



**CITY COMMISSION - CITY OF WILDWOOD**

**Mayor/Commissioner – Ed Wolf – Seat 1**

Mayor Pro-Tem/Commissioner – Pamala Harrison-Bivins – Seat 2

Robby Strickland – Seat 3

Don C. Clark – Seat 4

Julian Green – Seat 5

Bill Ed Cannon – City Manager

**AGENDA**

**REGULAR MEETING**

**JUNE 23, 2014 - 7:00 PM**

City Hall Commission Chamber  
100 N Main Street

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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.

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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.

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**1. CALL TO ORDER:**

- INVOCATION
- FLAG SALUTE
- PLEASE TURN OFF ALL CELL PHONES AND PAGERS

**2. CONSENT AGENDA/INFORMATIONAL ITEMS**

*(A consent agenda may be presented by the Mayor at the beginning of a meeting. Items may be removed from the consent agenda on the request of any one Commissioner. Items not removed may be adopted by general consent without debate. Removed items may be either taken up immediately after the consent agenda or placed later on the agenda at the discretion of the Commission.)*

a. Minutes for Approval

b. Bills for Approval

**3. PRESENTATIONS AND/OR PROCLAMATIONS**

**4. PUBLIC HEARINGS – Timed -**

Quasi-judicial Items

a. **ORDINANCE NO. O2014-22.** Second Final Reading. *AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; AMENDING AND RESTATING ORDINANCE 621 CONCERNING THE O'DELL PLANNED DEVELOPMENT; FOR CERTAIN PROPERTY WITHIN THE CITY OF WILDWOOD, FLORIDA, OWNED BY THE JAMES M. & MILDRED B. O'DELL TRUST; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.* This Ordinance amends and restates in its entirety Ordinance 621 that was passed by the City Commission (and subsequently extended after the overhaul of the Land Development Regulations), which allows for a mixed use planned development (MUPD) overlay on property zoned PD (Planned Development) for up to 1,000 residential units (based on a mix outlined within the Ordinance); 222,000 sq. ft. of commercial retail space; 40,000 sq. ft. of

commercial office space; the realignment of C-462; construction over three phases. This Ordinance is in conformance with the City's most current regulations and requirements. (Attachments: Staff Recommends Approval).

b. **ORDINANCE NO. O2014-28.** Second Final Reading. *AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; PROPOSING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE ADOPTED LOCAL COMPREHENSIVE PLAN AND FUTURE LAND USE MAP IN ACCORDANCE WITH THE COMMUNITY PLANNING ACT OF 2011, AS AMENDED; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.* This Ordinance changes the Future Land Use Map designation of Parcel G07D388 totaling 0.7 acres from City "Medium Density Residential" to City "Commercial" (Attachments: Staff Recommends Approval).

c. **ORDINANCE NO. O2014-29.** Second Final Reading. *AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; PROPOSING A ZONING MAP AMENDMENT TO THE OFFICIAL ZONING MAP IN ACCORDANCE WITH SECTIONS 3.2 AND 3.3 OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.* This Ordinance changes the Zoning Map designation of Parcel G07D388 totaling 0.7 acres from City "R-3: Medium Density Residential" to City "C-1: General Commercial: Downtown" (Attachments: Staff Recommends Approval).

d. **ORDINANCE NO. O2014-30.** Second Final Reading. *AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; PROVIDING FOR THE VOLUNTARY ANNEXATION OF CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 18.8 ACRES BEING GENERALLY LOCATED ON THE SOUTH SIDE OF STATE ROAD 44 AND EAST OF US HWY 301 (SR 35); IN SECTION 8, TOWNSHIP 19 SOUTH, RANGE 23 EAST; WHICH IS CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF WILDWOOD AND LOCATED IN THE CITY'S JOINT PLANNING AREA; PROVIDING THAT SECTION 1-14 OF THE CITY OF WILDWOOD CODE OF ORDINANCES IS AMENDED TO INCLUDE THE ANNEXED PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.* This Ordinance annexes Parcels G08=035 and G08=107 totaling 18.8 acres. This property is located in the Joint Planning Area with Sumter County and meets all legal requirements for annexation (Attachments: Staff Recommends Approval).

e. **ORDINANCE NO. O2014-32.** Second Final Reading. *AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; CREATING SECTION 3.23 OF THE CITY OF WILDWOOD LAND DEVELOPMENT REGULATIONS; PERTAINING TO ALLOWING DOGS ON OUTDOOR PATIOS AT SIDEWALK CAFES, KNOWN AS DOG FRIENDLY DINING; PROVIDING FOR CODIFICATION IN THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.* In order to allow dogs on outdoor patios at sidewalk cafés, this ordinance is required under FS § 509.233 and provides for indemnification of the City under this Ordinance (Attachments: Staff Recommends Approval).

**5. PUBLIC FORUM – 10 minute time limit**

**6. ORDINANCES FIRST READING ONLY (NO VOTE)**

a. **ORDINANCE O2014-31** *AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, REGULATING BINGO WITHIN THE CITY LIMITS OF THE CITY OF WILDWOOD; PROVIDING FOR FINDINGS; PROVIDING FOR DEFINITIONS; ESTABLISHING REQUIREMENTS FOR BINGO OPERATORS, LESSORS, PREMISES, AND EQUIPMENT, AND OTHER BINGO RELATED REQUIREMENTS; MAKING CERTAIN ACTS UNLAWFUL; PROVIDING PENALTIES; PROVIDING FOR AN EFFECTIVE DATE.* This Ordinance regulates bingo halls within the City (Discussion needed).

b. **ORDINANCE O2014-34** AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, CHANGING AND AMENDING THE CONVENIENCE STORE SECURITY ORDINANCE; RENAMING THE ORDINANCE; PROVIDING FOR PURPOSE AND FINDINGS; PROVIDING FOR DEFINITIONS; REVISING REQUIREMENTS FOR CONVENIENCE BUSINESSES; PROVIDING FOR AN EFFECTIVE DATE (Attachments: Staff Recommends Approval).

7. **RESOLUTIONS FOR APPROVAL**

8. **FINANCIAL & CONTRACTS & AGREEMENTS**

a. Police Department Requests Approval for the purchase of two (2) Falcon Rapid ID Scanners for a total of \$4,178.00 utilizing impact fees. Scanners are used for the purpose of rapidly identifying a subject who may be trying to conceal his/her identity, and will be issued one per supervisor. (Attachments: Staff Recommends Approval).

b. Utilities Department Requests Approval of Kimley-Horn and Associates, Inc. (KHA) Individual Project Order (IPO) 30 in the amount of \$16,900 to design and permit the Utility extension at the eastern end of Huey Street. (Attachments: Staff Recommends Approval).

c. Utilities Department Requests Approval for award of the bid of the Wastewater Treatment Plant (WWTP) Headworks Screen Modification project to go to CenState Contractors, Inc. in the amount of \$496,000. (Attachments: Staff Recommends Approval).

d. Utilities Department Requests Approval of KHA Amendment No. 1 to IPO #25 in the amount of \$40,000. (Attachments: Staff Recommends Approval).

e. Parks and Recreation Department Requests Approval for award for Internet Service Provider to go to Bright House. Internet Access at the Parks and Recreation Barn is necessary for the use of the security system that is being installed.

9. **GENERAL ITEMS FOR CONSIDERATION/DISCUSSION and OTHER BUSINESS**

10. **APPOINTMENTS**

11. **CITY MANAGER REPORTS**

12. **CITY CLERK REPORTS**

13. **OTHER DEPARTMENT REPORTS**

14. **COMMISSION MEMBERS REPORTS**

15. **CITY ATTORNEY REPORTS**

16. **ADJOURNMENT**

**IMPORTANT DATES (No Attachments)**

- a. July 4, 2014, Fourth of July HOLIDAY, City Closed
- b. July 14, 2014, Commission Meeting 7:00 p.m.
- c. July 28, 2014, Commission Meeting 7:00 p.m.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA  
REGULAR MEETING  
APRIL 14, 2014 - 7:00 PM  
CITY HALL COMMISSION CHAMBER

(meeting taped)

The City Commission of the City of Wildwood met in special session April 14, 2014 at 7:00 p.m. in the City Hall Commission Chamber.

Present were: Mayor Pro Tem Bivins; Commissioners Strickland, Commissioner Clark, and Commissioner Green. Also present: City Manager Cannon, Assistant City Manager McHugh Deputy Clerk Borrack, City Attorney Hunt, DSD Peavy, UD Phillips, P&R Wheeler, HRO Gibson-Smith, Chief Reeser, and WW Historical Assoc. Gidget Gibson.

1. CALL TO ORDER:

2. CONSENT AGENDA/INFORMATIONAL ITEMS

(A consent agenda may be presented by the Mayor at the beginning of a meeting. Items may be removed from the consent agenda on the request of any one Commissioner. Items not removed may be adopted by general consent without debate. Removed items may be either taken up immediately after the consent agenda or placed later on the agenda at the discretion of the Commission.)

- a. Minutes for Approval: February 24, 2014, Regular Meeting; March 24, 2014, Regular Meeting
- b. Bills for Approval
- c. SP 1402-02 Oxford Oaks Phase 2 – Improvement Plan (PLAT). Improvement Plan approval for Phase 2 of Oxford Oaks consisting of a 295 unit residential subdivision with related improvements. Based on favorable recommendation from the Special Magistrate (Staff Recommends Approval)
- d. SP 1402-03. Baltic Oxford Commercial Office. Site Plan approval for utilities, paved entrance, driveway, and four (4) parking spaces to utilize an existing structure as a commercial office. Based on favorable recommendation from the Special Magistrate (Staff Recommends Approval).
- e. SP 1402-07. Piedmont Goodwill Store. Site Plan approval demolition of existing residential structures and concrete; and to construct a 26,568 sq. ft. Goodwill Store adjacent to the Walmart of C-466. Based on favorable recommendation from the Special Magistrate (Staff Recommends Approval).

Motion by Commissioner Strickland, second by Commissioner Green to approve the items on the Consent Agenda. Motion carried by unanimous vote.

3. PRESENTATION AND/OR PROCLAMATIONS

- a. Proclamation and the Pledge of Civility for the Month of May

Motion by Commissioner Green, second by Commissioner Strickland to adopt Proclamation. Motion carried by unanimous vote.

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4. PUBLIC HEARINGS – TIMED  
Quasi-judicial Items

DSD Peavy sworn in.

5. PUBLIC FORUM – 10 minute time limit

6. ORDINANCE FIRST READING ONLY (NO VOTE)

- a. ORDINANCE NO O2014-13. AN ORDINANCE OF THE CITY OF WILDWOOD GRANTING A REQUEST FOR A PLANNED DEVELOPMENT PURSUANT TO SECTION 8.6 OF THE LAND DEVELOPMENT REGULATIONS. FOR CERTAIN PROPERTY WITHIN THE CITY OF WILDWOOD, FLORIDA; OWNED BY WALTER X. AND NORMA G. NOVILLO; PROVIDING FOR SERVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. This Ordinance establishes the Novillo Planned Development to allow for a mixed use planned development (MUPD) overlay on property zoned ECNMU-7 (Employment Center Neighborhood Mixed Use – 7 units per acre) for 96 residential apartment units (single owner) with a 3,500 sq. ft. recreation center and pool; and 35,000 sq. ft. of commercial offices space, with related improvements and infrastructure. (Attachments: Staff Recommends Approval).

DSD Peavy: Applicant had applied for a planned development on property which is now and existing mobile home park, Eagle Woods on SR44. Project went before the Planning and Zoning Board on April 1, 2014 and Special Magistrate has recommended approval. Commissioner Green: Is this and age restricted community? DSD Peavy: No sir not that we know of.

- b. ORDINANCE NO. O2014-18. AN ORDINANCE OF THE CITY OF WILDWOOD FLORIDA; AMENDING ORDINANCE O2012-07 CONCERNING THE TRAILWINDS VILLAGE PLANNED DEVELOPMENT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. This Ordinance modifies the approved planned development ordinance for Trailwinds Villages to allow for 450 residential units (296 Independent Living Facility Units and 461 Assisted Living Beds), 400,000 sq. ft. commercial retail and 200,000 sq. ft. of commercial office under the new designation as a Regional Activity Center (RAC). (Attachments: Staff Recommends Approval).

DSD Peavy: Also went before Planning and Zoning Board on April 1, 2014 and Special Magistrate has recommend approval. Commissioner Strickland: The Special Magistrate said the Commission needed to have discussion about entry points, what is that about? DSD Peavy: On 466A the applicant had requested additional access points; Special Magistrate was questioning that many access points and future access points on CR 462 and did not think it a good idea. However 466A and 462 are County owned roads and we met with Sumter County and they did limit the applicant on access points. Applicant would need to go back to the County when development would rich 40% build out to have more access points approved on 466A. Commissioner Strickland: Under principal uses it mentions an indoor shooting range, is that an allowable thing or are they planning on doing? DSD Peavy: That is an allowable use they have brought to us to put in the Ordinance. I don't know if they have a contract with anyone. The applicant is here and they could address that with more knowledge than I can.

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Commissioner Strickland: This is the first I have seen this, I don't have any questions now but I will later.

- c. ORDINANCE NO. O2014-23. AN ORDINANCE OF THE CITY OF WILDWOOD FLORIDA; AMENDING SECTION 3.16 MOBILE HOME PARKS, SECTION 5.5 IMPROVEMENT PLAN SUBMITTAL REQUIREMENTS, SECTION 5.6 FINAL PLAT SUBMITTAL REQUIREMENTS, SUBSECTION 6.2(C) POTABLE WATER SYSTEM DESIGN AND SECTION 8.2 PLANNED DEVELOPMENTS, OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF WILDWOOD, FLORIDA; PERTAINING TO MOBILE HOME PARK PERIMETER SETBACKS, PERFORMANCE BOND REQUIREMENT TIMING DURING THE SUBDIVISION PROCESS, UNIFORM STANDARDS FOR THE PAINTING OF FIRE HYDRANTS IN ACCORDANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARD 291, "RECOMMENDED PRACTICE FOR FIRE FLOW TESTING AND MARKING OF HYDRANTS," 2013 EDITION, AND PLANNED DEVELOPMENT PROCEDURES FOR THE HEARING OF PLANNED DEVELOPMENT CASES;; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. This Ordinance modifies the Land Development Regulations (LDRs) to clarify certain perimeter setback requirements for mobile home parks, performance bond requirements, technical standards for fire hydrants, and procedures for the review of planned developments. (Attachments: Staff Recommends Approval).

DSD Peavy: Staff is just requesting a few changes to the Land Development regulations that we found over time were in conflict with other areas. Clarification on mobile home parks and a request from the Utilities Director to put the fire hydrant information, requirements.

- d. ORDINANCE NO. O2014-24. AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; AMENDING AND/OR SUPPLEMENTING CHAPTER 11 LICENSES AND BUSINESS REGULATIONS OF THE CODE OF ORDINANCES SECTION 11-14 ISSUANCE OF PERMITS FOR TEMPORARY USES AND SPECIAL PERMITS BY AMENDING SUBSECTIONS (a)(2) THROUGH (a)(4) AS FOLLOWS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. This Ordinance modifies issuance requirements for Special Event permits in the code of Ordinances (and removes the same from the Land Development Regulations (LDRs) to clarify prerequisites and restrictions on Special Event Permits. (Attachments: Staff Recommends Approval).

DSD Peavy: Ordinance I was asked to bring back to prohibit the sale of competing merchandise in the City. Allowed existing businesses to sell items on their property and also allowed for temporary use permits for things that aren't sold in the City to come in and be sold on the vacant properties with about the same restrictions we had before. No Auto or Tents Sales to compete with those that are here.

