

# Agenda



# Agenda

## CITY COMMISSIONERS OF THE CITY OF WILDWOOD

Mayor/Commissioner – Ed Wolf – Seat 1

Mayor Pro-Tem/Commissioner – Ronald Allen – Seat 5

Pamala Harrison-Bivins – Seat 2

Don C. Clark – Seat 4

Robby Strickland – Seat 3

Joseph Jacobs – Interim City Manager

November 28, 2011

7:00 PM

PLEASE TURN OFF ALL CELL PHONES AND PAGERS

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Department, ADA Coordinator, at 352-330-1330, Ext. 102, forty-eight (48) hours in advance of the meeting.

F.S.S. 286.0105A-If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The City of Wildwood DOES NOT provide this verbatim record).

## AGENDA

- THE MEETING IS CALLED TO ORDER BY THE MAYOR
- INVOCATION
- FLAG SALUTE

### 1. TIMED ITEMS AND PUBLIC HEARINGS

7:00 PM (a)	TIMED ITEM	None

\* Quasi Judicial Hearing

### 2. REPORTS AND PUBLIC INPUT

- SPECIAL PRESENTATION: None at this time
  - a. City Manager
  - b. City Attorney
  - c. City Clerk
  - d. Commission Members
  - e. Public Forum (10 minute time limit)
  - f. Notes, Reports, and items for the file as attached

### 3. NEW BUSINESS – ACTION REQUIRED

- a. MINUTES
  - 1. None

b. **ORDINANCES FIRST READING ONLY (READ ONLY – NO VOTE)**

1. None

c. **RESOLUTIONS FOR APPROVAL:**

1. Resolution No. R2011-34 declaring a Fiscal Year 2010-2011 USDA Rural Development Grant for the purchase of two 2010 Police vehicles complete and closed (Attachments) (Staff Recommends Approval)

d. **APPOINTMENTS**

1. None

e. **CONTRACTS AND AGREEMENTS**

1. Discussion/Approval for Mayor Wolf to execute the Third Addendum to the Developer's Agreement between the COW and Homes In Partnership to correct legal description errors provided in the original, first and second addendums caused by scriveners error (Attachments) (Staff Recommends Approval)

f. **FINANCIAL**

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

g. **GENERAL ITEMS FOR CONSIDERATION**

1. Discussion/Approval of Request for a two-year extension of the Oxford Crossings Apartments PUD by Jeffrey Head of Farner, Barley & Assoc. on behalf of their client, Citizens First Bank (Attachments – Staff Recommends Approval)

4. **ADJOURN:**

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**NOTES – NO ACTION REQUIRED:**

- a. None

**REPORTS:**

**CITY MANAGER (2.a.f.):**

1. FYI – October Budget Analysis Report (Attachments)

**FILED ITEMS**  
(No attachments)

- a. Copy of letter submitted to Tee Persad, Esq. regarding Hi-End Development Corp. law suit for refund of connection fees
- b. Sumter County Times Newspaper (Nov. 17th)
- c. Copy of letter from SWFWMD to K-H requesting additional Information regarding CR 466A Widening
- d. US Dept. of Homeland Security notification that the NFIP (National Flood Insurance Program) has been extended through Dec. 16, 2011

**IMPORTANT DATES**  
(No attachments)

- a. **December 3<sup>rd</sup>, 2011 – (Saturday)** – Annual Wildwood Christmas Parade – **3:00 PM** (Line-up at 2:00 PM) – Route is west on Huey Street then north on Gamble Street
- b. **December 12<sup>th</sup>, 2011 – (Monday)** – City Commission Regular Meeting – 7:00 PM – City Commission Chamber – City Hall
- c. **December 23<sup>rd</sup>, 2011 – (Friday)** – City's Observance of **Christmas Eve Holiday** – ALL city offices with the EXCEPTION of the Police Department will close at **12:00 Noon** today
- d. **December 25<sup>th</sup>, 2011 – (Sunday) - Christmas Day**
- e. **December 26<sup>th</sup>, 2011 – (Monday)** – City's observance of Christmas Day Holiday - ALL city offices with the EXCEPTION of the Police Department will be **closed** today
- f. **December 26<sup>th</sup>, 2011 (CANCELLED) – (Monday)** – City Commission Regular Meeting – 7:00 PM – City Commission Chamber – City Hall
- g. **December 30<sup>th</sup>, 2011 – (Friday)** – City's observance of New Year's Eve Holiday - ALL city offices with the EXCEPTION of the Police Department will close at **12:00 Noon** today
- h. **January 2<sup>nd</sup>, 2012 – (Monday)** – City's observance of New Year's Holiday - ALL city offices with the EXCEPTION of the Police Department will be **closed** today
- i. **January 9<sup>th</sup>, 2012 – (Monday)** – City Commission Regular Meeting – 7:00 PM – City Commission Chamber – City Hall
- j. **January 16<sup>th</sup>, 2012 – (Monday)** – City's observance of Dr. Martin Luther King, Jr. Holiday - ALL city offices with the EXCEPTION of the Police Department will be **closed** today
- k. **January 23<sup>rd</sup>, 2012 – (Monday)** – City Commission Regular Meeting – 7:00 PM – City Commission Chamber – City Hall

## TIMED ITEMS AND PUBLIC HEARINGS

|                   |            |      |
|-------------------|------------|------|
| 7:00<br>PM<br>(a) | TIMED ITEM | NONE |
|-------------------|------------|------|

2. **REPORTS AND PUBLIC INPUT**

- **SPECIAL PRESENTATIONS:** None

(a) **CITY MANAGER:**

**NOTES: (2.f.)**

None

**REPORTS: (2.f.)**

(See " f " below)

(b) **CITY ATTORNEY:**

(1)

(c) **CITY CLERK:**

(1)

(d) **COMMISSION MEMBERS:**

(1)

(e) **PUBLIC FORUM:**

(1)

