

CITY OF WILDWOOD, FLORIDA
CITY COMMISSION
REGULAR MEETING
JANUARY 11, 2010 – 7:00 P.M.
CITY HALL COMMISSION CHAMBER

The City Commission of the City of Wildwood met in Regular session January 11, 2010 at 7:00 p.m. in the City Hall Commission Chamber.

Present were: Mayor Wolf; Commissioners Bivins, Clark, Allen and Strickland. Also present: City Manager Smith, City Clerk Jacobs, Assistant City Clerk Roberts, City Attorney Blair, Police Chief Reeser, AVT Law.

The meeting was called to order by Mayor Wolf, with Commissioner Allen giving the invocation and audience joining in the Pledge of Allegiance to the American Flag.

- OATH OF OFFICE was administered to MAYOR Ed Wolf; COMMISSIONER Pamala Harrison-Bivins and Commissioner Elect Don C. Clark by JUDGE Thomas Skidmore

1. TIMED ITEMS AND PUBLIC HEARINGS

None

2. REPORTS AND PUBLIC INPUT

Supervisor of Elections Karen Krauss presented "Certificate of Election" to Mayor Ed Wolf; Commissioner Pamala Harrison-Bivins; and Commissioner Don C. Clark (Attachments on file). CC Jacobs noted that this was required by new legislation.

a. City Manager

- 1) Photo – FYI – CR139 utility extensions to the SC Government Office Complex (Attachment on file). On schedule and may be completed before anticipated and under budget.
- 2) Memo from Chief Reeser regarding WPD application for grants for 2009/2010 (Attachment on file). Memo with list of grants applied for.
- 3) ATS red-light camera update (Attachments on file). The results of the construction suitability study indicate that unless legislation is passed to allow private companies to attach infrastructure on right-of-ways, they will not be able to do the eastbound camera at 44 and 301. There is enough room in the right-of-way to place the camera at Lynum and 301. They will be meeting soon to further discuss.
- 4) DCA Update (NO Attachments). Noted that depending on what the Commission decides after his update, the executive session at the end of the meeting may not be necessary. Discussions with DCA on December 17 and on January 7. Two outstanding issues with the City from the December 17 meeting were Net Density. Those issues were resolved. Spoke with Mike McDaniel this a.m., who basically said that the City is close to go. Everything they had an issue with was resolved. One outstanding issue today, but through email and re-wording of some policy items, Mr. McDaniel was fine with the policy. DCA staff met with Secretary Pelham to go over updates of the December 17 and January 7 meeting. They are to re-brief on Thursday morning. Lot of today's discussion was issues with Landstone. Resolved the issues of location of Landstone, need question and allocation ratio question. DCA does not want only single-family

homes. They want something to entice transit development and a more walkable development. Discussion relative to density within a neighborhood mixed-use center and the density throughout the remainder of the project. Landstone did agree to a certain amount of dwelling units within the neighborhood mixed-use center, which DCA agreed to. Landstone agreed to an overall net density for the project area, which DCA agreed to. There was a question of percentage of attached residential within the remaining net density of the project, outside the neighborhood mixed-use center. They both came up with a percentage. Landstone moved closer to DCA's percentage during the meeting. DCA to take to Secretary, but DCA staff was not supportive of the percentage. After phone call from DCA this a.m. from Mr. McDaniel, Secretary was not supportive of the percentage Landstone had asked for. Landstone has agreed to the DCA percentage that DCA stated in the meeting they would support, in order to receive a favorable recommendation from staff to Secretary Pelham. Should know something from DCA by Thursday. Hopefully the Landstone percentage is the only issue. Mediation is scheduled for this Friday, and the only thing that would have to be mediated is the percentage or some issued regarding the Landstone development. Feels it would be fruitless to have mediation on Friday.

b. City Attorney

CA Blair – feel that mediation should be rescheduled at a date within a period of time where the hearing could also be held, and that DCA agree to deposition dates in the event that issues are not settled and signed. Cancelled the Court Reporter for tonight, felt it was not worth it to spend the money, if the Commission agree to reschedule the mediation. Once settled there will be a further delay. Understand that DO's that the City has approved will have to be amended to be in compliance with the Comp Plan amendments.

Will have an executive session before mediation, if mediation is necessary.

CM Smith – Should have better understanding of where issues stand after DCA staff meets with Secretary Pelham. They have provided him with the time line of where this started to date.