## 7. RESOLUTIONS FOR APPROVAL

- a. RESOLUTION R2014-08. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD DETERMINING THAT CERTAIN PORTION OF UTILITY EASEMENT IS ERRONEOUS; DETERMINING THAT SAID EASEMENT SHOULD BE RELEASED AND REMOVED IN A MANNER TO FURTHER THE PUBLIC INTEREST;

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PROVIDING FOR AND EFFECTIVE DATE. This Resolution rectifies an erroneous Easement within the Oxford Oaks property by executing a Release of Easement and Quit Claim Deed. (Attachments: Staff Recommends Approval).

ACM J McHugh: This fixes an Easement at Oxford Oaks. Not sure why it was there. The Oxford Oaks legal teams brought this to our attention and contact our City Attorney and Bruce Phillips that acts as our city surveyor to basically rectify this. We have all the easements we need for Oxford Oaks thru the subdivision process. This is just a release of easement with the Quit Claim Deed.

Motion by Commissioner Clark, second by Commissioner Green that R2014-08 be adopted. Motion carried by unanimous vote.

- b. RESOLUTION R2014-09. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA ESTABLISHING A CITIZENS ADVISORY COMMITTEE; APPOINTING MEMBERS TO IT; PROVIDING FOR TERMS; PROVIDING FOR AN EFFECTIVE DATE. This Resolution establishes a Citizen's Advisory Committee and appoints 5 members with 1 year terms. (Attachments: Staff Recommends Approval).

ACM J McHugh: Consist of 5 Wildwood Residents. To help the City out with Districting and other endeavors of the City. Committee could help the City with giving feedback with what's working and not working for the City. Meet with them every month and to be able to reach out to them and get information out there and bring back to the Commission.

Motion by Commissioner Green, second by Commissioner Strickland that R2014-09 be adopted. Motion carried by unanimous vote.

- c. RESOLUTION R2014-10. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA ESTABLISHING THE PROCESS AND SCHEDULE FOR THE CREATION OF VOTING DISTRICTS; PROVIDING FOR CITIZEN PARTICIPATION AND INPUT IN THE PROCESS. (Attachments: Process and Schedule: Staff Recommends Approval).

ACM J McHugh: A Resolution to establish a process and schedule to be as transparent as possible as the City moves through this process. With emphasis on public participation and input into the process. City Manager and I met with the Supervisor of Elections. Have all our targets to get this rolling, June 20<sup>th</sup> at noon is the date that we need to have actual ballot language sent to them.

Motion by Commissioner Green, second by Commissioner Strickland that R2014-10 be adopted. Commissioner Green: Will the Supervisor of Elections have any input in helping make decisions on the Districts? ACM J McHugh: We will coordinate with them when LPG draws the maps. As far as any of the language on the ballots, no. They are just there to conduct the election itself. Everything by the book. Motion carried by unanimous vote.

- d. RESOLUTION R2014-11. A RESOLUTION OF THE CITY COMMISSIONER OF THE CITY OF WILDWOOD; AUTHORIZING THE CITY ATTORNEY TO SEEK PERMISSION FROM SPECIAL MAGISTRATE TO FORECLOSE ON UNRESOLVED CODE

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ENFORCEMENT CASES CONCERNING UNSAFE RESIDENTIAL STRUCTURES.  
(Attachments: Staff Recommends Approval).

ACM J McHugh: These residents have been deemed unsafe and have liens associated with them. Motion by Commissioner Clark, second by Commissioner Strickland to approve and adopt R2014-11. Commissioner Strickland: Are these privately owned or bank owned? ACM J McHugh: As far as we know they are privately owned. Commissioner Strickland: I know we wanted to make the priorities a tiered system. Can the problems be rectified at any time during the process? CA Hunt: The property owner has up until the time the property is sold to come forward and fix the issues. Commissioner Strickland: Are these liens City liens or other or are they County. CA Hunt: They are City. Not homesteaded if they were we could not take their house away. Motion carried by unanimous vote.

8. FINANCIAL & CONTRACTS & AGREEMENTS

- a. Utilities Department Request Approval to replace Vehicle U2 due to accident.  
(Attachments: Staff Recommends Approval)

UD Phillips: The morning of March 31, 2014 one of our employees pulled out in front of another vehicle and was T-boned. Both vehicles were declared a total loss. We have received almost \$4700 for the value of the vehicle.

Motion by Commissioner Green, second by Commissioner Strickland to replace vehicle. Commissioner Green: I assume we are going to go through our normal process when buying a vehicle? UD Phillips: Yes sir we do go through the State Sheriffs Contract, we have already contacted Bartow Ford where we have been purchasing them. And hopefully they have one they have been saving for us so we can get it replaced quicker. Commissioner Green: How is our employee doing? UD Phillips: He is not our employee any longer. But he is doing ok. Motion carried by unanimous vote.

- b. Police Department Request Approval for funds donated by ADT Security to the Wildwood Police Department to be used for a Security Card Entry System.  
(Attachments: Staff Recommends Approval).

Chief Reeser: Last year the Police Department was presented with a check for \$5000 for apprehension of a subject. This will secure the people in the police department.

Motion by Commissioner Clark, second by Commissioner Green that we approve purchase of Security Card Entry System. Motion carried by unanimous vote.

9. GENERAL ITEMS FOR CONSIDERATION/DISCUSSION and OTHER BUSINESS.

- a. Relocation of Public Works Department. (Attachments: Board Option)

PW Kornegay: We have had for some time a building that has been being used for storage and the Historical Association from time to time. It would make a good Public Works Facility. The building is in good shape and it would give us the ability to have some things we have never had in our facility ever. I just wanted to put this out to all of you and hope for your blessing. We would have to build a new barn up there but it is not a whole lot of money. We would be able to grow. Mayor Pro Tem Bivins: What's not a

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lot of money? PW Kornegay: \$100,000. I have talked to Gidget in the past and she understands where we are coming from but it is totally up to you all. The old library on Palmer. Commissioner Strickland: You would like to close off Palmer? PW Kornegay: I would like to, there are no houses there. It is all school and City property. Commissioner Strickland: How would we close it off, fence it? PW Kornegay: Yes we would put a fence with a code to go through. Commissioner Strickland: I know with it being residential there, with a barn would it be shielded there? PW Kornegay: It would be a good looking facility with landscaping and it would be on the side of the road north of the playground area that is there. Commissioner Strickland: If the School Board sells that property would they want to use that road? PW Kornegay: They would have access on Warfield and Barwick. If they did the closing could come way back to the South of their property. Commissioner Green: Will it have any affects to the tennis courts and playground area there? PW Kornegay: It will not have any effect on them but in the future Jason will be hitting you all up for relocation because of the failure on the tennis courts and such as far as the pavement that's in there. But what were wanting to do won't impact that. Commissioner Strickland: I would like to see the building being used but I would like to wait for the Mayor to be here to decide. Mayor Pro Tem Bivins: Also the property for the new Police Department is there not going to be a spot for your facility in that design? PW Kornegay: No Mam. Commissioner Clark: Will Fleet Services stay there? PW Kornegay: Yes Sir. Mayor Pro Tem Bivins: Well it sounds like a good idea to me. I know that it has been a discussion for many years, needing more room for your department and fleet. I am going to ask that we table it until the Mayor gets back so we have a full Commission. And I do hope we can move forward with it. At least put some kind of plan in motion.

Motion to table it until next meeting by Commissioner Strickland, second by Commissioner Green. Commissioner Clark: I would like Gene to get us some figures. PW Kornegay: I have some figures on a barn and fencing, also dimension and size. Mayor Pro Tem Bivins: And will you have that for us at the next meeting? PW Kornegay: Sure absolutely.

b. Employee Application for Tuition Reimbursement. (Attachment: Board Option)

Chief Reeser: This is an employee that started with us 9 years ago. He is a Police Officer Corporal and has decided to get his degree. Commissioner Green: Bachelor's Degree? Chief Reeser: I believe an AA. He cannot sign up for classes until this is approved. Commissioner Clark: Is Ashworth an accredited college. Chief Reeser: Yes it is. Commissioner Green: How does this work for tuition reimbursement? Do they have to submit grades? Chief Reeser: They have to submit grades and it is based also on years of employment.

Motion by Commissioner Green, second by Commissioner Clark that we approve application reimbursement for David Clarkson. Motion carried by unanimous vote.

10. APPOINTMENTS (None)
11. CITY MANAGER REPORTS (None)
12. CITY ATTORNEY REPORTS (None)
13. CITY CLERK REPORTS (None)

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#### 14. OTHER DEPARTMENT REPORTS

- a. Development Services: Update on development in the City of Wildwood. (Informational Item)

DSD Peavy: Quarterly Reports, Mayor Pro Tem Bivins had requested before Landmarks and Crossroads. We will send out emails identifying that so it will be easier to follow. Also there is a map along with the handout. If any questions I can answer them tonight or you can call me in the office. Mayor Pro Tem Bivins: I thank you for this but when you see them printed out, there is a lot going on. DSD Peavy: Any questions. Mayor Pro Tem Bivins: No, thank you Melanie.

P&R Coord. J Wheeler: I just want to bring to the Commissions attention that there was a kick ball event that went on at MLK Park. The last report I received there were 3000 people out there. The problem we ran in to out there was: we only have 2 small bathrooms, there is not enough parking for the park to sustain and event of that size. I am not wanting to stop events by any means but when it is an event of that size we need to look at it. It was brought to my attention a little after 4pm that the event is coming back this Sunday, bigger than the last event. I heard there were people getting charged to park. I have talked to several people that said they were charged to park and they were unhappy about that. The event shut down two county roads. The Sheriff's Department had to come and backup the Wildwood Police Department because of the size. I just want to inform you all of what has been brought to my attention and this is what is wanting to take place. I have received no letter; no one has contacted me to say what they would like to do. Through talking with people I have learned that is has been posted on Facebook and that flyers have been made up. That there is already going to be a charge for vendors and if you didn't pay you were not going to be allowed to be there. It impacts more than just the City, it impacts the County. I viewed on one of the Police Officers car cam that he was trying to respond to the Park with lights and sirens on and he was in traffic for almost 10 minutes and could not get to the park. Park was cleaned and picked up. Not adequate parking at the facility. Wanted to bring it to the Commission to see how you wanted to handle this.

Commissioner Green: Do you have any recommendations? P&R Coord. Whoever is having this event get with me and submit a plan and letter to bring before Commission for approval. If you are a city resident why should you be charged to come to a City park. If there was an emergency how would vehicle and personnel get to the park?

Chief Reeser: Kickball traveling event. Emergency vehicles could not get to the park or residents. Event coming up to be bigger. The way we are going to handle this is, the park will be blocked off and the gate locked and will turn people away since this is a non-sanctioned event. Only way to assure the safety of all. Took two hours to clear the event. Parking a problem.

Mayor Pro Tem Bivins: Mr. Hannah do you know who is putting on the event? Mr. Hannah: Yes my son Marvin Coleman has started a Wildwood Team. It has had a very good turn out and would like to see it continue. It gives the kids a place to go and keeps them off the corners and out of trouble. We are willing to meet with P&R Coord. Wheeler to go through proper procedures and channels to have the event. P&R Coord. Wheeler: The event would need to be held at Millennium Park and brought before the Commission for approval. Mr. Hannah: What are the procedure and guidelines for that

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park: P&R Coord. Wheeler: No alcohol, vendor registration and submit plan to Commission. Commissioner Strickland: What is the capacity of the park? Chief Reeser: Jason McHugh and Jason Wheeler working on that. Mayor Pro Tem Bivins: Is it just adults? Mr. Hannah: Ages 10-12 and 19, non-older than 21.

P&R Coord. Wheeler: A reminder that the Easter Egg Hunt is this Saturday. We have received a lot of donations.

Mayor Pro Tem Bivins: Stop signs @ Jackson. Chief Reeser: Putting on extra watch.

15. ADJOURNMENT

Upon a motion by Commissioner Green second by Commissioner Strickland the meeting was adjourned.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

S E A L

ATTEST: \_\_\_\_\_  
Cassandra Lippincott, City Clerk

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

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA  
REGULAR MEETING  
APRIL 28, 2014 - 7:00 PM  
CITY HALL COMMISSION CHAMBER

(meeting taped)

The City Commission of the City of Wildwood met in special session April 28, 2014 at 7:00 p.m. in the City Hall Commission Chamber.

Present were: Mayor Wolf, Commissioner Bivins, Commissioner Strickland, Commissioner Clark, and Commissioner Green. Also present: City Manager Cannon, Assistant City Manager McHugh, City Clerk Lippincott, Assistant City Clerk Roberts, DSD Peavy, PWD Kornegay, and FSD Watson.

1. CALL TO ORDER:

2. CONSENT AGENDA/INFORMATIONAL ITEMS

(A consent agenda may be presented by the Mayor at the beginning of a meeting. Items may be removed from the consent agenda on the request of any one Commissioner. Items not removed may be adopted by general consent without debate. Removed items may be either taken up immediately after the consent agenda or placed later on the agenda at the discretion of the Commission.)

a. Bills for Approval

- b. Oxford Memorial Center. Renewal / Extension of Site Plan approval for a 6,250 sq. ft. Funeral/Assembly Hall with a paved driveway and parking. (Attachments: Staff Recommends Approval)

Motion by Commissioner Green second by Commissioner Bivins to approve the items on the Consent Agenda. Motion carried by unanimous vote.

3. PRESENTATION AND/OR PROCLAMATIONS

4. PUBLIC HEARINGS – TIMED

Quasi-judicial Items

Mayor Wolf: Sworn in DSD Peavy

- a. ORDINANCE NO. O2014-13. Second Final Reading. AN ORDINANCE OF THE CITY OF WILDWOOD GRANTING A REQUEST FOR A PLANNED DEVELOPMENT PURSUANT TO SECTION 8.6 OF THE LAND DEVELOPMENT REGULATIONS. FOR CERTAIN PROPERTY WITHIN THE CITY OF WILDWOOD, FLORIDA; OWNED BY WALTER X. AND NORMA G. NOVILLO; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. This Ordinance establishes the Novillo Planned Development to allow for a planned development (PD) overlay on property zoned ECNMU-7 (Employment Center Neighborhood Mixed Use – 7 units per acre) for 96 residential apartment units (single owner) with a 3,500 sq. ft. recreation center and pool; and 35,000 sq. ft. of commercial offices space, with related improvements and infrastructure. (Attachments: Staff Recommends Approval)

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Motion by Commissioner Bivins second by Commissioner Green. Motion to adopt O2014-13. Motion carried by unanimous vote.

- b. ORDINANCE NO O2014-18. Second Final Reading. AN ORDINANCE OF THE CITY OF WILDWOOD FLORIDA; AMENDING ORDINANCE O2014-07 CONCERNING THE TRAILWINDS VILLAGE PLANNED DEVELOPMENT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. This Ordinance modifies the approved planned development ordinance for Trailwinds Villages to allow for 450 residential units (296 Independent Living Facility Units and 461 Assisted Living Beds), 400,000 sq. ft. commercial retail and 200,000 sq. ft. of commercial office under the new designation as a Regional Activity Center (RAC). (Attachments: Staff Recommends Approval).

Charles Anderson: I understand in the State of Florida there is an Ordinance that states when you put a development in you must set aside so much for low income housing? How are they going to do this are they going to build low income housing units? Mayor Wolf: We have not seen any plans on this. We just know what they are able to put there according to the zoning. We cannot discriminate. I would not expect to see anything on the low end out there.