(f) **NOTES/REPORTS/FILED ITEMS:**

**CITY MANAGER (2.a.f.):**

1. FYI – October Budget Analysis Report (Attachments)

**GENERAL FUND REVENUES-BUDGET ANALYSIS REPORT**  
**FISCAL YEAR 2011-2012**  
**MONTH OF OCTOBER, 2011**

| ITEM                                              | BUDGETED               | ACTUAL               | DIFFERENCE             | % COLLECTED  |
|---------------------------------------------------|------------------------|----------------------|------------------------|--------------|
| Interfund Transfers-Industrial Park               | \$ 10,000.00           | \$ -                 | \$ 10,000.00           | 0.00%        |
| InterFund Transfers-Enterprise Fund               | \$ 350,000.00          | \$ -                 | \$ 350,000.00          | 0.00%        |
| State Revenue Sharing-State(Intergovt)            | \$ 176,375.00          | \$ 13,677.69         | \$ 162,697.31          | 7.75%        |
| Local Option Gas Tax-State(Intergovt)             | \$ 230,578.00          | \$ 18,640.88         | \$ 211,937.12          | 8.08%        |
| 01. Infrastructure Surtax(Intergovt)              | \$ 638,167.00          | \$ 42,440.06         | \$ 595,726.94          | 6.65%        |
| state Sales Tax-(Intergovt)                       | \$ 358,277.00          | \$ 26,897.88         | \$ 331,379.12          | 7.51%        |
| County Motor Fuel Tax(9th cent) Intergovt)        | \$ 40,000.00           | \$ -                 | \$ 40,000.00           | 0.00%        |
| State Beverage License(Intergovt)                 | \$ 3,500.00            | \$ -                 | \$ 3,500.00            | 0.00%        |
| Mobile Home Licenses-State(Intergovt)             | \$ 13,000.00           | \$ 90.00             | \$ 12,910.00           | 0.69%        |
| Ad Valorem Taxes-Wildwood                         | \$ 1,439,906.00        | \$ 3.06              | \$ 1,439,902.94        | 0.00%        |
| Ad-valorem Taxes-CRA District-City                | \$ 68,950.00           | \$ -                 | \$ 68,950.00           | 0.00%        |
| Ad-valorem Taxes-CRA District-County              | \$ 125,068.00          | \$ -                 | \$ 125,068.00          | 0.00%        |
| Utility Tax-Water Sales-City                      | \$ 31,000.00           | \$ 4,163.64          | \$ 26,836.36           | 13.43%       |
| Utility Tax-Villages 5% Water Utility             | \$ 150,000.00          | \$ 13,784.78         | \$ 136,215.22          | 9.19%        |
| Utility Tax-Electric/Gas                          | \$ 250,000.00          | \$ 26,118.70         | \$ 223,881.30          | 10.45%       |
| Telecommuncations(Communication SVC) (Intergovt)  | \$ 205,000.00          | \$ 17,697.80         | \$ 187,302.20          | 8.63%        |
| Franchise Taxes-Electric (Progress Energy)        | \$ 475,000.00          | \$ 35,140.07         | \$ 439,859.93          | 7.40%        |
| Franchise Taxes-Electric (SECO)                   | \$ 100,000.00          | \$ 9,878.13          | \$ 90,121.87           | 9.88%        |
| Franchises Taxes-Natural Gas (TECO)               | \$ 2,750.00            | \$ 668.03            | \$ 2,081.97            | 24.29%       |
| Franchise Taxes- Refuse Service(Waste Management) | \$ 82,250.00           | \$ 6,802.12          | \$ 75,447.88           | 8.27%        |
| Interest Income                                   | \$ 23,000.00           | \$ 591.28            | \$ 22,408.72           | 2.57%        |
| Community Development Services                    | \$ 75,000.00           | \$ 9,203.30          | \$ 65,796.70           | 12.27%       |
| Second Dollar Fees-Police                         | \$ 1,250.00            | \$ 250.00            | \$ 1,000.00            | 20.00%       |
| Fines & forfeitures-Police                        | \$ 45,000.00           | \$ 5,417.13          | \$ 39,582.87           | 12.04%       |
| Community Center Rental                           | \$ 30,000.00           | \$ 4,234.13          | \$ 25,765.87           | 14.11%       |
| Community Center Reservation Fees                 | \$ -                   | \$ 80.00             | \$ (80.00)             | 0%           |
| Miscellaneous General Fund                        | \$ 17,500.00           | \$ 630.25            | \$ 16,869.75           | 3.60%        |
| Summer Camp Registrations                         | \$ 20,000.00           | \$ -                 | \$ 20,000.00           | 0.00%        |
| Dixie Youth Baseball Registration Fees            | \$ 1,000.00            | \$ 1,425.12          | \$ (425.12)            | 142.51%      |
| Life Flight Lease                                 | \$ 12,000.00           | \$ 1,000.00          | \$ 11,000.00           | 8.33%        |
| Fuel Tax Refunds (State)                          | \$ 4,000.00            | \$ 2,170.88          | \$ 1,829.12            | 54.27%       |
| Police User Fees                                  | \$ 170,000.00          | \$ 14,900.00         | \$ 155,100.00          | 8.76%        |
| The Villages Amended Agreement-2007               | \$ 45,000.00           | \$ -                 | \$ 45,000.00           | 0.00%        |
| City Occupational License                         | \$ -                   | \$ 648.50            | \$ (648.50)            | 0.00%        |
| CRA Administration Costs                          | \$ 19,297.00           | \$ -                 | \$ 19,297.00           | 0.00%        |
| Grower's Market                                   | \$ 17,640.00           | \$ 765.00            | \$ 16,875.00           | 4.34%        |
| Park's & Recreation Activities                    | \$ 10,000.00           | \$ 887.88            | \$ 9,112.12            | 8.88%        |
| Sumter County Dispatch Compensation               | \$ 100,000.00          | \$ 100,000.00        | \$ -                   | 100.00%      |
| Administrative Building Services-Sumter County    | \$ 60,000.00           | \$ 20,925.00         | \$ 39,075.00           | 34.88%       |
| FDOT Lighting Agreement                           | \$ 7,046.00            | \$ -                 | \$ 7,046.00            | 0.00%        |
| FDOT Maintenance Agreement                        | \$ 6,400.00            | \$ -                 | \$ 6,400.00            | 0.00%        |
| CDBG Grant-(State)                                | \$ 700,000.00          | \$ -                 | \$ 700,000.00          | 0.00%        |
| Police Impact Fees                                | \$ 10,000.00           | \$ 1,420.60          | \$ 8,579.40            | 14.21%       |
| Park & Recreation Impact Fees                     | \$ 10,000.00           | \$ 1,221.10          | \$ 8,778.90            | 12.21%       |
| Cash Forward- General Fund                        | \$ 163,288.00          | \$ -                 | \$ 163,288.00          | 0.00%        |
| Cash Forward- CRA Districts                       | \$ 100,000.00          | \$ -                 | \$ 100,000.00          | 0.00%        |
|                                                   |                        |                      | \$ -                   | 0.00%        |
|                                                   |                        |                      | \$ -                   | 0.00%        |
|                                                   |                        |                      | \$ -                   | 0.00%        |
| <b>TOTAL GENERAL FUND REVENUES</b>                | <b>\$ 6,397,242.00</b> | <b>\$ 381,773.01</b> | <b>\$ 6,015,468.99</b> | <b>5.97%</b> |



