

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA
REGULAR MEETING
June 28, 2010 - 7:00 PM
CITY HALL COMMISSION CHAMBER

(Meeting taped)

The City Commission of the City of Wildwood met in regular session June 28, 2010 at 7:00 p.m. in the City Hall Commission Chamber.

Present were: Mayor Wolf; Commissioners Strickland, Clark, and Bivins. Also present: City Manager Smith, City Clerk Jacobs, City Attorney Blair, Lt. Valentino, and AVT Law.

Commissioner Allen was absent.

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

1. TIMED ITEMS AND PUBLIC HEARINGS:

- a. Ordinance No. O2010-11, an ordinance rescinding Ordinance-2010-04, reclassifying zoning; providing terms and conditions; amending official zoning map; etc. (attachments- staff recommends approval)

Melanie Peavy was sworn in by Mayor Wolf and provided a review of what this ordinance involves. Melanie state the rear set backs are being reduced from 10' to 5' from the primary and accessory structures on lots 279-283. These lots abut the Club house - Planning and Zoning has recommended favorable approval.

Motion by Commissioner Strickland, second by Commissioner Clark that Ordinance No. 02010-11, an ordinance of the City of Wildwood, reclassifying the zoning from county RPUD to City planned Unit Development for certain property within the City of Wildwood, Florida owned by Parkwood Sumter Properties, Inc.; Providing fro the terms and conditions of the Planned Unit Development; Providing for consistency with the Comprehensive Plan; Providing for amendment to the official zoning map; Providing for severability; Providing for conflict; Rescinding ordinance #2010-04; Providing for an effective date, is adopted on second and final reading. Motion carried. All voting yea.

*Quasi-Judicial

2. REPORTS AND PUBLIC INPUT:

Special Presentation: By Karen Krauss, Supervisor of election, and Jerri Blair, City Attorney regarding City election issues- discussion with Commission (attachments- Board option)

Karen Krauss- informed the Commission that in talking with Mr. Arnold, the County Administrator, they came up with the idea of her contributing due to the economic situation and the County and City working together to provide the best service to our citizens, as other departments have had to do. She is talking with all the Cities about having their City election on the same ballot as the general election that she is in charge of.

She has to do these elections anyway and this would allow for services at a better cost. She has experienced cuts to her budgets and has never charged the cities in the past for her services, but it is getting to the point that she will have to ask for some kind of contributions from the City if things continue as they have been. She feels that combining has it pluses. She will handle qualifying and the canvassing of the results after the election is over, as well as preparation of the ballots. She will be glad to answer any questions.

City Manager stated we have had the Attorney working on this issue and he wanted to see if the Commission consented on us moving forward to having City elections at the same date and time of each general election. City Manager commented that not only will it save us money, but he also feels that increase voter turnout. City Manager states that a lot of the things needed to be done can be done be implemented by Ordinance and/or Resolution.

A proposed ordinance is included in the agenda packet. It reflects that there will need to be an extension of three Commission terms for one additional year in order to come in compliance with the general election dates; Commissioner Bivins and Clark and also Mayor Wolf. The proposed ordinance also reflects that the date of the Election will have to be changed also. It will be up to the Commission whether or not to change the swearing in date or the date the newly elected Commissioner takes office.

Attorney Blair stated that qualifying would also change to the Month of June and therefore it would be a longer time before the actual election date. Attorney Blair also explained that the Election Supervisor would also take care of qualifying our candidates and the canvassing of the returns, wherein now those functions are handled by the City Clerk's office.

Attorney Blair advised the Commission that some parts of the Charter will have to be changed by a referendum, and we will need to have an election this year on our time.

Mrs. Krauss mentioned that early voting would also be provided as a means of getting the voters out. She will also handle all the absentees.

Attorney Blair stated the ordinance was presented tonight for information. There are a few technical things that have to be decided. What will be on the referendum and what will not and whether the Commission would want to put the extension of the terms to referendum.'

Mrs. Krauss stated we would need to pay close attention to the qualifying dates, which is 45 days prior to both elections. We can't have qualifying after the date of dropping absentees.

Mayor Wolf asked that this be brought back to the Commission in a simplified form as to what is to be done by ordinance and what is to be done by referendum and that he would like to have Commissioner Allen's comments prior to any action.

Clerk Jacobs referenced the memo from the Attorney that is in the agenda packet.

Attorney Blair indicated she will do a bullet point on the issues and City Manager Smith suggested that it be presented along with the first reading of the ordinance.