ACM McHugh: At this time we do not know what is going to go in there. Ordinance would allow for apartments, affordable housing. In JPA with Sumter County.

Pete Pensa: Avid Planner Group of the project. We are planning on Assisted Living Housing. We do not plan to do an affordable housing in this project. Commissioner Green: Are there any affordable housing coming. Pensa: Not that I know of.

Motion by Commissioner Clark second by Commissioner Strickland. Motion to adopt O2014-18. Motion carried by unanimous vote.

- c. ORDINANCE NO. 02014-23. Second Final Reading. AN ORDINANCE OF THE CITY OF WILDWOOD FLORIDA; AMENDING SECTION 3.16 MOBILE HOME PARKS, SECTION 5.5 IMPROVEMENT PLAN SUBMITTAL REQUIREMENTS, SECTION 5.6 FINAL PLAT AND SECTION 8.2 PLANNED DEVELOPMENTS, OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF WILDWOOD, FLORIDA; PERTAINING TO MOBILE HOME PARK PERIMETER SETBACKS, PERFORMANCE BOND REQUIREMENT TIMING DURING THE SUBDIVISION PROCESS, UNIFORM STANDARDS FOR THE PAINTING OF FIRE HYDRANTS IN ACCORDANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARD 291, "RECOMMENDED PRACTICE FOR FIRE FLOW TESTING AND MARKING OF HYDRANTS," 2013 EDITION, AND PLANNED DEVELOPMENT CASES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. This Ordinance modifies the Land Development Regulations (LDRs) to clarify certain perimeter setback requirements for mobile home parks, performance bond requirements, technical standards for fire hydrants, and procedures for the review of planned developments. (Attachments: Staff Recommends Approval).

Motion by Commissioner Green second by Commissioner Strickland. Motion to adopt O2014-23. Motion carried by unanimous vote.

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- d. ORDINANCE NO. O2014-24. Second Final Reading. AN ORDINANCE OF THE CITY OF WILDOOD, FLORIDA; AMENDING AND/OR SUPPLEMENTING CHAPTER 11 LICENSES AND BUSINESS REGULATIONS OF THE CODE OF ORDINANCES SECTION 11-14 ISSUANCE OF PERMITS FOR TEMPORARY USES AND SPECIAL PERMITS BY CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. This Ordinance modifies issuance requirements for Special Event Permits in the Code of Ordinances (and removes the same from the Land Development Regulations (LDRs) to clarify prerequisites and restrictions on Special Event Permits. (Attachments: Staff Recommends Approval).

DSD Peavy: This Ordinance has been amended to keep outside vendors from competing with local vendors.

Motion by Commissioner Green second by Commissioner Bivins. Motion to adopt O2014-24. Motion carried by unanimous vote.

5. PUBLIC FORM – 10 minute time limit

Robert Hannah: At the last meeting we had some understanding about the use of Millennium Park. My son Marvin Coleman received a call about using the park on May 11<sup>th</sup> and being that it is such short notice would we have time to submit it to the Commission. Marvin Coleman: On Mother's Day weekend our All Star Kick Ball League wanted to have the All Star games here and wanted to know what are the guidelines that we would have to go through to be able to play that Sunday. Mayor Wolf: Where is it going to be Marvin? Millennium Park. Commissioner Green: Jason had spoken last meeting and because of the size of the crowd, Millennium Park would be a better place and be able to sustain such an event. Mayor Wolf: How many people are you expecting? I missed the last meeting was there a problem? Marvin Coleman: Other than traffic there were no problems. Mayor Wolf: Did you have any complaints? Chief Reeser: Heavy traffic, a couple of gun calls, emergency vehicles not able to get through. Cars being rocked back and forth. Vehicles being blocked. Mayor Wolf: Jason which field would they be using at Millennium? P&R Coord. Wheeler: I would have to check the schedule. They would have to use one of the Dixie Youth fields because I believe the Village Baseball League plays on the big softball fields on Saturday and Sunday. I don't know if they are scheduled for Mother's Day they might be off that day. Commissioner Bivins: There was mention about the charging for parking by Brother Robert Charles after the meeting. I had someone come to my house complaining about the church's property, they were charging people to park. Robert Hannah: Madam to set the record straight there was not parking on the church property. They permitted us to use the property but there was not charge for parking at the church. I understand from my son there had been some charging for parking at the park.

Commissioner Bivins: House of Prayer had the complaint. But if you could move it to Millennium we would not have that type of complaint. I had thought about when you had the bigger groups if scheduling would allow to use both parks then the crowd control would not be so large. Mayor Wolf: Jason have you seen any guidelines for this? Marvin are you charging teams to come to this? You are not charging an entry fee but you are charging to park cars? Marvin Coleman: Not right now we are just at the first year stage of putting it on. Mayor Wolf: We are going to have to sit down and negotiate a fee structure for the use of it. Generate and income for a group. Ok not an organized group. Chief Reeser: Charging for vendors, who is charging them. Mayor Wolf: Someone will have to organize the parking at Millennium or we will have the same kind of problem. Robert Hannah: Will

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we have time to present it to the Commission? There will be vendors there about 8-10. Mayor Wolf: There are a lot of unknowns that I am hearing. Given the fact that we had problems the last time, I don't think you can expect us to make a decision just like that. Marvin Coleman: Other than the traffic when everyone was leaving there were no problems. Chief Reeser: There had to be another place that was picked out for May 11th before today, unless you can throw this together in two weeks. Marvin Coleman: It doesn't take that much to organize. They asked about Wildwood and I said I would see. Mayor Wolf: I believe you Marvin but with that size crowd there will need to be crowd control, traffic control and officers in place. Mayor Wolf: Let's see if we can put this off until the next Commission meeting and submit a plan and date. Would love to see Wildwood have this and host it. I know you well enough that you will run it like it should be run and not let things get out of hand. We have to establish some kind of rules.

6. ORDINANCES FIRST READING ONLY (NO VOTE)

7. RESOLUTIONS FOR APPROVAL

- a. RESOLUTION R2014-12. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA PROVIDING FOR INCREASES TO THE SOLID WASTE USER CHARGE; PROVIDING AN EFFECTIVE DATE. RESCINDING RESOLUTION NO. R2013-31. This Resolution provides for the Waste Management semi-annual rate increase as set forth in the contract between Waste Management and The City of Wildwood. (Attachments: Staff Recommends Approval).

Mayor Wolf: This is only two cents a month so nothing to get all up in arms about. Commissioner Green: It goes up two cents every month? Mayor Wolf: For the next six months. Then manually adjust it for fuel.

Motion by Commissioner Green second by Commissioner Bivins. Motion to adopt R2014-12. Motioned carried by unanimous vote.

8. FINANCIAL & CONTRACTS & AGREEMENTS

- a. Public Works Department Requests Approval of Relocation to Palmer Street. Item tabled from April 14, 2014 meeting per request of the Commission. Estimated cost in relation to the move \$130,500.00. (Attachment: Board Option).

PWD Kornegay: Mayor this item tabled from the last meeting where I was asked to get some figures together and I have provided those. Mayor Wolf: Gene I have no problem utilizing City owned property but I would like to see some diagrams of how you are going to utilize it. Something we can be proud of. Commissioner Clark: Gene is your building going to be big enough to handle all of your equipment inside? PWD Kornegay: Pretty sure all we have can be housed in the 50 x 100 building. Mayor Wolf: This will be just Public Works; Fleet will stay there and take over that entire building? PWD Kornegay: Yes they will stay there. Mayor Wolf: There will plenty of room and there will be no heavy equipment going in and out only to and from the job. How many acres are there? PWD Kornegay: I would like to close off the road so we would not have the same thing as we do at our present location.

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Alice Borrack: I have spoken to three other residents and we feel it should go into and industrial area. We would like to see the tennis courts redone and maybe expanded on.  
Mayor Wolf: How much tennis do you play Alice?  
Alice Borrack: I use to take my children to play tennis all the time. And I have asked Jason about repairing them and was told he didn't have the money to do that and then I heard about them being relocated. I know there are a lot of kids that play basketball over there. The building could be used for meetings and for the citizens. We also do not want the road closed. The traffic on Warfield, speeders on it children walking back and forth.  
Mayor Wolf: How do you tie that in with closing Palmer?  
Alice Borrack: Closing Palmer Street will redirect the school traffic to Warfield, part of it anyways. We just wanted to voice our opinion that we would like to see it remain a public park area.  
Mayor Wolf: Alice let me tell you what I see, the only use of the tennis courts are from the high school, if they are not playing tennis they are sitting on the net. I don't see where we should provide recreation for the high school. They get a bigger tax cut then we get. Every time we put something up they tear it down.  
Alice Borrack: You keep building up the MLK Park no matter how much disaster strikes it. If you take everything to Millennium you have a very small playground area and parking. I don't believe they have a playground at the apartment complex. Mr. Ryan said he purchased the properties that are adjacent to that property and he did not want all the heavy equipment there.  
Commissioner Bivins: Mr. Misty did not know it was broken.

Commissioner Strickland: With the new development coming in I am not sure that is the best use of the property. Would there be a better location for it? I would like to see that building being use. As for the road closure, I would like to see that put off.  
PWD Kornegay: The reason I brought this up is that the property is already City owned. So there would not be that capital expenditure. If you want to look somewhere else that is fine. But bear in mind that would be a larger expense. Something we need to look at.  
Mayor Wolf: In your defense Gene I will say we have been very lucky we haven't any more trouble than we have with where you are located now.  
PWD Kornegay: We have been there for 30 years and the time has come where we are going to need to expand.  
Commissioner Strickland: I think if we have a 5 acre parcel elsewhere in the City it might be a better place to locate it.  
Gidget Gibson: Wildwood Historical Association does meet there but I can tell you there would need to be a lot of work done there for Public use.  
Commissioner Green: So we would lose the tennis courts and the playground?  
Mayor Wolf: No.  
Commissioner Green: I heard something about relocating the tennis courts. If we close the road how would you get to the park?  
Mayor Wolf: The road would be open off of Huey. As far as being peace and quiet I would think this would be better.  
Mayor Wolf: Would like to have a footprint of the buildings and layout.  
Mayor Wolf: Can we get a motion to table until we get the footprint?

Motion by Commissioner Clark, second by Commissioner Green to table item until footprints and layout or given and additional information

- b. Utility Department Request Approval of the revised agreement between the City and Century Link for Century Link to serve CR 501 WTP with internet connectivity at a cost of \$350.00/month. (Attachments: Staff Recommends Approval).

CM Cannon: Mayor I would like to pull this item from the agenda. I would like to let Bruce tell you more about it. Sounds like we are getting stories about what kind of service we need.  
UD Phillips: I brought this to you all in February after it was signed Century Link said they had given us the wrong contract so the Mayor had to sign another

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one. By that time it was March and when I sent it to them they came back and said oh we do not offer that anymore. This is what we have now and the price is \$100 more. I had this on here because I have not been able to find anything else. I have since received a call from Bright House that they have a new fiber optics down in that area. So I would like to pull it until I can get a price from Bright House. Mayor Wolf: We will pull agenda item 8b until we can get more information.

- c. Utility Department Request Approval of the award to replace the liner in the 1,000,000 pond at the WWTP to Erosion Control Systems for \$38,000. (Attachments: Staff Recommends Approval).

UD Phillips: Liner has been there for 30 years and repaired 10 or 12 times. Can replace the liner within the budget with a liner that the UV rays don't damage as much and it is thicker.

Motion by Commissioner Green second by Commissioner Bivins to approve new liner for WWTP. Motion carried by unanimous vote.

- d. Utility Department Request Approval of Change Order No. 1 increasing the contract amount by \$15,090.00 to replace 15 "orangeburg" sewer laterals with PVC pipe. (Attachment: Staff Recommends Approval).

Motion by Commissioner Green second by Commissioner Bivins to approve Changer Order No.1. Motion carried by unanimous vote.

- e. City Clerk's Office/Executive Department Request Approval of Meeting Management Software for Agendas and Minutes at an annual cost of \$5,760.00. Budgeted Item. (Attachments: Staff Recommends Approval).

CM Cannon: Staff has been working hard and this is the software they have chosen. We have about \$15,000.00 in the budget for this and this one is considerably cheaper. I will let Traci speak on this. Traci McClung: It allows us to make changes easier. 24/7 staff training. Billed monthly.

Motion by Commissioner Bivins second by Commissioner Clark to approve new software. Motion carried by unanimous vote.

Mayor Wolf: In going to the MPO's and such I think it is time that we get some flat screens where the audience can follow along with the agendas and such. CM Cannon: I think that is an excellent idea.

## 9. GENERAL ITEMS FOR CONSIDERATION/DISCUSSION and OTHER BUSINESS.

- a. Staff Request Workshop for Presentation of Districts Maps (Draft) with targeted dates of either Monday May 5, 2014 or Wednesday May 7, 2014. (Attachment)

ACM McHugh: We are just asking for a date whereas LPG can present the Districting Maps drafts. Mayor Wolf: How long will it take? ACM McHugh: About an hour. Mayor Wolf: Wednesday May 7<sup>th</sup> 2014 at 5pm. Mayor Wolf: All in favor, by common consent May 7<sup>th</sup> at 5pm.

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- b. Due to the Memorial Day Holiday, Staff recommends the Commission meeting date of Monday, May 26, 2014 be rescheduled to a date acceptable to the Commission. Staff preferred date is Monday, June 2, 2014 at 7:00 p.m. (Attachment)

Motion by Commissioner Bivins second by Commissioner Clark to approve the reschedule of May 26<sup>th</sup> meeting to June 2<sup>nd</sup>. Motion carried by unanimous vote.

#### 10. APPOINTMENTS (None)

#### 11. CITY MANAGER REPORTS

CM Cannon: I have a couple of items. UD Phillips: Ashley Well water sample. We have and excellent well quantity wise. Shows no iron. Took chemical analyze today, will take about 2 weeks to get all the results back. CM Cannon: Would like to set a closing date contingent on the lab work and our consultant.

Motion by Commissioner Clark second by Commissioner Green. Motion carried by unanimous vote.

Mayor Wolf: Pursuant to all the lab test coming back good go ahead and set up closing date.

CM Cannon: Mayor have a good problem, looking at the numbers we have for the community center today we are already at 90% of the we had for the building usage. I have lost my Administrative Assistant to Jason to the point where he will have to have some help. Along with taking care of the building rentals he is also responsible for the properties also. If he is out working somewhere he will get a call for rental and have to come back to the building to take care of this. I would like to advertise for and Assistant for Parks and Recreation. Mayor Wolf: I believe you beat me to this because I was going to bring it up at budget time. CM Cannon: There is money budgeted for it at this time. Mayor Wolf: Oxford Community Center rates need to increase. P&R Coord. Wheeler: Losing about \$700 a month. Mayor Wolf: May need to use Oxford Ballfields for parking. CM Cannon: Can we try raising it to \$20 an hour. Common consent for \$20/hr.

#### 12. CITY ATTORNEY REPORTS (None)

#### 13. CITY CLERK REPORTS (None)

#### 14. OTHER DEPARTMENT REPORTS

- a. Fleet Services – Report a total of \$17,685.40 received from sales of surplus vehicles and equipment. (Attachment)

- b. The Baker House – Updates from WAHA President, Gidget Gibson

Gidget Gibson: Since taking this over we have raised \$21,000 and spent \$16,000 in upgrades, handicap ramps, and new front porch. Roof repair and removed breeze way that connected the house that was not original to the house. Have had a lot of the wood work refinished. Moving handicap ramps and will soon have both house handicap accessible. Have had some tours at the house and different events out there.