**ENTERPRISE FUND REVENUES-BUDGET ANALYSIS REPORT**  
**FISCAL YEAR 2011-2012**  
**MONTH OF OCTOBER, 2011**

| ITEM                                   | BUDGETED               | ACTUAL               | DIFFERENCE             | % COLLECTED  |
|----------------------------------------|------------------------|----------------------|------------------------|--------------|
| Water Operational                      | \$ 1,380,708.00        | \$ 120,368.25        | \$ 1,260,339.75        | 8.72%        |
| Water Connection Fees                  | \$ 100,000.00          |                      | \$ 100,000.00          | 0.00%        |
| Water TIE Fees                         | \$ 15,000.00           | \$ -                 | \$ 15,000.00           | 0.00%        |
| Water Meter Installs                   | \$ 20,000.00           | \$ 3,765.56          | \$ 16,234.44           | 18.83%       |
| Water-Miscellaneous (on/off)           | \$ 20,000.00           | \$ 1,722.00          | \$ 18,278.00           | 8.61%        |
| Water Income- Other                    | \$ 7,500.00            | \$ 972.72            | \$ 6,527.28            | 12.97%       |
| Wastewater Operational                 | \$ 2,228,077.00        | \$ 187,360.44        | \$ 2,040,716.56        | 8.41%        |
| Wastewater Connection Fees             | \$ 200,000.00          | \$ 4,160.00          | \$ 195,840.00          | 2.08%        |
| Wastewater TIE Fees                    | \$ 25,000.00           | \$ -                 | \$ 25,000.00           | 0.00%        |
| Wastewater- Other Miscellaneous        | \$ 30,000.00           | \$ 612.75            | \$ 29,387.25           | 2.04%        |
| Wastewater TSS/COD                     | \$ 650,000.00          | \$ 58,238.47         | \$ 591,761.53          | 8.96%        |
| Reuse Water Operations                 | \$ 60,000.00           | \$ 2,639.68          | \$ 57,360.32           | 4.40%        |
| Interest Income                        | \$ 600.00              | \$ -                 | \$ 600.00              | 0.00%        |
|                                        |                        |                      | \$ -                   | 0.00%        |
| Water-Sewer- Cash Brought Forward      | \$ 163,288.00          | \$ -                 | \$ 163,288.00          | 0.00%        |
|                                        |                        |                      | \$ -                   | 0.00%        |
|                                        |                        |                      | \$ -                   | 0.00%        |
| Greenwood Cemetery Revenues            | \$ 4,550.00            | \$ 1,847.70          | \$ 2,702.30            | 40.61%       |
| Greenwood Cemetery- Cash Forward       | \$ 6,940.00            | \$ -                 | \$ 6,940.00            | 0.00%        |
|                                        |                        |                      | \$ -                   | 0.00%        |
| Industrial Park -Cash Forward          | \$ 10,950.00           | \$ -                 | \$ 10,950.00           | 0.00%        |
|                                        |                        |                      | \$ -                   | 0.00%        |
| <b>Total- Enterprise Fund Revenues</b> | <b>\$ 4,922,613.00</b> | <b>\$ 381,687.57</b> | <b>\$ 4,540,925.43</b> | <b>7.75%</b> |

**ENTERPRISE FUND EXPENDITURES-BUDGET ANALYSIS REPORT  
MONTH OF OCTOBER, 2011**

| ENTERPRISE FUND DEPARTMENTS               | BUDGETED               | ACTUAL               | DIFFERENCE             | % EXPENDED        |
|-------------------------------------------|------------------------|----------------------|------------------------|-------------------|
| PHYSICAL ENVIRONMENT ADMINISTRATION       | \$ 700,445.00          | \$ 39,336.54         | \$ 661,108.46          | 5.62%             |
| WATER DEPARTMENT                          | \$ 1,092,700.00        | \$ 57,881.01         | \$ 1,034,818.99        | 5.30%             |
| WASTEWATER DEPARTMENT                     | \$ 1,408,076.00        | \$ 130,722.84        | \$ 1,277,353.16        | 9.28%             |
| INDUSTRIAL PARK                           | \$ 950.00              | \$ -                 | \$ 950.00              | 0.00%             |
| GREENWOOD CEMETERY                        | \$ 7,665.00            | \$ 12.92             | \$ 7,652.08            | 0.17%             |
| <b>TOTAL- OPERATING EXPENDITURES</b>      | <b>\$ 3,209,836.00</b> | <b>\$ 227,953.31</b> | <b>\$ 2,981,882.69</b> | <b>7.10%</b>      |
| <b>TRANSFERS</b>                          | <b>BUDGETED</b>        | <b>ACTUAL</b>        | <b>DIFFERENCE</b>      | <b>% EXPENDED</b> |
| W/S TO GENERAL                            | \$ 350,000.00          | \$ -                 | \$ 350,000.00          | 0.00%             |
| IND. PARK TO GENERAL                      | \$ 10,000.00           | \$ -                 | \$ 10,000.00           | 0.00%             |
| <b>TOTAL TRANSFERS</b>                    | <b>\$ 360,000.00</b>   | <b>\$ -</b>          | <b>\$ 360,000.00</b>   | <b>0.00%</b>      |
| <b>DEBT SERVICE</b>                       | <b>BUDGETED</b>        | <b>ACTUAL</b>        | <b>DIFFERENCE</b>      | <b>% EXPENDED</b> |
| CHAMPAGNE FARMS -PRINCIPAL                | \$ 30,978.00           | \$ -                 | \$ 30,978.00           | 0.00%             |
| CHAMPAGNE FARMS-INTEREST                  | \$ 70,821.00           | \$ -                 | \$ 70,821.00           | 0.00%             |
| 1994 SRF LOAN                             | \$ 189,195.00          | \$ -                 | \$ 189,195.00          | 0.00%             |
| 1996 SRF LOAN                             | \$ 270,063.00          | \$ -                 | \$ 270,063.00          | 0.00%             |
| 2007 SRF LOAN                             | \$ 379,915.00          | \$ -                 | \$ 379,915.00          | 0.00%             |
|                                           | \$ -                   | \$ -                 | \$ -                   | 0.00%             |
| <b>TOTAL- DEBT SERVICE</b>                | <b>\$ 940,972.00</b>   | <b>\$ -</b>          | <b>\$ 940,972.00</b>   | <b>0.00%</b>      |
| <b>CONTINGENCIES</b>                      | <b>BUDGETED</b>        | <b>ACTUAL</b>        | <b>DIFFERENCE</b>      | <b>% EXPENDED</b> |
| GREENWOOD CEMETERY                        | \$ 3,825.00            | \$ -                 | \$ 3,825.00            | 0.00%             |
| WATER/SEWER ENTERPRISE FUND               | \$ 67,980.00           | \$ -                 | \$ 67,980.00           | 0.00%             |
| INDUSTRIAL PARK                           | \$ -                   | \$ -                 | \$ -                   | 0.00%             |
|                                           | \$ -                   | \$ -                 | \$ -                   | 0.00%             |
| <b>TOTAL -CONTINGENCIES</b>               | <b>\$ 71,805.00</b>    | <b>\$ -</b>          | <b>\$ 71,805.00</b>    | <b>0.00%</b>      |
| <b>SPECIAL PROJECTS</b>                   | <b>BUDGETED</b>        | <b>ACTUAL</b>        | <b>DIFFERENCE</b>      | <b>% EXPENDED</b> |
| GREENWOOD CEMETERY                        | \$ -                   | \$ -                 | \$ -                   | 0.00%             |
| WATER TIE FEE PROJECTS                    | \$ 15,000.00           | \$ -                 | \$ 15,000.00           | 0.00%             |
| WATER CONNECTION FEE PROJECTS             | \$ 100,000.00          | \$ -                 | \$ 100,000.00          | 0.00%             |
| WASTEWATER TIE FEE PROJECTS               | \$ 25,000.00           | \$ -                 | \$ 25,000.00           | 0.00%             |
| WASTEWATER CONNECTION FEE PROJECTS        | \$ 200,000.00          | \$ -                 | \$ 200,000.00          | 0.00%             |
| <b>TOTAL -SPECIAL PROJECTS</b>            | <b>\$ 340,000.00</b>   | <b>\$ -</b>          | <b>\$ 340,000.00</b>   | <b>0.00%</b>      |
| <b>TOTAL-ENTERPRISE FUND EXPENDITURES</b> | <b>\$ 4,922,613.00</b> | <b>\$ 227,953.31</b> | <b>\$ 4,622,854.69</b> | <b>4.63%</b>      |

