they can get more applicants. Commissioner Durastanti commented that if they do not hire one of the applicants then that would be their only other option other than opening up the position to Chief Scheel or City Clerk Silva as Acting City Manager. Commissioner Jones asked that it be readvertised and also work with what they already have. Mayor Gardner asked Mr. Day when his last day would be. Mr. Day commented that both Chief Scheel and City Clerk Silva are very well qualified. Commissioner Lunn made a motion to readvertise. Motion was seconded by Commissioner Jones. Franciso Arreola of 417 Lake Branch Road asked if it had to be permanent. He asked if it could be an Interim position as Mr. Day. Mayor Gardner responded that what the Commission was saying is that they are not comfortable with any of the candidates. He stated that they have City employees that are capable of filling the position temporarily since Mr. Day is leaving. Jim Kelly asked if Mr. Day had a last day set already. Jean Kelly of 4640 Bryan Avenue stated that she can not believe that after the last meeting they couldn't pick one of the candidates. She stated that the City has so many things coming with all of the grants and the Highway 17 project that it is just too much to be readvertising the position. She commented that the people didn't apply the first time so what would make the Commission think that they would apply now. Roll call vote, 4 for, 1 against (Fite), motion carried. Mr. Day asked if he could cut down his hours to 3 days a week in relation to his salary, not the same weekly salary.

Commissioner Lunn made a motion to approve Mr. Day's request. Motion was seconded by Commissioner Durastanti. Roll call vote, all in favor, motion carried.

E. Back to School Event – Elder Emanuel Reed

Mr. Reed stated that he is having a Back-to-School Bash to give away school supplies and food. He stated that it will be like a small block party with music. It will be on Palmetto Street. Vice-Mayor Fite made a motion to approve. Motion was seconded by Commissioner Jones. The event will be on the 21st of August from 10:00am-2:00pm. Roll call vote, all in favor, motion carried.

F. Request to Waive Impact Fees – Sergio Jimenez

Sergio Jimenez, 510 Desoto Street, stated that he is present asking for a waiver on his impact fees for a home he is building at 510 Desoto Street. He stated that there is a great demand for low-income affordable housing. He stated that he contacted the City on June 2nd before the new impact fees were actually approved. He stated that he submitted a sign-off without the site plan and stated that he could've submitted a drawing on a napkin if he had known that the impact fees were going up. Attorney Buhr responded that it wouldn't have mattered since the impact fees are based on when you get your Certificate of Occupancy. Mr. Jimenez responded that he was told he had to pay the impact fees prior to the sign-off. Attorney Buhr commented that Mr. Jimenez's concern was not having to pay as much in impact fees if he had submitted his site plan to the City. Attorney Buhr clarified that this is not true since the impact fees are as of the date they get their Certificate of Occupancy. Mr. Day commented that the City collects for the water and sewer up front. Attorney Buhr stated that the fees are as of the date the project is completed. He commented that impact fees can not be waived since they are statutory. He said once they are passed and put in place, the City has to charge them fairly and evenly to everyone. He said even if they could be waived, they can not be waived to a private party under the Constitution of State of Florida. He said some grants have the impact fees pledged as part of the bonds. He mentioned that you can not treat people differently simply because you like their circumstance and don't like someone else's circumstance because then you get in to unequal treatment of individuals. He stated that it has to be equal protection to everyone. Vice-Mayor Fite asked if he had received his sign-off and started his project and the impact fee increased at the time he received his Certificate of Occupancy, if he would have to pay the increased fee. Attorney Buhr responded that yes he would have to pay the increased fee. Mr. Jimenez commented that with impact fees going up, he will have to increase his price by about 4%. He commented that he is trying to build affordable housing but that this is making it unaffordable.

5. Mayor Gardner

Mayor Gardner commented that he missed last month due to work. He told Mr. Day that they should make either City Clerk Silva or Chief Scheel supervisor the days he is out. Mr. Day responded that he will still take phone calls, e-mails, and messages while he is out. He stated that Feeding Tampa Bay will be this Saturday and they are in need of volunteers.