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15. COMMISSION MEMBERS REPORTS

Commissioner Strickland: I would like to give kudos to Jason on the Easter Egg Hunt. I actually heard people say it made them proud to be a citizen of Wildwood. It really turned out to be a nice event. Also the 5K was a great event also. Mayor Wolf: A lot of nice comments about it.

16. ADJOURNMENT

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

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

S E A L

ATTEST: \_\_\_\_\_  
Cassandra Lippincott, City Clerk

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

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA  
REGULAR MEETING  
May 12, 2014 - 7:00 PM  
CITY HALL COMMISSION CHAMBER

(meeting taped)

The City Commission of the City of Wildwood met in special session May 12, 2014 at 7:00 p.m. in the City Hall Commission Chamber.

Present were: Mayor Wolf, Commissioner Bivins, Commissioner Strickland, and Commissioner Clark. Also present: City Manager Cannon, Assistant City Manager McHugh, and City Clerk Lippincott.

1. CALL TO ORDER:

2. CONSENT AGENDA/INFORMATIONAL ITEMS

(A consent agenda may be presented by the Mayor at the beginning of a meeting. Items may be removed from the consent agenda on the request of any one Commissioner. Items not removed may be adopted by general consent without debate. Removed items may be either taken up immediately after the consent agenda or placed later on the agenda at the discretion of the Commission.)

a. Bills for Approval

Motion by Commissioner Clark second by Commissioner Bivins to approve the items on the Consent Agenda. Motion carried by unanimous vote.

3. PRESENTATION AND/OR PROCLAMATIONS (None)

4. PUBLIC HEARINGS – TIMED (None)  
Quasi-judicial Items

5. PUBLIC FORM – 10 minute time limit (None)

6. ORDINANCES FIRST READING ONLY (NO VOTE) (None)

7. RESOLUTIONS FOR APPROVAL

a. RESOLUTION R2014-13. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA DECLARING CERTAIN EQUIPMENT AS SURPLUS; DETERMINING THAT CERTAIN EQUIPMENT IS TO BE DISPOSED OF THROUGH ON –LINE AUCTION OR DONATION TO A NON-PROFIT ORGANIZATION IF THERE IS A NEED AND JUNK TO DISPOSED OF AS TRASH; PROVIDING FOR AN EFFECTIVE DATE. This Resolution declares certain electronics and related equipment as being surplus due to obsolescence, disrepair, or unrepairable condition. (Attachment: Staff Recommends Approval).

Motion by Commissioner Strickland second by Commissioner Bivins. Motion to adopt R2014-12. Motioned carried by unanimous vote.

b. RESOLUTION R2014-14. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA PROVIDING FOR RESERVATION FEES FOR USE OF OXFORD COMMUNITY CENTER; PROVIDING AN EFFECTIVE DATE. RESCINDING RESOLUTION NO. R2010-04. This Resolution for the fees at the Oxford

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Community Center to be raised from \$5.00 per hour to \$20.00 per hour. (Attachment: Board Option).

Motion by Commissioner Strickland second by Commissioner Bivins. Motion to adopt R2014-14. Motion carried by unanimous vote.

Mayor Wolf: Put notice on the door and honor events that are already leased.  
Commissioner Strickland: I know we received a letter from the church, have we met with them yet? CM Cannon: I met with them on three different occasions. I know one group that we are trying to accommodate up there the Monday night jam session we are trying to relocate them. Mayor Wolf: If you relocate them to the Wildwood Community Center do not give them a break or you will have to start giving everyone a break. CM Cannon: We won't give them any break. We have a price schedule in place we feel is very fair. Mayor Wolf: It may be that we need to do a study up there. We have a ball park there that is never going to be used as a ball park. We can use it as a playground but not a ball park. We may have to turn that into over flow parking area. Commissioner Strickland: Those fences are so short you can't play ball there.

- c. RESOLUTION R2014-15. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA ADDING A NEW POLICY 8.23 PURCHASING POLICY TO THE CITY OF WILDWOOD PERSONNEL RULES AND REGULATION, AND PROVIDING FOR AN EFFECTIVE DATE. This Resolution provides for a general Purchasing Policy for all City Employees to be added to the Wildwood Personnel Rules and Regulations. (Attachment: Staff Recommends Approval).

CM Cannon: Mayor Wolf I would like to pull this for now our Human Resource Coordinator is ill.

- d. RESOLUTION R2014-16. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA ADDING A NEW POLICY 9.6 SAFETY IN THE WORKPLACE POLICY TO THE CITY OF WILDWOOD PERSONNEL RULES AND REGULATIONS, AND PROVIDING FOR AN EFFECTIVE DATE. This Resolution provides for a general Safety in the Workplace Policy for all City Employees to be added to the Wildwood Personnel Rules and Regulations. (Attachment: Staff Recommends Approval).

CM Cannon: Mayor Wolf I would like to pull this for now our Human Resource Coordinator is ill.

Motion for Consent to pull Resolutions R2014-15 & 16. Common Consent Approved.

- e. RESOLUTION R2014-17. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA APPROVING A DEPOSIT ACCOUNT RESOLUTION AND AUTHORIZATION OF BUSINESS ENTITIES, INCLUDING APPROVAL OF THE DESIGNATION OF SIGNORS FOR THE DEPOSIT ACCOUNTS AT SUNTRUST BANK. This Resolution authorizes new signors for the Deposit Accounts at SunTrust Bank. (Attachments: Staff Recommends Approval).

Motion by Commissioner Clark second by Commissioner Strickland. Motion to adopt R2014-17. Motion carried by unanimous vote.

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- f. RESOLUTION R2014-18. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA APPROVING A DEPOSIT ACCOUNT RESOLUTION AND AUTHORIZATION OF BUSINESS ENTITIES, INCLUDING APPROVAL OF THE DESIGNATION OF SIGNORS FOR THE DEPOSIT ACCOUNTS AT BB&T BANK. This Resolution authorizes new signors for the Deposit Accounts at BB&T Bank. (Attachments: Staff Recommends Approval).

Motion by Commissioner Clark second by Commissioner Strickland. Motion to adopt R2014-18. Motion carried by unanimous vote.

## 8. FINANCIAL & CONTRACTS & AGREEMENTS

- a. Utility Department request the award of the CR 462 Water Main Extension be granted to Hamlet Construction in amount of \$125,880.00. (Attachments: Staff Recommends Approval).

UD Phillips: This is the water main we have to put in for Triumph South. Without it they do not have sufficient fire flow. With this we will pay for it out of TIE fees. Mayor Wolf: With this will it tie this further south? UD Phillips: Yes Sir.

Motion by Commissioner Strickland second by Commissioner Bivins. Motion to approve CR 462 Water Main Extension award to Hamlet Construction. Motion carried by unanimous vote.

- b. Tri-Party Developers Agreement between the City of Wildwood and Amsdell Storage Ventures XV, and Anirudha Miryala. This is an agreement between the City and two projects located on C-466 concerning the construction and maintenance of the water and wastewater infrastructure necessary to serve the projects. (Attachment: Staff Recommends Approval).

ACM McHugh: These are the two projects up on 466 over by CR106 on the far eastern part of the City limits. The self-storage facility that is being built right now and the parcel next to that is going to be office complex that the Commission approved. Their TIE fees didn't cover the extension of the water main or the sewer main and their infrastructure we came to an agreement with them where they would construct it and be responsible for it. Mayor Wolf: They will be on our service? ACM McHugh: Yes they will be on our service. Mayor Wolf: Is the Goodwill building there ours also. ACM McHugh: Yes. Commissioner Strickland: Bruce this says they are going to own and maintain an E1 Lift Station, is that different, I thought you wanted us to own and maintain all the lift stations. UD Phillips: Not the E1's because the E1's are and individual lift station on their own. The force mains are like an inch and a half, so no.

Motion by Commissioner Bivins second by Commissioner Clark. Motion to approve agreement between City of Wildwood and Amsdell Storage. Motion carried by unanimous vote.

9. GENERAL ITEMS FOR CONSIDERATION/DISCUSSION and OTHER BUSINESS. (None)

10. APPOINTMENTS (None)

11. CITY MANAGER REPORTS (None)

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## 12. CITY CLERK REPORTS

CC Lippincott: Budget Sheet Corrections.

## 13. OTHER DEPARTMENT REPORTS

UD Phillips: Quick update on the Ashley Well. We got a draft in of the chemical analyses one item they are checking I think is decibel but everything else looks fantastic. Good well production and quality. Mayor Wolf: Have we given staff the permission to go ahead and execute the contract. UD Phillips: The contract is already executed we just need to go ahead with the closing. Two weeks ago you said when I am happy with the results and Kimley-Horn is happy to go ahead with the closing. CA Hunt: It would be nice to get it closed as soon as possible.

ACM McHugh: We received a request from Square One Burger's in the Villages and they are interested in opening up their restaurant to offer doggy dining. In order to do that Florida Statue requires you actually have to pass and Ordinance allowing them to do that. Currently we don't have anything on the books that would allow them to do that. Wanted to see what that Commissions pleasure was on bring forward an Ordinance allowing them to do so. Commissioner Strickland: Do they still require a leash? ACM McHugh: Yes. Mayor Wolf: As long as the owner doesn't have a problem than I don't have a problem with it. Mayor Wolf: Are you going to address the Bingo issue? ACM McHugh: I can if you want me to. CM Cannon: It is not his bingo game. It belongs to those charities.

Chief Reeser: Would like to place order to replace Dodge Charger that was wrecked.  
CM Cannon: There has been a request by FSD Watson to buy back that vehicle for the parts.

Motion by Commissioner Clark second by Commissioner Strickland. Motion to approve request to place order for new Police vehicle. Motion carried by unanimous vote.

P&R Coord. Wheeler: Had to cancel Heritage Festival at the Baker House due to flooding rain. Re-scheduled for June 7<sup>th</sup>. Also having food trucks back at City Hall this Friday. We are not going to have All Stars at the ball fields this year for the older kids. But they want to bring T-Ball here this year since we are not having All Stars. A small T-Ball tournament. Camp Geneva Summer Camp program here in Wildwood. Would like to get the Commission's approval to work with him. Peter Morria: We are a non-profit organization. We currently provide summer camp for The Villages and Fruitland Park. Would provide transportation to and from the camp each day. Would be an independent contractor. Mayor Wolf: Can you get Jason the cost? Peter Morria: The cost would be \$85 per week sign up on a per week basis. Mayor Wolf: Would you pick them up at their homes? Peter Morria: No we would meet at a central location, probably the Millennium Park. Parents can drop off and pick up at a designated time. Or they can drop off or pick up at our facility at any time. CM Cannon: At our last meeting Diane had some concerns but through their back ground checks and finger printing all of that seems to be ok. Peter Morria: Most of our employees are school employees as well. Offering at no charge to the City only that Jason would help us promote it. Commissioner Clark: Put it on the website. P&R Coord. Wheeler: What is nice is that it is all summer and it is all day. Peter Morria: We did want to keep the cost

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reasonable and we do give sibling discounts and hardship scholarships. I have an agreement that you may want to have your attorney look over. Again we just want the City's help in promoting it and working in conjunction with the City so the parents know that it will be a fun and safe place for their kids. CA Hunt: Need to have our insurance carrier see if there is anything we need and that the City is not going to hold anybody harmless. Certificate holder on their insurance. If you can get me a copy of the other cities agreement that would be great.

14. COMMISSION MEMBERS REPORTS (None)

15. CITY ATTORNEY REPORTS

Attorney-client closed session is requested by the City Attorney in accordance with 286.01(8) (a), Fla. Stat. (2013).

16. ADJOURNMENT

Upon a motion by Mayor Wolf the meeting was adjourned.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

S E A L

ATTEST: \_\_\_\_\_  
Cassandra Lippincott, City Clerk

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

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA  
REGULAR MEETING  
June 2, 2014 - 7:00 PM  
CITY HALL COMMISSION CHAMBER

(meeting taped)

The City Commission of the City of Wildwood met in special session June 2, 2014 at 7:00 p.m. in the City Hall Commission Chamber.

Present were: Mayor Wolf, Commissioner Bivins, Commissioner Strickland, and Commissioner Clark. Also present: City Manager Cannon, Assistant City Manager McHugh, CA Hunt, City Clerk Lippincott, and DSD Peavy.

1. CALL TO ORDER:

2. CONSENT AGENDA/INFORMATIONAL ITEMS

(A consent agenda may be presented by the Mayor at the beginning of a meeting. Items may be removed from the consent agenda on the request of any one Commissioner. Items not removed may be adopted by general consent without debate. Removed items may be either taken up immediately after the consent agenda or placed later on the agenda at the discretion of the Commission.)

a. Bills for Approval

b. SP 1402-06. Harry Harmer parcel 2 Block B. Site Plan approval for a 4,000 sq. ft. office/warehouse with parking and related improvements in the South Wildwood Industrial Park. (Staff Recommends Approval).

c. SP 1404-01. Oxford Oaks Phase 1 – FINAL PLAT. Final Plat approval for Oxford Oaks Phase 1, a 268 unit residential subdivision with related improvements, which includes a neighborhood park with an 800 sq. ft. pavilion, a 549 sq. ft. postal center; and outdoor recreation facilities. (Staff Recommends Approval).

Motion by Commissioner Green second by Commissioner Bivins to approve the items on the Consent Agenda. Motion carried by unanimous vote.

3. PRESENTATION AND/OR PROCLAMATIONS

a. 2013 Audit Presentation

Richard Romans: I am here from Carr Riggs and Ingram's. Our Audit is conducted on a test basis; we do it in accordance with generally excepted auditing standards and also generally excepted government auditing standards. We plan and perform the audit to obtain a reasonable assurance that the financial statements are free of material misstatements. Main reason I am here is to answer any questions you may have. The City as in most years has received an "unqualified opinion" and that is the highest possible opinion that you can receive. You did experience some growth this year. Have in reserve about 5 months operating expense in the General Fund and about 9 months reserve operating expense in the Utility Fund. We included the letter to the Auditor General. It requires that we assess the financial condition of the City. We applied those procedures to the financial records and those procedures reveal no evidence of deteriorating financial condition.

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Mayor Wolf: I think we need to thank our staff and administration staff for a job well done.

- b. Tonja Speights-Greene, Fair Housing Program Manager, Community Legal Services of Mid Florida – Power Point Presentation regarding Affirmatively Furthering Fair Housing.

Tonja Greene: I have a request that the Commission sign my sign in sheet please. My office is to enforce the fair housing act. Where you live determines your life projector. I would encourage this governing body to review the Fair Housing Planning Guide. As well as this power point presentation regarding Affirmative Fair Housing when utilizing your resources.

Commissioner Green: How does our community rank or doing as far as Fair Housing?  
Tonja Greene: I don't know if you are aware of it but I am doing testing in this county. I would say that Sumter County is a work in progress. There are some strong indicators that we need to do a lot more educating to your larger housing providers. Commissioner Green: I assume there are penalties? Tonja Greene: What we will do is file a lawsuit against the housing provider and typically require them to attend Fair Housing training.

- c. Request from Florida Water & Pollution Control Operators Association to Proclaim August, 2014 Florida Water Professionals Month. Proclamation attached.

Motion by Commissioner Bivins second by Commissioner Green to Proclaim August, 2014 Florida Water Professionals Month.