### **3. NEW BUSINESS – ACTION REQUIRED**

#### **a. MINUTES**

1. None

#### **b. ORDINANCES FIRST READING ONLY (READ ONLY – NO VOTE)**

1. None

#### **c. RESOLUTIONS FOR APPROVAL:**

1. Resolution No. R2011-34 declaring a Fiscal Year 2010-2011 USDA Rural Development Grant for the purchase of two 2010 Police vehicles complete and closed (Attachments) (Staff Recommends Approval)
- 2.

#### **d. APPOINTMENTS**

1. None

#### **e. CONTRACTS AND AGREEMENTS**

1. Discussion/Approval for Mayor Wolf to execute the Third Addendum to the Developer's Agreement between the COW and Homes In Partnership to correct legal description errors provided in the original, first and second addendums caused by scrivener's error (Attachments) (Staff Recommends Approval)

#### **f. FINANCIAL**

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

#### **g. GENERAL ITEMS FOR CONSIDERATION**

1. Discussion/Approval of Request for a two-year extension of the Oxford Crossings Apartments PUD by Jeffrey Head of Farner, Barley & Assoc. on behalf of their client, Citizens First Bank (Attachments – Staff Recommends Approval)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA, DECLARING A USDA GRANT FUNDING SOURCE AS BEING CLOSED; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Of Wildwood was awarded a \$60,000.00 grant from the USDA Rural Development during Fiscal year 2010-2011; and,

WHEREAS, the City of Wildwood supplemented the grant funds with \$20,000.00 in order to purchase and equip two 2010 Ford Crown Victoria Police vehicles; and,

WHEREAS, the City of Wildwood confirms that all the grant funds were expended for the purpose approved.

NOW THEREFORE, BE IT RESOLVED, by the City Commission of the City of Wildwood, Florida:

SECTION 1. That the grant awarded by USDA Rural Development in the fiscal year of 2010-2011 is hereby deemed complete and therefore is considered closed.

PASSED AND RESOLVED, this 28<sup>th</sup> day of November, 2011.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

S E A L

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Ed Wolf, Mayor

Joseph Jacobs, City Clerk



Florida/Virgin Islands  
2441 NE 3<sup>rd</sup> Street  
Suite 204-1  
Ocala, FL 34470

Ocala Area Office  
Telephone: (352) 732-9796  
FAX: (352) 732-9728  
TDD: (352) 338-3499  
[www.rurdev.usda.gov/fl](http://www.rurdev.usda.gov/fl)

November 14, 2011

Mr. Joseph Jacobs  
City of Wildwood  
100 N Main Street  
Wildwood, FL 34785

RE: Police Car Grant  
Closing Documents

Dear Mr. Jacobs:

We have completed the equipment purchase and disbursement of all funds for the grant closed on August 4, 2010. As a part of the close of this transaction, the following items will need to be completed:

1. Per the closing instructions acknowledged by your Attorney, Ms. Blair, we will need a closing statement prepared by her office reflecting the disbursement of all grant funds, as well as, those funds contributed by the City. The statement should include an itemized listing of all expenditures and receipts for the project and reflect all funding sources.
2. Enclosed please find three copies of the revised Page 5 of the Grant Agreement referencing the attached Exhibit A which includes the specific equipment purchased with grant funds. Please initial the enclosed Page 5 and execute the Exhibit A. Please return two complete copies to this office and keep one copy for your records.
3. City to provide a brief resolution accepting the project as complete.
4. Evidence of proper insurance for the equipment and fidelity bonding for the City.

Should you have any questions, please contact Stephanie Hodges at this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie Hodges".

R.C. QUANTON II  
Area Director

Enclosures

Committed to the future of rural communities.

"USDA is an equal opportunity provider, employer and lender."

To file a complaint of discrimination write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).

This Instrument prepared by and  
after recording return to:

Jerri A. Blair  
JERRI A. BLAIR, P.A.  
P.O. 130  
Tavares, FL 32778  
(352) 343-3755

**THIRD ADDENDUM TO DEVELOPER'S AGREEMENT BETWEEN  
THE CITY OF WILDWOOD, FLORIDA AND  
HOMES IN PARTNERSHIP  
(CORRECTING LEGAL DESCRIPTION)**

This agreement, effective this \_\_\_\_\_ day of \_\_\_\_\_, 2011, made and entered into by and between the City of Wildwood, Florida, a Florida municipal corporation (hereinafter called "City"), and Homes in Partnership, its successors or assigns (hereinafter called "Developer"), is an addendum to that certain developers agreement between the City of Wildwood and Homes In Partnership which was approved by the City Commission on August 11, 2008 at the regular Commission meeting, (hereinafter "the developer's agreement"), and which applies to development of the property owned by Developer identified in Exhibit "A" attached hereto. The parties agree as follows:

**WITNESSETH:**

1. The legal description which was provided in the original, first and second addendums to developer's agreement ("original property") was incorrect. The attached legal description is the correct legal description.

2. City and Developer acknowledge and agree that Developer does not own the original property, and its inclusion in the developer's agreement was caused by scrivener's error. The original property is accordingly released from the developer's agreement. The developer's agreement shall no longer affect the original property in any respect.