Commissioner Clark asked how confusing it will be to determine City voters from Non-City voters. Mrs. Krauss stated that everything is already coded so that everyone will get their appropriate ballot.

Clerk Jacobs noted that we will have to have a special election in December to cover the Referendum as this is not a regular election year.

Mrs. Krauss reported that because of changes in the law, she already has requests for Absentee ballots through 2012 that covers all elections including the special election the City will have to have. This could help increase the voter response.

a. City Manager

1. Copy of plaque received from DCA- Planning Excellence Award presented to the City of Wildwood- Wildwood was one of five (5) communities to be awarded. INFORMATION ONLY
2. FDOT response to emergency signal light at US 301 and Rutland Ave.
City Manager reported that his study was done over a 4-hour period. This came about because the County was looking at an emergency signal for better access from the Fire Department and how to cross 301 safely, and the City was asked if we wanted to have it included as more of a pedestrian access as well. He told them yes, but the study revealed that accidents and pedestrian crossings were minimal therefore the emergency signal was not approved. Another study could be done in the future. INFORMATION ONLY
3. Update on privatization of refuse services
The contract with Waste Management will be brought to the Commission on July 12th. The City has been in constant negotiations with them and in communication with their local representatives. INFORMATION ONLY
4. Update on Gamble Street retention
City Manager reports that it is pretty much officially done. We experienced some huge flooding last week but the amount of rain was quite exceptional. The pond did do what it was designed to do by taking the Gamble Street flood but also received 301 flooding. We are working with FDOT to make sure they take care of their own storm-water. - INFORMATION ONLY.
5. Update on IT (information technology)
City Manager reported that he is talking with the County and The Villages IT support on trying to get fiber optic to not only City Hall but also the Community Center as well to hopefully improve our computer capabilities. This will be brought back to the Commission some time in August. INFORMATION ONLY
6. U.S. 301 widening project will get started as of July 1st. The contract has been awarded to Rainey Construction. 301 will be widening from North of the Bridge to 214. Clearing and grubbing should happen shortly. A lot of trees will be removed from the right of way, but they do have a certified arborist to make sure what can be saved will be saved. The Completion date is set for October 28, 2011.
7. Gloria Rankin – Girls Night Out
City Manager reported he met with this morning and he has pointed her in the right direction and she is getting her vendors together to actually have events on Thursday nights. This will be brought back to the Commission in August.
8. JPA
City Manager reported that at the next meeting we will be setting up public Meetings and hearings for the JPA adoptions which include law enforcement, Building services, transit and economic development.

9. CR 470

City Manager reports the County held a public hearing 2 weeks ago. Another is scheduled for July 27th. He will be attending.

10. Budget workshop

The first budget session is set for July 6th. Draft copies of the budget and his presentation should already be in the Commission's possession. He will be out of town this week but will be available by email if there are any questions.

b. City Attorney

Attorney Blair stated she sent the Commission an update of the ongoing litigation The City is involved in. City Manager Smith and the Commissioners indicate they have not seen such a report. City Manager will check emails, but reports that other departments have indicated a problem with receiving information from the Attorney's office. No further information.

c. City Clerk

None

d. Commission Members

Mayor Wolf reported that he had received a call from Brad McNeil informing him that the bridge North of town was opened and to try it out. Mayor stated assumes the lights will come after they tear the old bridge down and get the whole bridge completed.

Mayor Wolf also asked that someone check to see if progress energy has gotten our requests about fixing streetlights. There have been 2 out on Cleveland (466A) for over 6 months. City Manager reported that Gene Kornegay and Rodney have been on top of this and he will get another update.

e. Public Forum (10 minute time limit)

Jay Turner- approached the Commission expressing a concern about the Public Works Department and maintenance around the City. Mr. Turner reports on last Monday when the storm came through there was a power outage of 4th Street and Progress Energy had to come in and cut down some trees. He called the maintenance Department in reference to the tree limbs being cut down for a special pick up and he was told that it was the responsibility of Progress Energy to arrange for the limbs to be picked up. He was not aware of this or he would have done so. He notes that regular limb pick up is on Monday's. He would like to know if some other company has to come in for limbs, and they are on the road side such as in this case is there a possibility for a special pick up from the City or do we have to wait until regular pick up or is it the responsibility of whoever cut them down to pick them up.

City Manager responded that in an emergency situation what typically happens is that they coordinate with the City on picking up the limbs they cut down. We wouldn't wait and keep them on the right of way because it is a liability. We would then charge that company for the pickup.