4. PUBLIC HEARINGS – TIMED (None)  
Quasi-judicial Items

5. PUBLIC FORM – 10 minute time limit

Alice Borrack: I feel there is a slim chance of the Park on Palmer will be rejuvenated and the Public Works Facility will move into the old library. I am really ok with this but I would like to make a couple of request. When Cleveland is reopened I would like Barwick and Warfield to have a 4 way stop to slow the traffic down. I would like funds to be designated to the Millennium Park to repair grid ladder for large slide, playground turf, replace and add more picnic tables, add swings for toddlers, water spout play feature and designate parking for the specific areas of the park. Mayor Wolf: Alice what does this have to do with this property? Alice Borrack: Well if you are not going to rejuvenate one park maybe another park. I just want to resign from my little fight.

Mary Scott: Here to complain about the problem on Jackson Street. Cars being held up with the boys selling drugs. I do call the Police but they haven't caught them. Also the house next to me on Jackson has no electric or water but they are still living there. Mayor Wolf: Is it condemned? It may be one of the houses that we are looking at and going to tear down. We will do anything we can to help you. Mary Scott: Also at 311 Jackson they are selling drugs over there and standing and smoking in front of my house. When I ask them to leave or complain about it they tell me to go in the house. Would like to see the Police come and sit out there. Thank you for listening to me. Mayor Wolf: Ashley and Jason you will look into the condemned homes? CA Hunt: I believe it's coming up next month. Chief Reeser: I will check into it tomorrow and as far as any drug activity I will comment on tomorrow. The only problem we ran into was the ownership of the property

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changed. When we use to sit there they wanted us there and that changed and we will see if we can't negotiate that again. Will also check on 304 Jackson tomorrow.

6. ORDINANCES FIRST READING ONLY (NO VOTE)

- a. ORDINANCE NO. 02014-27. AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA PROPOSING AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF WILDWOOD, FLORIDA BY AMENDING SECTION 3-2 OF THE CHARTER; ADDING SECTIONS 3-3, 3-4, 3-5 AND 3-6 AND RENUMBERING CURRENT SECTIONS 3-3 THROUGH 3-30 TO ACCOMMODATE THE NEW SECTIONS; AMENDING SECTIONS 5-1 AND 5-2; PROVIDING A BALLOT TITLE AND WORDING FOR THE SUBSTANCE OF THE PROPOSED AMENDMENTS; PROVIDING FOR REFERENDUM BY THE ELECTORS OF THE CITY OF WILDWOOD FOR APPROVAL OR REJECTION OF THE CHARTER AMENDMENT PROPOSAL(S); PROVIDING FOR AN EFFECTIVE DATE. (Attachments: Staff Recommends Approval).

Mayor Wolf: This will be up for public hearing and second reading on Monday June 9<sup>th</sup>. There may be some discussion. ACM McHugh: I will be giving a formal presentation about the details of the ordinance at that time.

7. RESOLUTIONS FOR APPROVAL

- a. RESOLUTION R2014-16. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA ADDING A NEW POLICY 9.6 SAFETY IN THE WORKPLACE POLICY TO THE CITY OF WILDWOOD PERSONNEL RULES AND REGULATIONS, AND PROVIDING FOR AN EFFECTIVE DATE. (Attachments: Staff Recommends Approval).

HR Coord. Gibson-Smith: This is a Resolution and Policy necessary to receive a discount on our liability insurance policy. Could impact Workers Comp.

Motion by Commissioner Green second by Commissioner Bivins. Motion to adopt R2014-16. Motioned carried by unanimous vote.

- b. RESOLUTION R2014-19. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA DECLARING CERTAIN EQUIPMENT AS SURPLUS; DETERMINING THAT CERTAIN EQUIPMENT IS TO BE DISPOSED OF THROUGH ON-LINE AUCTION OR DONATION TO A NON-PROFIT ORGANIZATION IF THERE IS A NEED AND JUNK TO BE DISPOSED OF AS TRASH; PROVIDING FOR AN EFFECTIVE DATE. (Attachments: Staff Recommends Approval).

Motion by Commissioner Clark second by Commissioner Bivins. Motion to adopt R2014-19. Motioned carried by unanimous vote.

8. FINANCIAL & CONTRACTS & AGREEMENTS

- a. Utility Department Request Approval to purchase a new 75 HP pump and motor from Tom Evans Environmental at a cost of \$29,091.77. (Attachments: Staff Recommends Approval).

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CM Cannon: Mayor this was a line item in the Budget this year.

Motion by Commissioner Green second by Commissioner Strickland. Motion to approve purchase of new 75 HP pump and motor. Motion carried by unanimous vote.

- b. Utilities Department Request Approval of Service Repair Group, Ltd.'s quote #415-5295 dated April 15, 2014 in the amount of \$3,946.00 to remove and replace worn rotor shaft. (Attachments: Staff Recommends Approval).

Motion by Commissioner Green second by Commissioner Bivins. Motion to approve remove and replacement of worn rotor shaft. Motion carried by unanimous vote.

- c. Utilities Department Request Approval of Komline-Sanderson quote No.AMQ13019, Revision No 1. dated 5/1/2014 in the amount of \$5,185.00 to provide the parts to re-build the sludge pump at the sludge press. (Attachments: Staff Recommends Approval).

CM Cannon: Mayor this was also a line item in the Budget this year.

Motion by Commissioner Green second by Commissioner Strickland. Motion to approve repair to sludge pump at the sludge press. Motion carried by unanimous vote.

- d. Utilities Department Request Approval of Change Order No. 2 to DAB Constructors, Inc. in the amount of \$5,590.65. (Attachments: Staff Recommends Approval).

Motion by Commissioner Clark second by Commissioner Green. Motion to approve Change Order No. 2 to DAB Constructors, Inc. Motion carried by unanimous vote.

- e. Utilities department Request Approval of the revised agreement between the City and Century Link for Century Link to provide the CR 501 WTP with internet connectivity at a cost of \$350.00/month. (Attachments: Staff Recommends Approval).

Motion by Commissioner Green second by Commissioner Bivins. Motion to approve Century Link to provide internet connectivity to 501 WTP. Motion carried by unanimous vote.

- f. Utilities Department Request Approval to purchase 4 additional seats for the SCADA software upgrades from Sanders Company, Inc. in the amount of \$8,000.00. SCADA Software Upgrades Water and Wastewater. (Attachments: Staff Recommends Approval).

Motion by Commissioner Clark second by Commissioner Bivins. Motion to approve purchase of 4 seats for the SCADA Software. Motion carried by unanimous vote.

- g. Utilities Department Request Approval to purchase a spare 75 HP motor for the WWTP Reuse Pump from Tampa Armature Works (TAW) in the amount of \$19,534.63 WWTP Reuse Pump Motor. (Attachments: Staff Recommends Approval).

CM Cannon: Mayor this was also a line item in the Budget this year. Commissioner Strickland: Do these have a shelf life. If we get a spare can we store it indefinitely? Commissioner Clark: If you store it in the right conditions. You can't store it outside.

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Motion by Commissioner Strickland second by Commissioner Green. Motion to approve purchase of spare 75 HP motor. Motion carried by unanimous vote.

- h. Parks & Recreation Department Requests approval of Child Care Services Agreement between The City of Wildwood and ACA Camp, Inc. (Attachments: Staff Recommends Approval).

Motion by Commissioner Green second by Commissioner Bivins. Motion to approve agreement with City of Wildwood and ACA Camp, Inc. Motion carried by unanimous vote.

9. GENERAL ITEMS FOR CONSIDERATION/DISCUSSION and OTHER BUSINESS.

- a. Development Services – Bingo Hall Discussion Item – Regarding the submission of a Business License Application to operate a Bingo Hall in the City of Wildwood. (Board Option).

DSD Peavy: Mike Salerno submitted an application for a Charity Bingo Hall. I reviewed the application and our land development regulations do not allow for bingo halls in any of the zoning districts of Wildwood. We also did further research with our City Attorney to determine or not whether we could modify the code or bring a request to the Commission to do so and add bingo halls not knowing whether the Commission is interested in doing so. The option I gave Mr. Salerno is to take my decision based on my interpretation of our code to the Special Magistrate and to apply for an appeal. He has not done this so far. We decided to bring this before the Commission to see if we could get some direction.

Mayor Wolf: You sent us a copy of a Statue. CA Hunt: I have spoken with Mr. Salerno's attorney. Cannot be for profit. Has to be run by volunteers. Cannot be run 7 days a week. Recommend an Ordinance on books if going in that direction. DSD Peavy: Non-Profit Organization would hold the event to be able to operate as a 501(C) 3 and State Statue.

Mayor Wolf: Have a problem with them operating it in the shopping center with the poor lighting and the area. DSD Peavy: Received a letter today listing the charities that would be renting the building and that they would not be allowed to rent it more than two days a week. But there is not a limit on the sub leasing. DSD Peavy: R2011-05 & R2012-02 put a moratorium on internet cafes and also game promotions. Those moratoriums are still on the books. I don't know if they need to be lifted or can continue. Commissioner Strickland: I am fine with the Code as is. Leave it like it is. Mayor Wolf: I would not be prepared to do anything tonight.

Kathy Hoffman: Manager for Mike Salerno. The charities that sign an agreement with us, basically we manage the bingo's in their names, the profits that we make at bingo in their names after expenses are divided up between the charities we have underneath us. A charity is not supposed to have bingo more than two days per week, so therefore we have many charities to allow us to have many days of bingo. We do have some charities lined up. What happens after expenses, electric, utilities, rent and all expenses incurred, each charity is responsible on their day to pay their portion of it and after that whatever is left over goes to the charity. The charities use the money how they see fit. So we are operating under their 501(c) 3 for them. And because of the Lion's Club being right next door we have agreed not to have bingo on their bingo days. And that is Friday and Saturday.

Commissioner Strickland: How do you make your money? We own all the equipment and we charge them to use our equipment. Mayor Wolf: How many charities can play bingo

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from 9-5? Kathy Hoffman: The Statue use to say you had to have one charity for every 3 jackpots. I don't believe they say that anymore I believe it is per day but I will check that out.

CM Cannon: Does the charity have a percentage profit they have to make to maintain their license and 501(c) 3 statuses? Mike Salerno: No. CM Cannon: Do they report to the state on a quarterly basis? Kathy Hoffman: I am not sure about that or if they have to report at all. Mayor Wolf: Would like to have more information and guidelines. DSD Peavy: I can provide you with a lot of information and forward it to you. We would like direction from the Commission on preparing and Ordinance or not for review.

Motion by Commissioner Clark second by Commissioner Green. Motion to come back to Commission with more information from other communities and we will give you some direction next week. Motion carried by 4-1 vote.

b. Relocation of Public Works to Palmer Street Library (Presentation – Staff Recommends Approval).

ACM McHugh: As you recall Public Works Director Gene Kornegay approached the Commission about potentially relocating the Public Works Department over to the old library on Palmer Street. Gene, Valorie and Rodney all occupy the small office where the Public Works Department is presently located, very tight quarters. The department has out grown the facility. It was built for a Fire Department; it has no break room area. The office makes it difficult for Gene to hold any meetings private or otherwise. We have looked at some options: First option we do nothing and everyone stays where they are. Second option we build a new facility, in my opinion it is cost prohibited it is very expensive and time consuming. We have other City needs here and allocated the funds and started the process for the Police Station. Third option is our preferred option which is to relocate to the unutilized location in the City. This option is far less costly than to build something new and most importantly it's an efficient use of public resource and public tax dollars. So again our preferred option is to relocate Public Works to the old library site on Huey Street. Fleet Services would retain their current location and allow them additional room to grow. We do not want to get rid of Palmer Park we want to maintain some aspects of it. Cost of relocation will be anywhere from \$100,000 to \$175,000. Again we are asking for approval to go ahead with the relocation of Public Works Department to the old library location on Palmer.

Commissioner Green: What happens to the basketball courts? ACM McHugh: Gene and I have talked about this and probably relocate them to Millennium Park, most likely. Commissioner Green: Too many times I have been there watching my son play basketball, so it can't be just a "most likely" relocation of the basketball courts must and have to be done.

Motion by Commissioner Clark second by Commissioner Bivins. Motion to authorize initiation of relocation of Public Works Department to proposed location. Motion carried by unanimous vote.

10. APPOINTMENTS (None)

11. CITY MANAGER REPORTS (None)

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## 12. CITY CLERK REPORTS

CC Lippincott: Elections are coming up this year. Groups 1, 2, and 4. Qualifying week is June 16-20.

## 13. OTHER DEPARTMENT REPORTS

DSD Peavy: Last year we received an offer on some Millennium Park property that was brought before the Commission to see if there was any interest in selling a portion of the park property to an adjacent project. Recently I received another letter with interest in purchasing a 1 acre parcel directly north of another 3.7 parcel which is going to be developed by Bright Oaks Group for assisted living. I am bringing the information to the Commission to see if there is any interest in selling the 1 acre parcel.

Mayor Wolf: Not interested. Not at that price. Shouldn't be in competition with others that are selling their properties.

## 14. COMMISSION MEMBERS REPORTS

Commission Strickland: Did the concession stands get broken into? P&R Coord. Wheeler: Yes the baseball and soccer concession stands both did. There was nothing in there since there is no baseball or soccer going on over there right now. Mayor Wolf: How much damage did they do? P&R Coord. Wheeler: They just broke the clasp and locks which we have already replaced. Commissioner Strickland: I know we were getting a security camera package for 501 and the Parks and Recreation Barn can we add some for the Concession Stands also? Mayor Wolf: Could be. Commissioner Strickland: If we could look into that.

Mayor Wolf: As money becomes available we still need to look at lighting for the playground and parking lot area over there by the soccer fields. I met with Mr. Bailey this week and he has come up with something I want to present this week for the parking problem we have up in Oxford. He wants to bring an engineer drawing and what they will do and ask us to do. It may be a little expense on our part but we have raised the rates there and they will help with the expense.

## 15. CITY ATTORNEY REPORTS

## 16. ADJOURNMENT

Motion by Commissioner Green second by Commissioner Strickland. Motion to adjourn meeting. Motion carried by unanimous vote.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST: \_\_\_\_\_  
Cassandra Lippincott, City Clerk

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

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA  
REGULAR MEETING  
June 9, 2014 - 7:00 PM  
CITY HALL COMMISSION CHAMBER

(meeting taped)

The City Commission of the City of Wildwood met in special session June 9, 2014 at 7:00 p.m. in the City Hall Commission Chamber.

Present were: Mayor Wolf, Commissioner Bivins, Commissioner Strickland, and Commissioner Clark. Also present: City Manager Cannon, Assistant City Manager McHugh, CA Hunt, City Clerk Lippincott, DSD Peavy, and P&R Coord. Wheeler.

1. CALL TO ORDER:

2. CONSENT AGENDA/INFORMATIONAL ITEMS

(A consent agenda may be presented by the Mayor at the beginning of a meeting. Items may be removed from the consent agenda on the request of any one Commissioner. Items not removed may be adopted by general consent without debate. Removed items may be either taken up immediately after the consent agenda or placed later on the agenda at the discretion of the Commission.)

a. Minutes for Approval: March 10, 2014 Regular Meeting, March 17, 2014 Workshop.

b. Bills for Approval

Motion by Commissioner Green second by Commissioner Strickland to approve the items on the Consent Agenda. Motion carried by unanimous vote.