3. All other provisions of the developer's agreement and addendums to developer's agreement remain in full force and effect for the property identified in this agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed on the day and year indicated below:

Signed, sealed and delivered in the presence of:

CITY OF WILDWOOD

ATTEST:

BY: \_\_\_\_\_  
Mayor Ed Wolf

\_\_\_\_\_  
Joseph Jacobs, City Clerk

Homes in Partnership  
\_\_\_\_\_  
BY: H. Lewis Kellom

WITNESS  
Richard A. Whitell  
Crystal M. Vines

Its: Executive Director

DATE: November 14, 2011

State of Florida  
County of Sumter

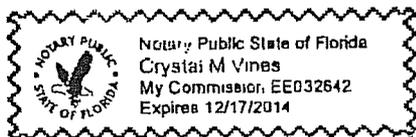
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by Ed Wolf, Mayor of the City of Wildwood, who has produced \_\_\_\_\_ as identification or is personally known to me.

\_\_\_\_\_  
Notary Public, State of Florida

State of \_\_\_\_\_  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this 14th day of November, 2011, by H. Lewis Kellom, of Homes In Partnership, who has produced \_\_\_\_\_ as identification or is personally known to me.

Crystal M. Vines  
Notary Public, State of FLORIDA



Commission # EE032642  
My Commission Expires: 12/17/2014

EXHIBIT "A"

Lots 4 to 11, Inc., Block F, Meadowlawn, according to the map or plat thereof as recorded in Plat Book 2, Page(s) 3-6, of the Public Records of Sumter County, Florida.

Parcel Identification Number: G06D074

and

Lots 14 to 18, Incl., Block F, Meadowlawn, according to the map or plat thereof as recorded in Plat Book 2, Page(s) 3-6, of the Public Records of Sumter County, Florida.

Parcel Identification Number: G06D084

and

Lots 29 to 30, Incl., Block F, Meadowlawn, according to the map or plat thereof as recorded in Plat Book 2, Page(s) 3-6, of the Public Records of Sumter County, Florida.

Parcel Identification Number: G06D093

and

Lots 11 to 18, Incl., Block N, Meadowlawn, according to the map or plat thereof as recorded in Plat Book 2, Page(s) 3-6, of the Public Records of Sumter County, Florida.

Parcel Identification Number: G06D183

and

Lots 9 to 12, Incl., Block G, Meadowlawn, according to the map or plat thereof as recorded in Plat Book 2, Page(s) 3-6, of the Public Records of Sumter County, Florida.

Parcel Identification Number: G06D107

and

Lots 9 to 10, Incl., Block M, Meadowlawn, according to the map or plat thereof as recorded in Plat Book 2, Page(s) 3-6, of the Public Records of Sumter County, Florida.

Parcel Identification Number: G06D177

Sumter County, Florida

**City of Wildwood, Florida**  
**November 28, 2011**

**CITY COMMISSION-LEGISLATIVE DEPARTMENT**

|   |               |                        |    |       |
|---|---------------|------------------------|----|-------|
| 1 | PGIT          | Workers Comp Insurance | \$ | 12.65 |
| 2 | Sprint-Nextel | Cell Phone Service     | \$ | 26.73 |

**CITY MANAGER-EXECUTIVE DEPARTMENT**

|   |               |                        |    |       |
|---|---------------|------------------------|----|-------|
| 3 | PGIT          | Workers Comp Insurance | \$ | 41.14 |
| 4 | Sprint-Nextel | Cell Phone Service     | \$ | 54.73 |

**CITY CLERK-FINANCIAL & ADMINISTRATIVE DEPARTMENT**

|   |                             |                                 |    |          |
|---|-----------------------------|---------------------------------|----|----------|
| 5 | Lake Glass & Mirror, Inc.   | Reflash Existing Skylight       | \$ | 1,200.00 |
| 6 | PGIT                        | Workers Comp Insurance          | \$ | 65.65    |
| 7 | Sprint-Nextel               | Cell Phone Service              | \$ | 23.43    |
| 8 | Terminix                    | Monthly Pest Control Contract   | \$ | 87.50    |
| 9 | The Villages Technology Grp | Email Service Software Purchase | \$ | 83.99    |

**DEVELOPMENT SERVICES**

|    |                             |                                         |    |        |
|----|-----------------------------|-----------------------------------------|----|--------|
| 10 | PGIT                        | Workers Comp Insurance                  | \$ | 56.94  |
| 11 | Sprint-Nextel               | Cell Phone Service                      | \$ | 24.74  |
| 12 | The Daily Commercial        | Ads                                     | \$ | 888.34 |
| 13 | The Villages Technology Grp | Drop off Install and Mapped Computer Dr | \$ | 160.00 |

**HUMAN RESOURCES**

|    |      |                        |    |      |
|----|------|------------------------|----|------|
| 14 | PGIT | Workers Comp Insurance | \$ | 9.64 |
|----|------|------------------------|----|------|

**POLICE DEPARTMENT**

|    |                             |                                        |    |          |
|----|-----------------------------|----------------------------------------|----|----------|
| 15 | Ava C Land, PH.D., P.A.     | Clinical & Forensic Psychology Testing | \$ | 600.00   |
| 16 | Ford Press                  | Business Cards                         | \$ | 50.00    |
| 17 | Law Enforcement Supply      | Unive and Cap, Raincoats and Hood      | \$ | 122.24   |
| 18 | PGIT                        | Workers Comp Insurance                 | \$ | 2,429.89 |
| 19 | Sprint-Nextel               | Cell Phone Service                     | \$ | 448.49   |
| 20 | Terminix                    | Monthly Pest Control Contract          | \$ | 25.00    |
| 21 | The Daily Commercial        | Ads                                    | \$ | 282.74   |
| 22 | The Villages Technology Grp | Unpack and Sort Computers              | \$ | 580.00   |

**STREET DEPARTMENT**

|    |                             |                               |    |           |
|----|-----------------------------|-------------------------------|----|-----------|
| 23 | Advanced Auto Parts         | Lamp Assembly                 | \$ | 69.47     |
| 24 | Alamo Industrial            | Kubota Falcon 15 Mower        | \$ | 24,200.00 |
| 25 | Heritage-Crystal Clean, LLC | Com-20 Gal                    | \$ | 175.32    |
| 26 | PGIT                        | Workers Comp Insurance        | \$ | 1,483.60  |
| 27 | Sprint-Nextel               | Cell Phone Service            | \$ | 100.95    |
| 28 | Sumter Electric             | Electric Service              | \$ | 151.77    |
| 29 | Terminix                    | Monthly Pest Control Contract | \$ | 12.50     |