Motion by Commissioner Bivins, second by Commissioner Allen to reschedule mediation in February and schedule depositions at the same to proceed toward hearing in April, while continuing to work with DCA. Motion carried. All voting yea.

CM Smith apologized for temperature in room.

c. City Clerk – None

d. Commission Members

- 1) Strickland – at registration for Dixie Youth. What is happening with Concession Stand this year. CM Smith – Parks & Rec Coordinator discussing with Dixie Youth. What may happen is the Dixie Youth run the concession stand and they get a percentage of the profit. Will bring back to Commission before season begins.

- e. Public Forum (10 minute time limit)
 - 1) Robert Hannah – High Street is a paved road, but is full of potholes and edges are breaking up. City tried to patch, but did not hold. Commissioner Allen – has talked with City Manager about placing all roads on schedule for maintenance. CM Smith – met with PWD Kornegay who is to work with GIS Tech to do inventory of roads to get on schedule for maintenance.
- f. Notes, Reports, and items for the file as attached
(Reports under City Manager)

3. NEW BUSINESS – ACTION REQUIRED

- a. MINUTES
 - 1) Minutes of Regular Meeting held on December 14, 2009 (Attachments – Staff recommends approval)
 - 2) Minutes of Regular Meeting held on December 28, 2009 (Attachments – Staff recommends approval)

Motion by Commissioner Strickland, second by Commissioner Bivins to approve the Minutes of December 14, 2009 and December 28, 2009 meetings. Motion carried. All voting yea.

- b. ORDINANCES FIRST READING ONLY (READ ONLY – NO VOTE)
None

c. RESOLUTIONS FOR APPROVAL:

- 1) Resolution No. R2010-01, a resolution changing the time of the regular commission meetings from 7:00 PM to 6:00 PM (Attachment – Staff Recommends Approval)

CM Smith – when Comp Plan is finished there will be a lot of possible long sessions.

Mayor Wolf – sees benefit of 6 p.m. meetings, but appears it is to benefit the elected officials, when 6 is the dinner hour for most families. Prefers 7 p.m. Commissioner Allen – if changed by Resolution, it can easily be changed back if complaints from citizens are received. Mayor Wolf – prefer to leave as is until we get into a busy time that creates a problem. Commissioner Strickland – even though supported during last discussion, his location of work and change of time off. Ball games will be scheduled at 5 so 6 p.m. meetings would be difficult for him. He has had to reconsider.

Died for lack of motion.

Commissioner Allen asked that a survey be placed on the web site for citizen input, then based on citizen input could be readdressed. By common consensus the commission approve for a web site survey.

- 2) Resolution No. R2010-02, a resolution authorizing the execution of an FDOT Utility Agreement (see item 3.e.2. below) (Attachment – Staff Recommends Approval)

Motion by Commissioner Bivins, second by Commissioner Strickland that Resolution No. R2010-02: STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION UTILITY AGREEMENT: be adopted. Motion carried. All voting yea.

- 3) Resolution No. R2010-03, a resolution setting and amending refuse rates (Attachment – Staff Recommends Approval)

Motion by Commissioner Strickland, second by Commissioner Bivins that Resolution No. R2010-03: A Resolution Of The City Commission Of The City Of Wildwood; To Amend The Dumpster Rates As Shown In The FY 2000/2001 Budget, Adopted By Resolution Number 770; And, Rescinding Resolution No. 994; Providing For Commercial And Residential Sanitation Rates; Providing For An Effective Date: be adopted. Motion carried. All voting yea.

- 4) Resolution No. R2010-04, a resolution providing for reservation fees for use of the Oxford Community Center (Attachments – Staff Recommends Approval)

CM Smith – subsection 1 should read \$10.00, subsection 2 should read \$5.00, and subsection 3 should be a \$50.00 deposit. Would ask that the rules be changed to designate authority to waive fees to the City Manager and/or Parks & Recreation Coordinator. Commission approved by common consent.

Motion by Commissioner Allen, second by Commissioner Strickland that Resolution No. R2010-04: A Resolution of the City Commission of the City of Wildwood; providing for Reservation fees for use of Oxford Community Center; providing for an effective date: be adopted. Motion carried. All voting yea.