3. PRESENTATION AND/OR PROCLAMATIONS (None)

4. PUBLIC HEARINGS – TIMED

Quasi-judicial Items

a. ORDINANCE NO. O2014-27. Second Final Reading. AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA PROPOSING AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF WILDWOOD, FLORIDA BY AMENDING SECTION 3-2 OF THE CHARTER; ADDING SECTION 3-3, 3-4, 3-5, AND 3-6 AND RENUMBERING CURRENT SECTIONS 3-3 THROUGH 3-30 TO ACCOMMODATE THE NEW SECTIONS; AMENDING SECTION S 5-1 AND 5-2; PROVIDING A BALLOT TITLE AND WORDING FOR THE SUBSTANCE OF THE PROPOSED AMENDMENTS; PROVIDING FOR REFERENDUM BY THE ELECTORS OF THE CITY OF WILDWOOD FOR APPROVAL OR REJECTION OF THE CHARTER AMENDMENT PROPOSAL(S); PROVIDING FOR AND EFFECTIVE DATE. This Ordinance amends the City Charter, subject to approval by referendum, to establish five Commissioner districts within the City; to eliminate the seat of the Mayor-Commissioner; to provide that the City Commission shall annually elect one of its members Mayor; to set forth the power and duties of the Mayor; and to alter the time of holding office and terms of officers to facilitate timely transition to a new City Commission (Presentation: Staff Recommends Approval).

ACM McHugh: Presentation on how and why we are proposing the Ordinance. See presentation packet. Growth Trends (Developments with substantial residential growth). These new developments are anticipated to have residents that are likely to participate in

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local government. The proposed ordinance would prevent one particular group (subdivision, etc.) from dominating the local government leadership (Commission seats). Changes proposed through Ordinance, subject to approval by referendum. Eliminates Mayor-Commissioner seat. Commission members will elect Mayor amongst themselves for that particular year. Should the Commission move to adopt this Ordinance we will need to forward this Ordinance to the Supervisor of Elections no later than noon time on the 20<sup>th</sup> of June. They will then prepare the ballot to bring this to referendum to open up to the voters. Then if it is approved by the voters and commission the city would finally draw the maps and these would be adopted via Ordinance and that would establish those districts. This is a draft.

Reggie Caruthers: Would the districts not be set until after the election? ACM McHugh: Yes. It would take a full year to implement. Mayor Wolf: I believe this is the best way to preserve and protect Wildwood. Prevent election of Commissioners all from one subdivision.

Motion by Commissioner Strickland second by Commissioner Bivins to adopt Ordinance O2014-27. Motion carried by unanimous vote.

5. PUBLIC FORM – 10 minute time limit

a. Request for approval of Jackson Street “Unity Block Party” by Mr. Sam Saleem, Vice President, Wildwood Community Development Center, Inc. (Attachments: Board Option).

Sam Saleem: Looking for permission to have a block party on Jackson Street June 28<sup>th</sup> from 12 noon to 8pm. Request to include closing of Jackson Street. Mayor Wolf: For insurance reason we need to have street available for emergency vehicles. Would need to have a detour route set up and a road block that could be removed. If the City approves you will need to let us know who is responsible for what.

Motion by Commissioner Clark second by Commissioner Bivins to approve Block Party. Motion carried by unanimous vote.

6. ORDINANCES FIRST READING ONLY (NO VOTE)

a. ORDINANCE NO. 2014-22. AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; AMENDING AND RESTATING ORDINANCE 621 CONCERNING THE O'DELL PLANNED DEVELOPMENT; FOR CERTAIN PROPERTY WITHIN THE CITY OF WILDWOOD, FLORIDA, OWNED BY THE JAMES M. & MILDRED B. O'DELL TRUST; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. This Ordinance amends and restates in its entirety Ordinance 621 that was passed by the City Commission (and subsequently extended after the overhaul of the Land Development Regulations), which allows for a mixed use planned development (MUPD) overlay on property zoned PD (Planned Development) for up to 1,000 residential units (based on a mix outlined within the Ordinance); 222,000 sq. ft. of commercial retail space; 40,000 sq. ft. of commercial office space; the realignment of C-462; construction over three phases. This Ordinance is in conformance with the City's most current regulations and requirements. (Attachments: Staff Recommends Approval).

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- b. ORDINANCE NO. O2014-28. AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; PROPOSING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE ADOPTED LOCAL COMPREHENSIVE PLAN AND FUTURE LAND USE MAP IN ACCORDANCE WITH THE COMMUNITY PLANNING ACT OF 2011, AS AMENDED; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. This Ordinance changes the Future Land Use Map designation of Parcel G07D388 totaling 0.7 acres from City "Medium Density Residential" to City "Commercial" (Attachments: Staff Recommends Approval).
- c. ORDINANCE NO. O2014-29. AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; PROPOSING A ZONING MAP AMENDMENT TO THE OFFICIAL ZONING MAP IN ACCORDANCE WITH SECTION 3.2 AND 3.3 OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. This Ordinance changes the Zoning Map designation of Parcel G07D388 totaling 0.7 acres from City "R-3: Medium Density Residential" to City "C-1: General Commercial: Downtown" (Attachments: Staff Recommends Approval).
- d. ORDINANCE NO. O2014-30. AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; PROVIDING FOR THE VOLUNTARY ANNEXATION OF CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 18.8 ACRES BEING GENERALLY LOCATED ON THE SOUTH SIDE OF STATE ROAD 44 AND WEST OF US HWY 301 (SR35); IN SECTION 8, TOWNSHIP 19 SOUTH, RANGE 23 EAST; WHICH IS CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF WILDWOOD AND LOCATED IN THE CITY'S JOINT PLANNING AREA; PROVIDING THAT SECTION 1-14 OF THE CITY OF WILDWOOD CODE OF ORDINANCES IS AMENDED TO INCLUDE THE ANNEXED PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE. This Ordinance annexes Parcels G08=035 and G08=107 totaling 18.8 acres. This property is located in the Joint Planning Area with Sumter County and meets all legal requirements for annexation (Attachments: Staff Recommends Approval).
- e. ORDINANCE NO. O2014-32. AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; CREATING SECTION 3.23 OF THE CITY OF WILDWOOD LAND DEVELOPMENT REGULATIONS; PERTAINING TO ALLOWING DOGS ON OUTDOOR PATIOS AT SIDEWALK CAFES, KNOWN AS DOG FRIENDLY DINING; PROVIDING FOR CODIFICATION IN THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. This Ordinance would allow dogs on outdoor patios at sidewalk cafes, this Ordinance is required under FS § 509.233 and provides for indemnification of the City under this Ordinance (Attachments: Staff Recommends Approval).

## 7. RESOLUTIONS FOR APPROVAL

- a. RESOLUTION R2014-20. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA DETERMINING THAT CERTAIN PROPERTY IS SURPLUS; DETERMINING THE MANNER OF DISPOSAL OF SAID PROPERTY; PROVIDING FOR AN EFFECTIVE DATE. (Attachments: Staff Recommends Approval).

Motion by Commissioner Green second by Commissioner Strickland. Motion to adopt Resolution R2014-20. Motion carried by unanimous vote.

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Chief Reeser: We will dispose of the fire arms through a licensed fire arm dealer. Will also sometimes trade for items we don't need for items we do need.

## 8. FINANCIAL & CONTRACTS & AGREEMENTS

- a. City Clerk's Office Request Approval of City Code Supplement Update. (Attachments: Staff Recommends Approval).

Motion by Commissioner Clark second by Commissioner Green. Motion to approve City Code Supplement Update. Motion carried by unanimous vote.

- b. Utility Department Request Approval of Kimley-Horn and Associates, Inc. Individual Project Order (IPO) No.29 in the amount of \$98,500 for the design, permitting, bidding and construction inspection of a new 500 GPM WTP and 12' water main for the Ashley Well site. (Attachments: Staff Recommends Approval).

Rick Busche: Part of the overall budget number for the construction of the site at what you are calling the West Well Site. We are at the point where it is time to get this design done. Covers the design and permitting as well as the connection to the water main on SR44. At the conclusion of this contract the project will be ready to go to bid and begin construction.

Mayor Wolf: What is the total estimated cost of this project now? Rick Busche: I believe the overall cost of the project was \$700 to \$800 thousand for design, permitting and construction. We will need to see the bids and give you an update at that time. I believe it is funded in your capital improvement plan to be done this year. Mayor Wolf: Level of fees compared to project cost is in the 12-15% range is in the standard. CA Hunt: Once all goes through how soon can we start using it? Rick Busche: Probably 18 months out from having a usable site. Mayor Wolf: We need to fast track this.

Motion by Commissioner Green second by Commissioner Strickland. Motion to approve IPO No.29. Motion carried by unanimous vote.

- c. Utility Department Request Approval of Change Order No. 2 to Salser Construction, LLC deducting \$9,177.07 from the contract. (Attachments: Staff Recommends Approval).

Rick Busche: This is reconciliation at the tail end of the project for some items that were not constructed that were on the original budget list. Finished 10% lower than the original bid. Mayor Wolf: City is responsible for a 1/3 of this.

Motion by Commissioner Clark second by Commissioner Bivins. Motion to approve Change Order No. 2 Salser Construction. Motion carried by unanimous vote.

## 9. GENERAL ITEMS FOR CONSIDERATION/DISCUSSION and OTHER BUSINESS.

- a. 88<sup>th</sup> Annual FLA Conference – "Cities Take On Technology" Voting Delegate (Attachments: Board Option).

Commissioner Green to represent the City. Motion by Commissioner Strickland to nominate Commissioner Green second by Commissioner Clark. Motion carried by unanimous vote.

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b. Bingo Hall Information & Discussion

DSD Peavy: Currently Code does not allow Bingo Hall. Commissioner Strickland: Spent a lot of time on this and there is a lot of material. Would like to know if we are going forward with this before I give my thoughts on it. Mr. Wolf: Legal Bingo Representative to explain the State Laws. Bingo is a statutory creation as an exception to Florida Gambling chapter. This prohibited gambling in the state. Created to allow charities for fund raising. So anyone that has applied for a license for a bingo hall before your City should be denied because there is no such thing. Charities should have a 501(c) 3, must be within 15 mile radius or the same County. May lease a facility that would be large enough to have their two charitable bingo games per week. Law states that 100% of the proceeds must go to the charities less actual and reasonable expenses for the operation of the game. I have spoken in length with Mr. Salerno and he now understands the concept and now knows he will be a hall for hire. Bingo may be held there but that will not be the only thing held there. Mr. Salerno would not be making a percentage of the bingo proceeds but would be making a living from operating this facility for the benefit of the charities. You can request transparent financials be in your Ordinance.

Pastor Clarke: Assembly of God. We're inviting all of the gambling in Sumter County to Wildwood. I have concerns about bringing all of that to one location. It is spread out now and would like to see the events spread out on smaller scales with current non-profit organizations. Are you all planning on changing the Ordinance? Mayor Wolf: No change in the Ordinance. Commissioner Strickland: I think what we have to decide is how restrictive we want to make an Ordinance. And that is something we have control over to how restrictive we can make it. Pastor Clarke: So we are talking about making a new Ordinance? Commissioner Strickland: From what I understand there is no Ordinance currently on our books. So we have to decide to what extent we want to make one or ignore it. We can make it more restrictive than the State Statute.

Pastor Clarke: I would encourage the City to tighten restriction as much as possible because believes it would be hard to maintain level of business to make it profitable without skirting the rules.

DSD Peavy: Just for clarification, our zoning chapter in the Land Development Regulations includes a table of permitted uses and special exception uses. Bingo hall or any type of gaming is not included in the listed uses. Commissioner Strickland: As it sits now if the Commission does not take any action what happens? DSD Peavy: If the Commission does not take any action I can approve the application that was submitted as a Hall for Hire then it would be up to someone to monitor what goes on there. Commissioner Strickland: Who would monitor the use of the facility? It seems to me that whoever is operating these games has to be a member of the charities or a volunteer associated with that charity and is completely non compensated. I have a hard time believing that every game, especially if it is going to be open 5 or 6 days a week is going to be completely run by these charitable organizations hands off from the people renting them the space. I think that is going to be virtually impossible to except. So either we turn a blind eye to it or we have someone there monitoring all the time, and then we have more man power involved in that. I just don't see the benefits to out weight those cost. I think we need to take with a grain of salt everything the attorney said because he represents bingo not the City.

Commissioner Clark: Mayor I think the issue now is a Hall for Rent allowable in the shopping center? DSD Peavy: Yes. Commissioner Clark: Only thing we can do is pass and

Minutes

June 9, 2014

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Ordinance, and audit capability and booking. Qualified security, limited hours. Prepare and Ordinance for us so we can control it. CA Hunt: Is there anything that prohibits owner from being a member of the charity? Mr. Wolf: No, but generally they are not members of the charities. Florida Statute doesn't prohibit it. Commissioner Clark: If it is legal to submit permit application and we have nothing to prevent it, then how can we deny it? DSD Peavy: I can approve the application tomorrow, but need direction from Commission on bringing back an Ordinance that is very restrictive where it will limit this stuff so much that it might be prohibitive for the bingo halls to open, or I can bring back and Ordinance to allow whatever you want. Commissioner Strickland: My suggestion is to bring back and Ordinance that is as restrictive as we legally can. Commissioner Green: I would like an Ordinance that is in the "middle" not so restrictive but in the middle. Some restrictions but not choking. Mayor Wolf: I would fall somewhere in the middle also. Charities can benefit. We may require an off duty police officer after dark. We can require being buzzed in after dark like Domino's does. That tells me that something is going on down there in that shopping plaza if you have to be buzzed into Domino's. I would like to see the books are audited and pass the fee on to them. Commissioner Bivins: I would like to see restrictions but something that allows them to operate. Time frame and day's specific.

Yvonne: Would or does the proposed Ordinance affect the Lion's Club Bingo? DSD Peavy: No. Mayor Wolf: I believe Commissioner Clark is spot on. If they have an application for a Hall for Hire and we have nothing that would preclude them from running a bingo game do we? Commissioner Clark: The only thing we have to control it is state statute. CA Hunt: You can issue a moratorium on bingo pending Commission action. Commissioner Clark: If you put a moratorium on bingo and you have a non-profit that wants to hold a bingo (Lions Club) then they won't be allowed to. CA Hunt: You can word it to prohibit the issue at hand. Commissioner Clark: Should be operated by and active member of the charitable club with a copy of 501(c) 3 certificate in hand. Commissioner Green: Start with the basics, begin with looking at the Leesburg Ordinance. ACM McHugh: I think we should work with the City Attorney and City Manager along with the applicant's attorney to come up with an Ordinance to encompass everything that has been said here tonight. Commissioner Strickland: Why should the applicant's attorney be involved in this? We can send a copy of it and let him know what we are doing. He doesn't need to be involved in it. Mayor Wolf: Would like to see bingo come here with restrictions. Could you leave a copy of the Pompano Ordinance also?

Mayor Wolf: Deny the application. DSD Peavy: That is my responsibility not the Commissions to deny the application. I will get the opinion from the attorney to deny or not to deny. Do you want a moratorium?

Motion for Moratorium on bingo by Commissioner Clark second by Commissioner Green.

10. APPOINTMENTS (None)

11. CITY MANAGER REPORTS (None)

12. CITY CLERK REPORTS (None)

13. OTHER DEPARTMENT REPORTS

Mayor Wolf: Jason the Baker House Heritage event went great. P&R Coord. Wheeler: Yes Gidget wants to start planning another event.

Minutes

June 9, 2014

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Chief Reeser: I am concerned about grandfathering in without a moratorium if Bingo is allowed to start before Ordinance adopted. CA Hunt: We will have to see what happens on the application.

14. COMMISSION MEMBERS REPORTS

15. CITY ATTORNEY REPORTS

CA Hunt: Police User Fee case had hearing about two weeks ago. Waiting on a decision on whether or not it is going to be certified as a class action lawsuit or not.