**FLEET SERVICES**

|    |                     |                           |    |        |
|----|---------------------|---------------------------|----|--------|
| 30 | Advanced Auto Parts | Wiper Blades, Rear Mirror | \$ | 15.96  |
| 31 | AirGas              | Link1297 Stck Sys AC/DC   | \$ | 569.00 |
| 32 | PGIT                | Workers Comp Insurance    | \$ | 381.87 |

November 28 2011

Page 2

|    |               |                    |    |       |
|----|---------------|--------------------|----|-------|
| 33 | Sprint-Nextel | Cell Phone Service | \$ | 49.48 |
|----|---------------|--------------------|----|-------|

|    |          |                               |    |       |
|----|----------|-------------------------------|----|-------|
| 34 | Terminix | Monthly Pest Control Contract | \$ | 12.50 |
|----|----------|-------------------------------|----|-------|

**COMMUNITY RE-DEVELOPMENT**

|    |               |                        |    |       |
|----|---------------|------------------------|----|-------|
| 35 | PGIT          | Workers Comp Insurance | \$ | 16.37 |
| 36 | Sprint-Nextel | Cell Phone Service     | \$ | 25.95 |

**PARKS AND RECREATION**

|    |                            |                                             |    |        |
|----|----------------------------|---------------------------------------------|----|--------|
| 37 | Advanced Auto Parts        | Power Strip, Cap Oil Filter                 | \$ | 11.85  |
| 38 | Century Link               | Telephone Service                           | \$ | 41.64  |
| 39 | John Deere Landscapes      | White Paint, Bypass Pruner, Valve Assy, Etc | \$ | 659.77 |
| 40 | PGIT                       | Workers Comp Insurance                      | \$ | 305.13 |
| 41 | Progress Energy            | Electric Service                            | \$ | 198.20 |
| 42 | Sherwin-Williams Co        | Paint                                       | \$ | 117.35 |
| 43 | Sprint-Nextel              | Cell Phone Service                          | \$ | 98.96  |
| 44 | Sumter Electric            | Electric Service                            | \$ | 418.65 |
| 45 | T & D Waste Services, Inc. | Port O Let Rentals                          | \$ | 245.00 |
| 46 | Terminix                   | Monthly Pest Control Contract               | \$ | 25.00  |
| 47 | WescoTurf                  | Spring Tine Replace                         | \$ | 120.22 |

**COMMUNITY CENTER & OXFORD COMMUNITY CENTER**

|    |                 |                               |    |        |
|----|-----------------|-------------------------------|----|--------|
| 48 | Sumter Electric | Electric Service              | \$ | 984.62 |
| 49 | Terminix        | Monthly Pest Control Contract | \$ | 25.00  |

**PHYSICAL ENVIRONMENT ADMINISTRATIVE DEPARTMENT**

|    |                             |                                 |    |          |
|----|-----------------------------|---------------------------------|----|----------|
| 50 | Lake Glass & Mirror, Inc.   | Reflash Existing Skylight       | \$ | 1,200.00 |
| 51 | PGIT                        | Workers Comp Insurance          | \$ | 32.64    |
| 52 | Terminix                    | Monthly Pest Control Contract   | \$ | 12.50    |
| 53 | The Villages Technology Grp | Email Service Software Purchase | \$ | 83.99    |

**WATER DEPARTMENT**

|    |                                |                                             |    |           |
|----|--------------------------------|---------------------------------------------|----|-----------|
| 54 | Brenntag                       | Liquid Chlorine                             | \$ | 863.74    |
| 55 | HD Supply WaterWorks           | Pressure Backflow, Bushings, Cor-Ten T-Head | \$ | 226.66    |
| 56 | Interstate Electrical Services | Repaired Breaker at Coleman                 | \$ | 280.00    |
| 57 | PGIT                           | Workers Comp Insurance                      | \$ | 956.70    |
| 58 | Progress Energy                | Electric Service                            | \$ | 1,201.75  |
| 59 | Sprint-Nextel                  | Cell Phone Service                          | \$ | 121.47    |
| 60 | Sumter Electric                | Electric Service                            | \$ | 1,693.31  |
| 61 | Sunstate Meter & Supply Inc    | Ethernet Cradle & Power, T10 Meters, Etc    | \$ | 28,118.33 |
| 62 | Terminix                       | Monthly Pest Control Contract               | \$ | 25.00     |
| 63 | The Dumont Company, Inc        | Hypochlorite Solution, Clear Flow Inhibitor | \$ | 2,462.00  |
| 64 | USA BlueBook                   | Stenner Duckbill 5 Pak                      | \$ | 283.76    |
| 65 | Verizon Wireless               | Broadband                                   | \$ | 40.01     |

**WASTEWATER DEPARTMENT**

|    |                            |                                             |    |           |
|----|----------------------------|---------------------------------------------|----|-----------|
| 66 | Advanced Auto Parts        | Ignition Cap, Rotor Ignition Wire Set, Etc. | \$ | 118.74    |
| 67 | Century Link               | Telephone Service                           | \$ | 111.03    |
| 68 | Cole-Palmer                | Foldable Handheld Calculator                | \$ | 17.00     |
| 69 | Hardy diagnostics          | Phosphate Buff; Petri Dish w/o Pads         | \$ | 507.79    |
| 70 | ITT Water & WasteWater USA | CP454-6 20/230/3 50' FV BWR                 | \$ | 15,390.00 |
| 71 | Odyssey Manufacturing      | Hypochlorite Solutions                      | \$ | 2,536.14  |

November 28 2011

Page 3

|    |                 |                               |    |          |
|----|-----------------|-------------------------------|----|----------|
| 72 | PGIT            | Workers Comp Insurance        | \$ | 1,057.69 |
| 73 | Progress Energy | Electric Service              | \$ | 1,045.02 |
| 74 | Sprint-Nextel   | Cell Phone Service            | \$ | 148.44   |
| 75 | Sumter Electric | Electric Service              | \$ | 761.50   |
| 76 | Terminix        | Monthly Pest Control Contract | \$ | 25.00    |

77- VWR International Brush Volmetric Flask,Membranes,Oxides \$ 622.65

GREENWOOD CEMETERY

ATTORNEYS/CONSULTANTS/SURVEYORS

FUEL INVENTORY

---

**TOTAL** \$ 97,732.83

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CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST: \_\_\_\_\_  
Joseph Jacobs, City Clerk

\_\_\_\_\_  
Ed Wolf, Mayor

**CITY COMMISSION OF THE CITY OF WILDWOOD**

**EXECUTIVE SUMMARY**

**SUBJECT:** Oxford Crossings Apartments PUD Extension

Extension of Oxford Crossings Apts. PUD

**REQUESTED ACTION:**

|                                                     |                                          |
|-----------------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Work Session (Report Only) | <b>DATE OF MEETING:</b> <u>11/28/11</u>  |
| <input checked="" type="checkbox"/> Regular Meeting | <input type="checkbox"/> Special Meeting |

|                                                          |                         |
|----------------------------------------------------------|-------------------------|
| <b>CONTRACT:</b> <input checked="" type="checkbox"/> N/A | Vendor/Entity: _____    |
| Effective Date: _____                                    | Termination Date: _____ |
| Managing Division / Dept: _____                          |                         |