Mr. Turner went on to say that in regards to right of way maintenance he believes includes so many feet onto a resident's property, how often is that done by the maintenance department. He does not see it being done at all in the area where he lives on 4th street. City Manager asked if he was referring to mowing and he indicates yes. He always has an issue when he calls for a clearing at the stop signs for palm trees and things that are growing up. He no longer maintains it because years back when he was maintaining it; they came in and basically uprooted what he was taking care of. And now every time he calls he gets flack from them saying that it is not impeding the flow of traffic and they will take care of it when they get time, so he will like to know how often is that done so he can keep a schedule to know when they're coming so he'll know what he needs to do.

City Manager Smith stated he will get Gene Kornegay to coordinate with him. He is not sure of what the mowing schedule is. It differs between season and location. If there is an issue or if there is a nuisance he can't see why we can't go ahead and take care of it. We could send the prison crew out. Mr. Turner asked if he was referring to taking care of problems in the right of way.

City Manager states yes, we typically do and Mr. Turner can call him with his concerns and he will try to take care of them prior to these public meetings. Mr. Turner states he has never seen the prison crew in his community mowing the side of his yard. City Manager states they typically take care of major right of ways and Mr. Turner reflects he is referring residential right of ways. City Manager indicates that we would have to check to see if we are responsible for the maintenance and if we are he will let him know what that maintenance schedule is.

Mayor Wolf commented that normally most folks take care of the right of way in their areas themselves. Mr. Turner states the City is claiming it as city property with sidewalks, etc, but not maintaining it. Mr. Turner states when the right of way wears down there is an issue of wanting to replace it with gravel on the West side compared to replacing it with sod on the East, and no he does not mow to the road as it is not his responsibility.

Mayor stated most folks do. City Manager informed Mr. Turner that he will contact the Public Works Department and get him a maintenance schedule. Attorney Blair states she believes there is an ordinance that addresses this issue and she believes the property owner is responsible for the upkeep of the right of way at their residence.

Robert Hannah- asked the City Manager if the information relative to the Work Force van being in town and available to the all citizens had been posted on the City's web site yet. City Manager responded no, after checking with Pam Law, but stated he will make sure it gets done.

Mr. Hannah asked if the City has received a grant that will continue the development and improvements to MLK Park. City Manager responded that we were in the funding category but the state cut the funds and therefore we have not received another grant as of now. Mr. Hannah asked if there is anything the citizens can do to help to assist in getting the grant. City Manager responded there is

nothing the citizens can do except contact their local Legislators about stop cutting the budgets in those different departments.

Mr. Hannah indicated he has talked with Pastor Jones and is glad to hear that City Manager will agree to address the citizens and asked if July 8th was feasible for him to meet the community at the MLK Building on the West side. City Manager Smith asked Mr. Hannah to coordinate that date with his Administrative Asst. Doris King. At extension 110.

3. NEW BUSINESS – ACTION REQUIRED:

a. MINUTES:

1. Minutes of Special Meeting held on June 7, 2010 (Attachments – Staff recommends approval)
2. Minutes of Regular meeting held on June 14, 2010 (attachments- staff Recommends approval.

Motion by Commissioner Strickland, second by Commissioner Bivins to approve the minutes of June 7 and June 14. Motion carried. All voting yea.

b. ORDINANCES FIRST READING ONLY
None

c. RESOLUTIONS FOR APPROVAL:

1. Resolution no. R2010-19, a resolution finding a unique opportunity and sole source purchasing opportunity relative to treatment and composting of domestic wastewater residuals treatment. (attachments-staff recommends approval.)

Motion by Commissioner Bivins, second by Commissioner Strickland to adopt Resolution no. R2010-19, a Resolution of the City Commission of City of Wildwood, Florida, finding a unique opportunity and sole source purchasing opportunity finding that there are only two treatment facilities with a reasonable distance from the City that can meet the City's needs for treatment and composting of domestic wastewater residuals; Providing that the existence of the sole source has been documented by the City; providing for an effective date, is approved. Motion carried. All voting yea.

d. APPOINTMENTS:

1. None

e. CONTRACTS AND AGREEMENTS:

1. Second amendment to the Amended and Restated Agreement for the development of County Roads 466A, 462, and 139 for review/approval (attachments-staff recommends approval.)