16. ADJOURNMENT

Motion by Commissioner Green second by Commissioner Strickland. Motion to adjourn meeting. Motion carried by unanimous vote.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

S E A L

ATTEST: \_\_\_\_\_  
Cassandra Lippincott, City Clerk

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

**BILLS FOR APPROVAL**  
**City of Wildwood, Florida**  
**June 23, 2014**

**CITY COMMISSION-LEGISLATIVE DEPARTMENT**

1	Payroll	June 1, 2014 Pay Period - 5 Employees	\$	3,724.94
2	FL Municipal Insurance Trust	Workers Comp Insurance	\$	12.62

**CITY MANAGER-EXECUTIVE DEPARTMENT**

3	Payroll	June 1, 2014 Pay Period - 2 Employees	\$	5,980.53
4	Bright House	Internet Service	\$	152.80
5	Bill Ed Cannon	Car Allowance	\$	500.00
6	EGP	Per Copy Maintenance	\$	13.57
7	FL Municipal Insurance Trust	Workers Comp Insurance	\$	45.93
8	Sumter County Clerk	Record Ordinance O2014-27	\$	103.50

**CITY CLERK-FINANCIAL & ADMINISTRATIVE DEPARTMENT**

9	Payroll	June 1, 2014 Pay Period - 4 Employees	\$	10,247.46
10	Besco Electric Supply Company	Floods for Ceiling City Hall	\$	25.65
11	Alice Borrack	Personal Vehicle Use	\$	22.02
12	Bright House	Internet Service	\$	233.97
13	C & M Paper and Supply	Paper Products	\$	24.30
14	Department of Management Services	Telephone Service	\$	67.53
15	Duke Energy	Electric Service	\$	2,395.86
16	EGP	Per Copy Maintenance	\$	346.72
17	Ernie Morris Enterprises, Inc	Office Supplies	\$	330.86
18	FL Municipal Insurance Trust	Workers Comp Insurance	\$	73.99
19	Cassandra Lippincott	Personal Vehicle Use	\$	41.44
20	Massy Services, Inc	Monthly Pest Control Service	\$	55.00
21	Office Max	Office Supplies	\$	53.90
22	Verizon	Cell Phone Service	\$	1.29
23	Wildwood Community Cemetery	Budgeted Maintenance Support - Arthur Rivers	\$	340.93

**DEVELOPMENT SERVICES**

24	Payroll	June 1, 2014 Pay Period - 4.5 Employees	\$	10,197.47
25	Bright House	Internet Service	\$	227.45
26	C & S Reprographics and Copy Ctr	HVAC/ City Hall Floor Plans, Plotter Paper	\$	122.17
27	Daily Commercial	Ad	\$	135.29
28	EGP	Per Copy Maintenance	\$	133.32
29	Ernie Morris Enterprises, Inc	Office Supplies	\$	223.09
30	FL Municipal Insurance Trust	Workers Comp Insurance	\$	63.82
31	Jason McHugh	Personal Vehicle Use	\$	187.04
32	Office Depot	Office Supplies	\$	197.99

**HUMAN RESOURCES**

33	Payroll	June 1, 2014 Pay Period - 1 Employees	\$	2,070.40
34	Bright House	Internet Service	\$	58.50
35	EGP	Per Copy Maintenance	\$	3.79
36	FL Municipal Insurance Trust	Workers Comp Insurance	\$	12.25

**POLICE DEPARTMENT**

37	Payroll	June 1, 2014 Pay Period - 35 Employees	\$	84,641.00
38	Clint Adams	Reimbursement for Alterations	\$	75.26
39	AmeriGas	Propane for Generator	\$	824.93
40	Tina Brown	Travel Reimbursement - Tavares DOTT Exam	\$	30.80

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41	CarQuest Auto Parts Stores	Resistor, Coil, Cooling Fan, Disc Brakes, Etc.	\$	514.33
42	Castellum Development, Inc	MILO Classis Simulator Training Session	\$	900.00
43	Century Link	Telephone Service	\$	568.00
44	Chief Supply / Law Enforcement	Name Plate, Aerosol First Defense	\$	71.28
45	Department of Management Services	Telephone Service	\$	272.02
46	Dell	Laptop	\$	1,247.46
47	Design PD	Yearly Service for Field Training Tracker product	\$	527.00
48	Duke Energy	Electric Service	\$	1,651.76
49	EGP	Per Copy Maintenance	\$	187.73
50	FL Municipal Insurance Trust	Workers Comp Insurance	\$	6,369.47
51	I.N.I.T., LLC.	Basic Clan Lab Certification Course.	\$	475.00
52	Massy Services, Inc	Monthly Pest Control Service	\$	25.00
53	Pitney Bowes	Postage	\$	100.00
54	Security Solutions of Central Florida	Security Camera Installation	\$	4,480.00
55	Sumter Electric	Electric Service	\$	82.82
56	Sumter County Times	Ad	\$	46.88
57	Transunion	Comp Reports, Criminal Search, Drivers License, Etc.	\$	110.25
58	UPS	Postage	\$	5.71
59	Verizon	Cell Phone Service and Bluetree	\$	1,146.59
60	Villages Operating Company	A/C Reimbursement	\$	18.00
61	Wildwood Ace Hardware	Bulbs, Appl Cords, Roundup, Paint Sprayer, Epoxy	\$	658.03
62	Wildwood Tire	Tires and Repairs	\$	521.70

**STREET DEPARTMENT**

63	Payroll	June 1, 2014 Pay Period - 10 Employees	\$	18,577.22
64	Bright House	Internet Service	\$	106.44
65	CarQuest Auto Parts Stores	Belts, Manifold Set, Ball Joints, Pitman Arm, Brk Drum	\$	680.00
66	Duke Energy	Electric Service	\$	5,312.29
67	EGP	Per Copy Maintenance	\$	0.61
68	FL Dept of Environmental Protection	Storage Tank Registration	\$	50.00
69	FL Municipal Insurance Trust	Workers Comp Insurance	\$	3,256.39
70	Massy Services, Inc	Monthly Pest Control Service	\$	10.00
71	Salescorp of Florida	Gatorade, Dust Mask	\$	152.35
72	Sumter Electric	Electric Service	\$	181.02
73	Verizon	Cell Phone Service	\$	138.38
75	Chris Weedman	Boot Allowance	\$	75.00
76	Wildwood Ace Hardware	Concrete Anchors, Rock, Padlocks, Receipts, Etc.	\$	404.95
77	Wildwood Mower and Saw	Blades	\$	104.91
78	Wildwood Tire	Tires and Repair	\$	277.47

**FLEET SERVICES**

79	Payroll	June 1, 2014 Pay Period - 2 Employees	\$	5,262.04
80	Bright House	Internet Service	\$	106.45
81	CarQuest Auto Parts Stores	Battery, Wiper Blds, Shop Twls, Std Capsule, Etc.	\$	204.99
82	Duke Energy	Electric Service	\$	108.19
83	FL Municipal Insurance Trust	Workers Comp Insurance	\$	901.65
84	Massy Services, Inc	Monthly Pest Control Service	\$	10.00
85	Verizon	Cell Phone Service	\$	9.58
86	Wildwood Ace Hardware	Bench Grinder, Brush Wheel, Emerg Lite, Repl Cord	\$	208.74

**COMMUNITY RE-DEVELOPMENT**

87	Payroll	June 1, 2014 Pay Period - .5 Employees	\$	1,770.89
88	Bright House	Internet Service	\$	29.30
89	FL Municipal Insurance Trust	Workers Comp Insurance	\$	12.25

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**PARKS AND RECREATION**

90	Payroll	June 1, 2014 Pay Period - 5 Employees	\$ 6,083.54
91	Bright House	Internet Service	\$ 58.50
92	CarQuest Auto Parts Stores	Belts, Bladerunner	\$ 31.90
93	Department of Management Services	Telephone Service	\$ 45.02
94	Duke Energy	Electric Service	\$ 1,161.77
95	EGP	Per Copy Maintenance	\$ 52.43
96	FL Municipal Insurance Trust	Workers Comp Insurance	\$ 612.45
97	John Deere Landscapes	Prosecutor, Ground Topper	\$ 106.52
98	Logan Sitework Contractors, Inc	Ball Clay	\$ 162.00
99	Massy Services, Inc	Monthly Pest Control Service	\$ 70.00
100	Nature Calls Inc	Port O Let Rental	\$ 85.00
101	Salescorp of Florida	Gatorade	\$ 136.00
102	Sumter Electric	Electric Service	\$ 710.41
103	Turfmasters and Associates, Inc	Lawn Fertilization and Pest Control	\$ 725.00
104	Verizon	Cell Phone Service	\$ 28.98
105	Wildwood Ace Hardware	PVC adaptors, Hose, Blades, Fasteners, Filters, Etc.	\$ 313.33
106	Wildwood Mower and Saw	Fuel System Kit, Blade, Key Ignition, Seal, Bearings	\$ 278.71
107	Wildwood Tire	Tire Repair	\$ 10.17

**COMMUNITY CENTER & OXFORD COMMUNITY CENTER**

108	CarQuest Auto Parts Stores	Water Pump	\$ 29.04
109	City Electric Supply Company	Bulbs	\$ 152.80
110	Duke Energy	Electric Service	\$ 440.58
111	EGP	Per Copy Maintenance	\$ 0.42
112	FL Dept of Environmental Protection	Storage Tank Registration	\$ 25.00
113	Massy Services, Inc	Monthly Pest Control Service	\$ 55.00
114	Sumter Electric	Electric Service	\$ 1,452.66
115	Wildwood Ace Hardware	Tarp, Snap Bolts, Key rings, Bulbs	\$ 32.76

**PHYSICAL ENVIRONMENT ADMINISTRATIVE DEPARTMENT**

116	Payroll	June 1, 2014 Pay Period - 3 Employees	\$ 6,416.41
117	Besco Electric Supply Company	Floods for Ceiling City Hall	\$ 25.65
118	Bright House	Internet Service	\$ 175.50
119	C & M Paper and Supply	Paper Products	\$ 24.30
120	Duke Energy	Electric Service	\$ 693.17
121	EGP	Per Copy Maintenance	\$ 74.15
122	Ernie Morris Enterprises, Inc	Office Supplies	\$ 74.78
123	FL Municipal Insurance Trust	Workers Comp Insurance	\$ 36.75
124	Massy Services, Inc	Monthly Pest Control Service	\$ 25.00
125	Postmaster	Postage Utility Billing	\$ 220.34

**UTILITY DEPARTMENT**

126	Payroll	June 1, 2014 Pay Period - 22 Employees	\$ 45,910.60
127	Barney's Pumps Inc	Hydromatic Gasket	\$ 113.00
128	Brenntag	Liquid Chlorine	\$ 773.42
129	Bright House	Internet Service	\$ 695.88
130	CarQuest Auto Parts Stores	Pittman Arm, Tie Rod End, Belts, Bladerunner	\$ 246.93
131	Cason and Gaskins TV Inc	Battery	\$ 31.98
132	C & C Peat Co., Inc	Wastewater Treatment-Dewatered Bio-Solids	\$ 2,240.00
133	Duke Energy	Electric Service	\$ 26,971.98
134	EGP	Per Copy Maintenance	\$ 11.78
135	Ernie Morris Enterprises, Inc	Office Supplies	\$ 68.99
136	Erosion Control Systems	Textured Liner	\$ 21,750.00
137	FL Dept of Environmental Protection	Application for WW Permitting, Storage Tank Reg	\$ 150.00

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138	FL Municipal Insurance Trust	Workers Comp Insurance	\$ 4,899.59
139	Hamlet Underground	CR 462 Water Main Ext. Request for Payment	\$ 98,743.50
140	HD Supply WaterWorks	Seggie Blds, D/S SAD, Crd Tiger Tooth Bld	\$ 34.03
141	Kevin Mathews Medical Services	First Aid and Safety Products	\$ 106.00
142	Massy Services, Inc	Monthly Pest Control Service	\$ 75.00
143	Milling Technologies Inc	Seal Kit	\$ 26.75
144	Odyssey Manufacturing	Hypochlorite Solutions	\$ 2,351.39
145	Office Depot	Office Supplies	\$ 53.34
146	Office Max	Office Supplies	\$ 287.65
147	Plant Technicians	Environmental Testing	\$ 420.00
148	Sumter Electric	Electric Service	\$ 7,223.88
149	Sunshine State One Call of Florida	Locators for the Month of May 2014	\$ 267.20
150	Sunstate Meter & Supply, Inc.	Fire Hydrant, 3"Meter, Strainer, Gaskit Pak, Clamps,	\$ 25,216.16
151	Test America	Environmental Testing	\$ 1,890.00
152	The Dumont Company, Inc	Clear Flow	\$ 1,541.00
153	UPS	Postage	\$ 9.45
154	USA BlueBook	Stainless Basket, Cover O-Ring	\$ 491.39
155	Verizon	Cell Phone Service	\$ 332.01
156	Wildwood Ace Hardware	PVC Pipe, Caulk, Fasteners, Bulbs, Cut-Off Wheel	\$ 324.21
157	Wildwood Mower and Saw	Bearings, Bushing, Shafts, Cable, Blades, Filter, Etc	\$ 135.43
158	Wildwood Tire	Tire Repairs	\$ 41.68
159	Xylem Water Solutions U.S.A., Inc	Flush Valve Repair Kit, Probe Sensors	\$ 1,159.00

**MISCELLANEOUS**

160	General Fund	Wtr Utility Tax, 10% WM Refuse Fran Fee, Gas	\$ 14,677.46
161	Law Enforcement Trust Fund	Move Sale Proceeds of Confiscated Equip from G.F.	\$ 3,550.00

**GREENWOOD CEMETERY**

**ATTORNEYS/CONSULTANTS/SURVEYORS**

162	Kimley-Horn and Associates, Inc	Engineers	\$ 107,174.55
163	LPG Urban & Regional Planners	Create District Area Map	\$ 4,097.38
164	Potter Clement Bergholtz Alexander	Special Magistrate	\$ 1,050.00

**FUEL INVENTORY**

165	Stone Petroleum Products, Inc	Unleaded Gasoline	\$ 9,750.04
166	Stone Petroleum Products, Inc	Ultra LSD Fuel	\$ 2,826.55

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<b>TOTAL</b>	<b>\$ 590,274.76</b>
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CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST: \_\_\_\_\_  
Cassandra Lippincott, City Clerk/Finance Dir.

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

## CITY COMMISSION OF THE CITY OF WILDWOOD

### EXECUTIVE SUMMARY

**SUBJECT:** O'Dell Planned Development – RZ 1402-03

Approval of Ordinance O2014-22.

**REQUESTED ACTION:**

<input type="checkbox"/> Work Session (Report Only)	<b>DATE OF MEETING:</b> <u>6/9/14 First Reading</u>
<input checked="" type="checkbox"/> Regular Meeting	<u>6/23/14 Adoption</u>
	<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:**

The applicant seeks approval from the City Commission for a modification to the “Planned Development” (PD) approval on a 430.44 acre property zoned “Planned Development” (PD).

The project is a Mixed Use Planned Development (MUPD) to build up to 1,000 residential units, 222,000 sq. ft. of commercial retail space, and 40,000 SF of commercial office space, with maximum limits on subtypes as defined in Ordinance O2014-22.

Pursuant to Section 8.6 of the Land Development Regulations, Ordinance O2014-22 adopts the O'Dell Planned Development Agreement. The Project’s legal description and conceptual plan have been incorporated into the Ordinance as exhibits. The PD Agreement outlines specific criteria and standards for the Project.

Due to higher DRI thresholds based on population, the applicant is seeking to increase the amount of approved development for the project that while still remaining below the new DRI threshold. City staff have taken this opportunity to completely overhaul the previously approved ordinance (as extended by the City Commission) originally passed in late 2008. The new ordinance contains updated language and requirements that reflect revisions to the Land Development Regulations passed in July 2011 (as amended).