**BUDGET IMPACT:** \_\_\_\_\_

|                                         |                                   |
|-----------------------------------------|-----------------------------------|
| <input type="checkbox"/> Annual         | <b>FUNDING SOURCE:</b> _____      |
| <input type="checkbox"/> Capital        | <b>EXPENDITURE ACCOUNT:</b> _____ |
| <input checked="" type="checkbox"/> N/A |                                   |

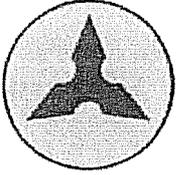
**HISTORY/FACTS/ISSUES:**

Jeffrey Head with Farner, Barley, and Associates is requesting a two year extension of the Oxford Crossings Apts. PUD (Approved by the City Commission on May 14, 2007) under Section 73 of Chapter 2011-139, Laws of Florida (House Bill 7207), per his letter dated November 11, 2011 on behalf of their client, Citizens First Bank.

Per Section 73 of Chapter 2011-139, the developer has the right to request an extension for a period of two years effective June 23, 2012 through June 22, 2014.

Subsection 1.16 (A) of the Land Development Regulations (LDRs), *Supplemental Regulations*, state that in addition to the requirements of the Code, all development shall meet all applicable requirements of other regulatory agencies and of other City ordinances.

Melanie Peavy  
Development Services Director



**FARNER** ENGINEERS ▲ SURVEYORS ▲ PLANNERS  
**BARLEY**  
AND ASSOCIATES, INC.

VIA HAND DELIVERY  
November 11, 2011

RECEIVED

Mrs. Melanie Peavy  
City of Wildwood  
100 North Main Street  
Wildwood, Florida 34785

NOV 11 2011

CITY OF WILDWOOD  
Community Development Dept.

**Re: Oxford Crossing Apartments PUD  
Citizens First Bank  
PUD Extension Notice**

Dear Mrs. Peavy:

Pursuant to the provisions of Section 73 of Chapter 2011-139, Laws of Florida (House Bill 7207), and our client, Citizens First Bank hereby gives notice that it is exercising a two (2) year extension of the Oxford Crossing Apartments PUD. Section 73 of Chapter 2011-139, Section 47 of Chapter 2010-147 and Section 14 of Chapter 2009-96 Laws of Florida are attached for your review.

Oxford Crossing Apartments PUD currently has an expiration date of December 22, 2011. Unless, no significant construction has started by June 22, 2012 the zoning of the property will revert to General Mixed Use (GM). With this extension the new expiration date will be June 22, 2014. This extension is consistent with Section 73 of Chapter 2011-139, Laws of Florida because the expiration date falls on or is between 1/1/12 and 1/1/14 and does not exceed the 4-year cap on legislative authorized extensions.

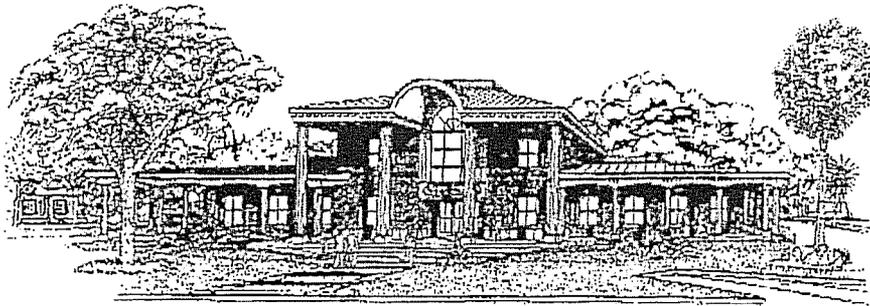
Should you require any further information regarding the foregoing notice, please do not hesitate to contact me.

Sincerely,  
Farnar Barley and Associates, Inc.

  
Jeffery A. Head, P.E.  
JH/bw

cc: Mr. Josh Biller, Citizens First Bank, 1341 Griffin Road, Leesburg, FL 34748 (w/encl.)  
File

City of  
Wildwood,  
Florida



City Hall

wildwood-fl.gov  
Area Code: 352  
ZIP Code: 34785

**CITY HALL**  
100 N. Main Street  
330-1330 Phone  
330-1338 Fax

**CITY MANAGER**  
Extension 109

**CITY CLERK/FINANCE**  
Extension 100

**HUMAN RESOURCES**  
Extension 103  
330-1339 Fax

**CUSTOMER SERVICE**  
(Utility Accounts/TDD)  
Extension 130

**BUILDING SERVICES**  
Code/Inspections/Permits  
Extension 131  
330-1334 Fax

**DEVELOPMENT SERVICES**  
Planning/Zoning/Concurrency  
Extension 118  
330-1334 Fax

**LIBRARY**  
310 Palmir Drive  
748-1158

**COMMUNITY CENTER**  
6500 County Road 139  
Reservations  
330-1330 Ext 108

**POLICE**  
700 E. Huey Street  
330-1355  
330-1358 Fax

**ANIMAL CONTROL  
WOOD WASTE**  
801 W. Gulf-Atlantic Hwy.  
330-1345

**REFUSE / STREETS**  
410 Grey Street  
330-1343  
330-1353 Fax

**WASTEWATER**  
1290 Industrial Drive  
330-1349  
330-1350 Fax

**WATER**  
801 E. Huey Street  
330-1346  
330-1347 Fax

**PARKS & RECREATION**  
6500 County Road 139  
303-8416

September 18, 2009

Jeff Head  
Farner Barley & Associates, Inc.  
4450 NE 83<sup>rd</sup> Rd.  
Wildwood, FL 34785  
Via Fax Only (352) 748-0823

RE: Oxford Crossing Apartments-PUD Extension Request

Dear Mr. Head,

Please consider this letter confirmation that the City of Wildwood will grant the extension of the PUD zoning on Oxford Crossings Property (parcel D20=120) until December 22, 2011, per senate bill 360.

Therefore, if no significant construction has started by June 22, 2012, the zoning of the property will revert to General Mixed Use (GM) and the developer will be required to re-apply for a PUD rezoning under the provisions of the PUD Ordinance.

Please contact me at 352-330-1330 x 118 if you have any questions regarding this correspondence.

Sincerely,

*Shelley Martin*  
Shelley Martin  
Development Technician  
City of Wildwood

3. The projected cost for each project identified in the district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the district facilities work program.