6. Recreation Committee

Chiquita Robinson, Chair of the Recreation Committee, stated that last month they served 189 families with Feeding Tampa Bay. She also mentioned that she will be starting the

Main Street Market back up in August. Vice-Mayor Fite asked if she ever looked at moving it to another Saturday. She responded that she thought about possibly changing the time.

7. Commissioners

Commissioner Jones mentioned to Chief Scheel that one facility is still being rented out for events. Commissioner Durastanti commented that school will be back in session in about three weeks. He also brought up the Interlocal Agreement with the Hardee County Recreational Complex. He said it ended with a 2-2 vote. He commented that Meredith Durastanti could not be here tonight but that this should be revisited when they have a full council group present. Mr. Day commented to Commissioner Durastanti that he was not on the prevailing side and asked Attorney Buhr if he could make a motion to have this reconsidered. Attorney Buhr responded that the motion had to come from someone on the prevailing side. Commissioner Lunn made a motion to reconsider. Motion was seconded by Vice-Mayor Fite. Commissioner Durastanti gave some history on the Recreational Complex. He mentioned that Bowling Green has a seat on the board. Commissioner Jones responded that the City only has one seat and that instead, the City needs to start investing in Bowling Green. He stated that as Commissioners of Bowling Green, living in Bowling Green, they need to start finding ways to build up Bowling Green. He commented that Bowling Green's money can't keep going to Wauchula. He asked what the children of Bowling Green had. Vice-Mayor Fite responded that they are supposed to be getting a new park at Pyatt Park. Commissioner Jones asked why not use that money instead to contribute to Pyatt Park to enhance that project. Commissioner Lunn commented that if Meredith would have been present tonight to explain it how she explained it to him then it would make sense. Commissioner Jones commented that he was at the School Board meeting when it was initially explained. Roll call vote, 4 for, 1 against (Jones), motion carried. Vice-Mayor Fite made a motion to postpone indefinitely. Motion was seconded by Commissioner Lunn. Roll call vote, 3 for, 2 against (Jones, Durastanti), motion carried. Vice-Mayor Fite stated that he was happy that we are in the middle of summer. Commissioner Lunn commented that the town is looking good.

8. City Attorney

Attorney Buhr thanked Mr. Day for sticking around. He stated that he spoke to CFRPC about making some changes to the City's Code because legislature now has new rules on home businesses which requires an element in the City's Code.

9. City Manager

Mr. Day commented that he and Attorney Buhr have been discussing the issue with Avion Palms at length but they are holding off to next month's meeting to discuss this situation further. He stated that the City Manager can handle this administratively and that it doesn't have to be handled by resolution or ordinance. He stated that he is looking at fundamental fairness. Attorney Buhr commented that if they have a six (6) inch meter, then that meter would have a base charge. He stated that he doesn't prefer the meter size way of billing but rather the ERC (Equivalent Residential Connections), in which a mobile home is generally 80% of a single-family home. He stated that the rate study should take this into consideration. Mr. Day commented that this will also be applied to Pioneer Creek. He stated that Resolution No. 2014-02 neglected to put anything for solid waste. He stated that this will have to be addressed. Mr. Day then went over a report he put together of the accomplishments he's had in the last three months of his employment with Bowling Green.

10. Police Chief

Chief Scheel stated that Eddie Davis's funeral is tomorrow at First Christian Church.

11. City Clerk

City Clerk Silva asked Commissioners to redirect customer inquiries to the office because many of them have been given incorrect information and it is a longer process to try to explain to them and make them understand that the information provided to them was incorrect. She commented that this is not the first time this happens.

12. Public

Judy Placer of Avion Palms asked if the meetings were now being held on Monday nights instead of Tuesday nights. Mayor Gardner responded that they will still be on Tuesdays but this one was changed due to special circumstances.

Mayor Gardner adjourned the meeting.

Duane Gardner, Mayor

Maria Carmen Silva, City Clerk