Selection of MAYOR PRO-TEM

Motion by Commissioner Strickland, second by Commissioner Bivins to appoint Commissioner Allen as Mayor Pro tem for 2010. Motion carried. All voting yea.

d. APPOINTMENTS

- 1) Appointment of new member to represent the city on the Sumter County Fire Advisory Board to replace Commissioner Johnson (does NOT have to be a commissioner – see attached) (currently meets the first Wednesday of month at 6:00 PM in Bushnell) (Attachments – Board Option)

- 2) Citizens Advisory Committee: Lake Sumter MPO – Reappoint Stephen Stone (NO Attachment)
- 3) Technical Advisory Committee: Lake Sumter MPO – Reappoint David Grimm; Alternate Jason McHugh (NO Attachment)

CM Smith – with exception of 2 and 3, requested permission to advertise for volunteers. Commissioner Strickland requested that a brief description of what the board does.

Motion by Commissioner Strickland, second by Commissioner Bivins to reappoint Stephen Stone to the Citizens Advisory Committee and David Grimm to the Technical Advisor Committee of the LSMPO, and to advertise for volunteers for other boards and committees on the web site. Motion carried. All voting yea.

- 4) Ex-Officio Board Member and Alternate: Board Discretion (Meet 4th Wednesday of the month at 2PM in Tavares) (NO Attachment)

CM Smith – this board member must be elected official. Mayor Wolf currently sits on board. By common consent to remain same – Mayor Wolf.

- 5) Discussion relative to re-appointments and number of members on each board (Attachments) Discussed under 3).

e. CONTRACTS AND AGREEMENTS

- 1) FDOT Utility Work Agreement for “utility work” within the public road or publicly owned rail corridor (Attachments – Staff Recommends Approval)

CM Smith – Kimley Horn and Dave Grimm reviewed to be sure any utility conflicts would be mitigated prior to construction. CA Blair – noted the agreement does not provide for them paying for anything or any subordination.

Motion by Commissioner Allen, second by Commissioner Strickland to approve subject to no easements or subordination clauses that are overlapped by the contract. Motion carried. All voting yea.

f. FINANCIAL

- 1) Bills for Approval (Attachments – Staff Recommends Approval)

Commissioner Allen questioned fuel – City Manager to check with PWD Kornegay. Mayor Wolf expressed desire to have mechanic involved in purchase of new vehicles. CM Smith – plan to have vehicles on maintenance schedule and have inventory to know what we have, when they need to be replaced so that he can budget for them. Mayor Wolf – questioned if all maintenance of vehicle is being done at the Barn. CM Smith – to review.

Motion by Commissioner Bivins, second by Commissioner Strickland to approve payment of bills. Motion carried. All voting yea.

g. GENERAL ITEMS FOR CONSIDERATION

- 1) Request for release of Order of Enforcement & Lien against Don A. Young, Jr., Case No. SM-041-08 (Attachments – Staff Recommends Approval)

CA Blair – foreclosure had started before City recorded the lien.

Motion by Commissioner Strickland, second by Commissioner Bivins to release the lien against Don A. Young, Jr. SM-041-08. Motion carried. All voting yea.

- 2) Approval of parade route and use of MLK Park by BW City Ministries (Attachments – Board Option)

Motion by Commissioner Bivins, second by Commissioner Strickland to approve the parade route and MLK celebration. Motion carried. All voting yea.

- 3) Approval requested for the Consent to Partial Assignment of ERC's under a Developer's Agreement (Power Corp to Harrigan Builders, Inc.) (Attachments – Staff Recommends Approval)

Motion by Commissioner Allen, second Commissioner Strickland to approve the Consent to Partial Assignment of ERC's under a Developer's Agreement (Power Corp to Harrigan Builders, Inc.). Motion carried. All voting yea.

▪ **CLOSE PUBLIC MEETING FOR AN EXECUTIVE SESSION:**

- City Manager, Robert Smith – Discussion on settlement strategies/mediation with DCA case

▪ **REOPEN PUBLIC MEETING**

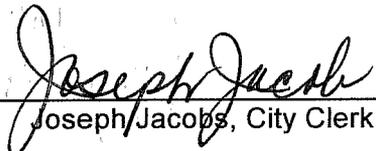
Motion by Commissioner Bivins, second by Commissioner Strickland to rescind Executive Session based on prior discussion. Motion carried. All voting yea.

4. ADJOURN

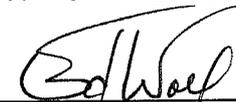
Upon a motion by Commissioner Bivins, second by Commissioner Strickland the meeting adjourned.

SEAL

ATTEST:


Joseph Jacobs, City Clerk

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA


Ed Wolf, Mayor