5. A schedule indicating which projects included in the district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.

Section 72. Rules 9J-5 and 9J-11.023, Florida Administrative Code, are repealed, and the Department of State is directed to remove those rules from the Florida Administrative Code.

Section 73. (1) Any permit or any other authorization that was extended under section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida, is extended and renewed for an additional period of 2 years after its previously scheduled expiration date. This extension is in addition to the 2-year permit extension provided under section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. Permits that were extended by a total of 4 years pursuant to section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida, and by section 46 of chapter 2010-147, Laws of Florida, cannot be further extended under this provision.

(2) The commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension shall notify the authorizing agency in writing by December 31, 2011, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension, that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by rules in effect at the time the permit was issued, except if it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This subsection applies to any modification of the plans, terms, and conditions of the permit that lessens the environmental impact, except that any such modification may not extend the time limit beyond 2 additional years.

(6) This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intention to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Section 74. (1) The state land planning agency, within 60 days after the effective date of this act, shall review any administrative or judicial proceeding filed by the agency and pending on the effective date of this act to determine whether the issues raised by the state land planning agency are consistent with the revised provisions of part II of chapter 163, Florida Statutes. For each proceeding, if the agency determines that issues have been raised that are not consistent with the revised provisions of part II of chapter 163, Florida Statutes, the agency shall dismiss the proceeding. If the state land planning agency determines that one or more issues have been raised that are consistent with the revised provisions of part II of chapter 163, Florida Statutes, the agency shall amend its petition within 30 days after the determination to plead with particularity as to the manner in which the plan or plan amendment fails to meet the revised provisions of part II of chapter 163, Florida Statutes. If the agency fails to timely file such amended petition, the proceeding shall be dismissed.

(2) In all proceedings that were initiated by the state land planning agency before the effective date of this act, and continue after that date, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct, and the local government's determination shall be sustained unless it is shown by a

letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by the rules in effect at the time the permit was issued, except if it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision applies to any modification of the plans, terms, and conditions of the permit which lessens the environmental impact, except that any such modification does not extend the time limit beyond 2 additional years.

(6) This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intent to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Section 47. (1) The Legislature hereby reauthorizes:

(a) Any exemption granted for any project for which an application for development approval has been approved or filed pursuant to s. 380.06, Florida Statutes, or for which a complete development application or rescission request has been approved or is pending, and the application or rescission process is continuing in good faith, within a development that is located within an area that qualified for an exemption under s. 380.06, Florida Statutes, as amended by chapter 2009-96, Laws of Florida.

(b) Any 2-year extension authorized and timely applied for pursuant to section 14 of chapter 2009-96, Laws of Florida.

(c) Any amendment to a local comprehensive plan adopted pursuant to s. 163.3184, Florida Statutes, as amended by chapter 2009-96, Laws of Florida, and in effect pursuant to s. 163.3189, Florida Statutes, which authorizes and implements a transportation concurrency exception area pursuant to s. 163.3180, Florida Statutes, as amended by chapter 2009-96, Laws of Florida.

(2) Subsection (1) is intended to be remedial in nature and to reenact provisions of existing law. This section shall apply retroactively to all actions specified in subsection (1) and therefore to any such actions lawfully undertaken in accordance with chapter 2009-96, Laws of Florida.

Section 48. The unexpended funds appropriated in Specific Appropriation 2649 of chapter 2008-152, Laws of Florida, for improvements to Launch Complex 36 on the 45th Space Wing property shall revert immediately and are reappropriated for state fiscal year 2010-2011 from the Economic Development Transportation Trust Fund for improvements to other launch complexes and space transportation facilities in order to attract new space vehicle testing and launch business to the state; to address intermodal

may maintain the exemption if the developer is continuing the application process in good faith or the development is approved.

(h) This subsection does not limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to this chapter.

(i) This subsection does not apply to areas:

1. Within the boundary of any area of critical state concern designated pursuant to s. 380.05;

2. Within the boundary of the Wekiva Study Area as described in s. 369.316; or

3. Within 2 miles of the boundary of the Everglades Protection Area as described in s. 373.4592(2).

Section 13. (1)(a) The Legislature finds that the existing transportation concurrency system has not adequately addressed the transportation needs of this state in an effective, predictable, and equitable manner and is not producing a sustainable transportation system for the state. The Legislature finds that the current system is complex, inequitable, lacks uniformity among jurisdictions, is too focused on roadways to the detriment of desired land use patterns and transportation alternatives, and frequently prevents the attainment of important growth management goals.

(b) The Legislature determines that the state shall evaluate and consider the implementation of a mobility fee to replace the existing transportation concurrency system. The mobility fee should be designed to provide for mobility needs, ensure that development provides mitigation for its impacts on the transportation system in approximate proportionality to those impacts, fairly distribute the fee among the governmental entities responsible for maintaining the impacted roadways, and promote compact, mixed-use, and energy-efficient development.

(2) The state land planning agency and the Department of Transportation shall continue their respective current mobility fee studies and develop and submit to the President of the Senate and the Speaker of the House of Representatives, no later than December 1, 2009, a final joint report on the mobility fee methodology study, complete with recommended legislation and a plan to implement the mobility fee as a replacement for the existing local government adopted and implemented transportation concurrency management systems. The final joint report shall also contain, but is not limited to, an economic analysis of implementation of the mobility fee, activities necessary to implement the fee, and potential costs and benefits at the state and local levels and to the private sector.

Section 14. (1) Except as provided in subsection (4), and in recognition of 2009 real estate market conditions, any permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373, Florida Statutes, that has an expiration date of September 1, 2008, through January 1, 2012, is extended and renewed for

a period of 2 years following its date of expiration. This extension includes any local government-issued development order or building permit. The 2-year extension also applies to build out dates including any build out date extension previously granted under s. 380.06(19)(c), Florida Statutes. This section shall not be construed to prohibit conversion from the construction phase to the operation phase upon completion of construction.

(2) The commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension shall notify the authorizing agency in writing no later than December 31, 2009, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension, that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by rules in effect at the time the permit was issued, except when it can be demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision shall apply to any modification of the plans, terms, and conditions of the permit that lessens the environmental impact, except that any such modification shall not extend the time limit beyond 2 additional years.

(6) Nothing in this section shall impair the authority of a county or municipality to require the owner of a property, that has notified the county or municipality of the owner's intention to receive the extension of time granted by this section, to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Section 15. Subsection (4) of section 159.807, Florida Statutes, is amended to read:

159.807 State allocation pool.—

(4)(a) The state allocation pool shall also be used to provide written confirmations for private activity bonds that are to be issued by state agencies, which bonds, notwithstanding any other provisions of this part, shall

**# 4**

**ADJOURN CITY COMMISSION MEETING**