City Manager Smith explained that when the County first implemented an Impact fee, they divided up into districts based upon the different roadways that were in those districts. Two years ago they did a study that thought it would be better to go ahead and consider a consumption based impact fee

which means that it doesn't matter which district you are in you pay one fee and those fees can go toward the roads within Sumter County. City Manager referenced City Attorney's Blair objections to this agreement based on not being able to show the nexus between point A and B in certain parts of the County.

City Manager Smith states the City's involvement in this whole process is the fact that we allow them to collect that impact fee and that is why Attorney Blair stated she wanted them to include more stricter language that states that if there is a law suit or any question as to the study that the City of Wildwood would be pretty much indemnified. There have been several agreements since this agreement and one of those was the JPA, which eliminated District 1, but Attorney Blair did ask for this extra protection in the agreement and the County as stated they would not agree to add the additional language.

Attorney Blair notes that the City of Wildwood got the agreement after it had already been signed by the Villages and The County, at the last minute. Attorney Blair stated the language she wanted to add just indicated that the City was agreeing to this based on our understanding that the County was properly utilizing the funds in compliance with existing State case law and statutes. She notes our comments were not heard before the contract was taken to other bodies. City Manager Smith states the County feels that they did not need our approval and that they are using the impact fee correctly and that this agreement is the best way to collect it and distribute it, especially since eliminating District 1.

Attorney Blair clarified that she is not advising the Commission to not execute the agreement. She only felt that she should let the Commission know the complete situation before making a decision.

The general consensus of the Commission is that we should sign the agreement but have a letter sent to the County letting them know that we would have liked to have been more involved in the developing of this amended agreement process prior to having to act on it.

Motion by Commissioner Clark, second by Commissioner Bivins to execute the second amendment to the amended and restated agreement for the Development of County Roads 466A, 462 and 139 with the stipulation that we notify the County that we would like to review any agreements in the future as a professional courtesy before being signed by any party involved. Motion carried. Clark, Wolf and Bivins- yea; Strickland-nay.

2. Contract for the Hauling, Treatment and Composting of Domestic Wastewater residuals with C & C Pest Co., Inc. (attachments-staff recommends approval.)
3. Contract for the Composting of Domestic Wastewater Residuals with Compost USA (attachments-staff recommends approval.)

Motion by Commissioner Strickland, second by Commissioner Bivins to approve both items 2 and 3, the contract for hauling, treatment and composting

of domestic wastewater residuals with C & C Peat Co., Inc. and the contract for the Composting of Domestic Wastewater residuals with Compost USA as reflected with the changes presented in the red lined version included in the agenda. Motion carried. All voting yea.

City Manager informed the Commission that Pete Bennett had turned in His letter of retirement. His last day will be October 31, 2011. Congratulations expressed by the Mayor and Commission relative to his retiring.

f. FINANCIAL:

1. Bills for Approval (Attachment – Staff Recommends Approval)

Motion by Commissioner Bivins, second by Commissioner Strickland to pay the bills. Motion carried. All voting yea.

Commissioner Strickland asked about #27 as to what did we pay LSMPO For doing. City Manager explained we split the cost evenly between the County and City for them to be our transportation reviewer, to help negotiate what the DRI impacts are and to come up with the D.O. language and give recommendations of what should be included in the agreement to help coordinate some of the transportation impacts.

City Manager stated he had one item he wanted checked out also, Item #54, workers compensation for Grower's market. It looks excessive.

g. GENERAL ITEMS FOR CONSIDERATION:

1. Discussion regarding City Manager's Evaluation: (attachments)

City Manager Smith passed out copies of all evaluations to each Commissioner, indicating that if the Commission desires to discuss Them it will need to be at a future meeting and they should just let him know.

City Manager Smith also stated he is available to discuss any questions or concerns individually with any Commissioner.

Commissioner Bivins expressed that she would like to see under the Supervision section where At random and confidentially, and not necessarily those that he directly supervises, how some of the employees of the City would rate him on the items shown. She left some of them blank because as commissioners, they don't visually see him in a supervisory capacity, therefore, they would have no idea.

Commissioner Clark stated that Commissioner can't talk directly with the employees.

Commissioner Strickland stated he agrees and he left items blank for that same reason

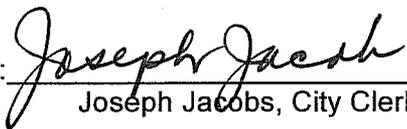
4. ADJOURN:

Motion by Commissioner Bivins, second by Commissioner Clark to adjourn. Motion carried.
All voting yea.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

S E A L

ATTEST:



Joseph Jacobs, City Clerk



Ed Wolf, Mayor