The proposed development of the O'Dell PD will result in no deficiencies on the studied roadway segments. As part of their mitigation, the Developer will dedicate rights-of-way for CR 209, CR 232, and CR 462. The project also includes turn-lane improvements: northbound left-turn lane on US 301 at the Project Driveway 1; southbound right-turn lane on US 301 at the CR 462 W/Realigned; and westbound left turn lanes on CR 462 (Realigned) at Entrance 1, 2 and 3. In addition, the Developer has opted to redesign, permit, and construct the realignment of CR 462, resulting in a regionally

significant roadway segment running through the development.

The Sumter County School system has sufficient capacity for additional students that may be added as a result of the Project. The Project shall be required to connect to City utilities. The City has sufficient capacity in both water and wastewater to accommodate the Project.

The applicant has responded to and satisfied all comments and concerns raised at the Project Review Committee meeting. The Project meets or exceeds the minimum requirements of the Comprehensive Plan and the Land Development Regulations, and the Project Review Committee recommended the Project be placed on the Planning and Zoning Board agenda for consideration.

This office has duly noticed this meeting as prescribed by City of Wildwood Code for PUBLIC NOTICES in the City of Wildwood. Notice of Hearing has been sent via Certified Mail to all property owners adjoining the property in question. Notice also has been posted on the notice board at City Hall and on the bulletin board at the Wildwood Post Office. A notice of this meeting was published in a newspaper of general circulation (Daily Commercial) on May 2, 2014.

**Staff recommends approval of Ordinance #02014-22** for the following reasons:

- The rights-of-way dedications for C-209, C-232, and C-462 will allow for improved and future traffic capacity;
- Ordinance O2014-22 includes standards and criteria that mitigate the potential impacts of the Project; and
- The Project meets the minimum requirements of the Comprehensive Plan and Land Development Regulations.

Case RZ 1402-03 was considered by the Planning & Zoning Board/Special Magistrate on Tuesday, May 13, 2014. The Planning & Zoning Board/Special Magistrate gave a favorable recommendation of Ordinance O2014-22 to the City Commission.



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Melanie D. Peavy  
Development Services Director

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**City of Wildwood**  
**Planning & Zoning Board/Special Magistrate**

The case below was heard on Tuesday, May 13<sup>th</sup>, 2014 by the Special Magistrate. The applicant seeks approval and favorable recommendation from the City of Wildwood Planning and Zoning Board/Special Magistrate of Ordinance O2014-22, modifying the approved planned development and providing for up to 1,000 residential units (based on a mix outlined within the Ordinance); 222,000 sq. ft. of commercial retail space; 40,000 sq. ft. of commercial office space; the realignment of C-462; to be built over three phases. The site is generally located to the southwest of US Hwy 301 (SR 35) and C-462E. The Land Planner of Record is Phil Stuepfert with HR Green of Yorkville, Illinois.

**Case:** RZ 1402-03

**Parcels:** D31=006, D31=007, D31=008, D31=010, D31=029, & D31=030.

**Owner:** Craig O'Dell

**Applicant:** SAME

Under subsections 1.7(B)(2), 3.3(B)(3), and 8.2(E) of the Land Development Regulations (LDRs), the Planning and Zoning Board/Special Magistrate has a duty to make a recommendation to the City Commission on all proposed planned development zoning amendments in accordance with the procedure outlined in subsection 1.14 (B)(3) and the criteria for the approval of zoning amendments as defined in subsection 3.3(B)(4) of the LDRs.

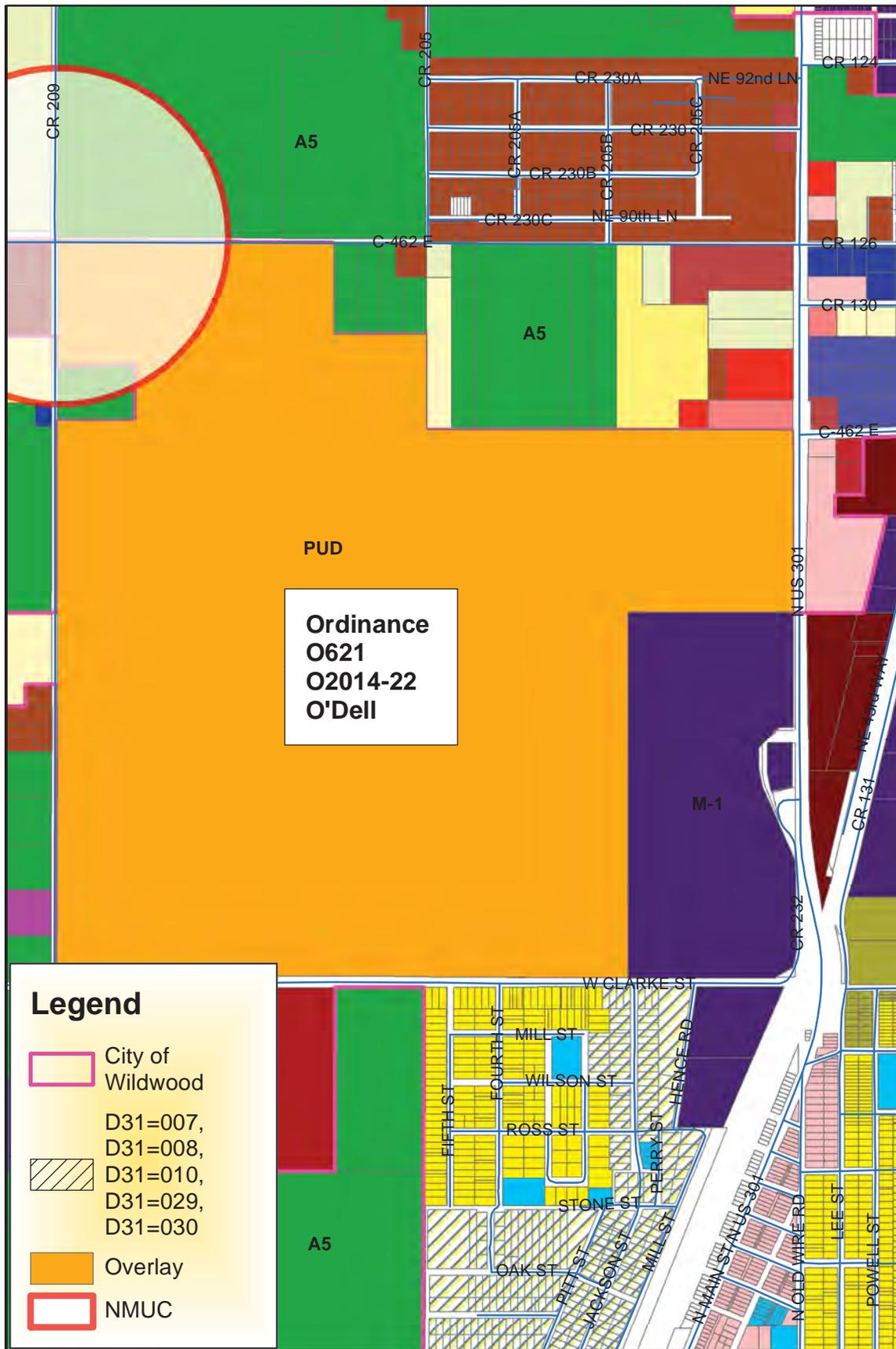
Based upon the testimony and information presented, the Special Magistrate recommends approval of the Zoning Map Amendment and favorable recommendation of Ordinance O2014-22 to the City Commission, subject to Ordinance 621 being rescinded, in order to have one ordinance that embodies all requirements.

Dated: May 31, 2014

  
\_\_\_\_\_  
Archie O. Lowry, Jr.  
Special Magistrate City of Wildwood







I:\Terr\GIS\Maps\Existing & Proposed Zoning\Zoning Overlay - O'dell.mxd - 3/25/2014 9:24:07 AM - toneal



City of Wildwood  
100 North Main Street  
Wildwood, FL 34485  
Phone: (352) 330-1330  
www.wildwood-fl.gov



0 Feet 290 580

D31=007, D31=008, D31=010, D31=029, D31=030  
O'DELL PROPERTY

**WILDWOOD, FLORIDA**

MARCH 2014

ZONING OVERLAY

**ORDINANCE NO. O2014-22**

**AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; AMENDING AND RESTATING ORDINANCE 621 CONCERNING THE O'DELL PLANNED DEVELOPMENT; MODIFYING THE REQUEST FOR A PLANNED DEVELOPMENT PURSUANT TO SECTION 8.6 OF THE LAND DEVELOPMENT REGULATIONS. FOR CERTAIN PROPERTY WITHIN THE CITY OF WILDWOOD, FLORIDA; OWNED BY JAMES M. & MILDRED B. O'DELL TRUST; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Wildwood passed and ordained Ordinance 621 on November 10, 2008; and

**WHEREAS**, said Ordinance was recorded February 23, 2009, in O.R. Book 2038, Page 688, Public Records of Sumter County, Florida; and

**WHEREAS**, the City Commission had extended that Ordinance through subsequent Commission approval; and

**WHEREAS**, the O'Dell Planned Development Amendment Application was filed on February 28, 2014; and

**WHEREAS**, the City now wishes to Amend and Restate Ordinance 621 in its entirety by enacting this Ordinance O2014-22; and

**WHEREAS**, it is the intention of the City for this amendment and restatement to supersede Ordinance 621; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Wildwood, Florida, as follows:

The application filed by James M. & Mildred B. O'Dell Living Trust (hereinafter referred as the, "Developer") for a Mixed Use Planned Development was heard by and before the City Commission, Wildwood, Florida on this \_\_\_\_\_ day of \_\_\_\_\_ 2014. Based upon the verified application and supporting documents, analyses, maps, charts, other evidence and instruments, the advice, report and recommendations of the Project Review Committee and the testimony adduced and evidence received at the Public Hearing by the Planning and Zoning Board on May 13, 2014 and otherwise being fully advised, the City Commission does hereby find and determine as follows:

## SECTION 1: GENERAL FINDINGS

- A. That the James M. & Mildred B. O'Dell Living Trust Planned Development Application (hereinafter referred to as the "Project") was duly and properly filed herein on February 28, 2014.
- B. That all fees required to be borne and paid by the Developer have been paid in accordance with the City of Wildwood Fee Schedule.
- C. That the Project was reviewed by the Project Review Committee and found to meet or exceed the minimum standards of the City's Comprehensive Plan, Land Development Regulations, Code of Ordinances, and all other applicable ordinances and regulations.
- D. That the Developer intends to develop a Project consisting of 430.44 acres, more or less, which is situated in Wildwood, Florida. This land is legally described on the Conceptual Development Plan attached hereto as Exhibit "B".
- E. That the Developer has complied with the conceptual development plan provision as required by Section 8.4 of the Land Development Regulations.
- F. That the City has complied with the due notice requirements of subsection 3.3(B)(3) of the Land Development Regulations.

## SECTION 2: FINDINGS REGARDING PLANNED DEVELOPMENT OVERLAY

- A. That the Applicant has applied for a Mixed Use Planned Development (MUPD) of the lands described in "Exhibit A".
- B. That the zoning district of the subject land described in "Exhibit A" is classified as Planned Development (PD) on the City of Wildwood Zoning Map. The Project was an approved PD prior to the City adopting new Land Development Regulations and zoning map.
- C. That the Project is consistent with both the City of Wildwood Comprehensive Plan, the intent and purpose of the City of Wildwood Land Development Regulations, and does promote the public health, safety, morals, welfare, and orderly growth of the City of Wildwood.
- D. That the City of Wildwood Land Development Regulations are consistent with the provisions of the "Planned Development Agreement" as hereinafter set forth in Section 3 of this Ordinance. With respect to any conflict between the Land Development Regulations and the "Planned

- Development Agreement”, the provisions of the “Planned Development Agreement” shall govern. Unless specific conditions are included in the “Planned Development Agreement” waiving or replacing the terms and conditions of the Land Development Regulations, the terms and conditions of the most current Land Development Regulations shall prevail.
- E. This Ordinance shall become effective immediately upon its approval and adoption by the City Commission.

### **SECTION 3: PLANNED DEVELOPMENT AGREEMENT: GENERAL PROVISIONS**

- A. Development Concept. The Project shall be developed as a Planned Development substantially in accordance with this Ordinance. This Planned Development Agreement shall govern the development of the Project.
- B. Conceptual Development Plan. The Project includes a conceptual development plan pursuant to Section 8.4 of the Land Development Regulations. The conceptual development plan prepared by HRGreen dated April 14, 2014 (revision date) is incorporated into this Ordinance as “Exhibit B” attached hereto. The conceptual development plan is substantially consistent with City of Wildwood Comprehensive Plan.
- 1) The conceptual development plan illustrates the general location of the following land uses:
    - a. Commercial Retail;
    - b. Commercial Office and Medical Office;
    - c. Single Family Residential;
    - d. Multi-family Residential; and
    - e. Parks/Recreation
  - 2) The conceptual development plan is conceptual in nature and may be affected or modified by final zoning approval and conditions, by compensating storage capacity in flood prone areas, final wetland or protected species locations and jurisdictional boundaries, final engineering, permitting, surveys, or conservation easements.
- C. Development Program. The Project shall be developed in three (3) phases in accordance with the conceptual development plan and this Section.
- 1) Residential Development. The residential component of the Project shall contain a mix of two (2) or more of the following housing types:

- a) Single Family Detached (SFD)
- b) Single Family Attached (SFA)
- c) Apartments/Condominium Buildings (ACB)

2) Land Use Breakdown. Acreages devoted to each land use over the life of the Project shall be in accordance with the following table:

<b>Land Use</b>	<b>Total (Acres)</b>
Commercial Retail	24.90
Office	10.00
Single Family Residential	164.40
Multi-family Residential	42.40
Parks/Recreation	11.90
<b>Total</b>	<b>253.60</b>

Note: There are 176.80 acres within the project that consist of drainage retention areas, open space, wetlands, and right-of-way for a total project area of 430.40 acres.

3) Maximum Development Potential. Residential and non-residential development within the Project shall not exceed the following:

Non Residential:

<b>Land Use</b>	<b>Square Feet (SF)</b>
Commercial Retail	222,000*
Office	40,000*

\*Depending on market demands, the non-residential portion of the project may develop according to a sliding scale between non-residential mixes provided the maximum caps are not exceeded and the Project meets the minimum requirements of the Oxford Neighborhood Mixed Use (ONMU) land use.

Residential:

<b>Land Use</b>	<b>Maximum Units</b>	<b>Maximum Acreage</b>
Single Family Detached (SFD)	900*	180*
Single Family Attached (SFA) and Apartments/Condominium Buildings	675*	45*

\*Depending on market demands, the residential portion of the Project may develop according to a sliding scale between single family and multi-family

residential acres and unit counts. The maximum number of residential units shall not exceed 1000. However, market demands may warrant a shift between the percentage of single family and multi-family uses. The residential portion of the projects shall meet the minimum requirements of the Oxford Neighborhood Mixed Use (ONMU) land use.

- D. Amendments. The Development Services Director, or designee, shall have the authority to approve non-substantial changes to the conceptual development plan without a public hearing. The determination of what constitutes a non-substantial change shall be at the Development Services Director's discretion. All modifications requiring an amendment to the Planned Development Agreement shall require review and recommendation of the Planning and Zoning Board and action by the City Commission in the same manner as an Application for Planned Development.
- E. Future Approvals. After this Ordinance is recorded, and prior to any construction occurring, a site plan or subdivision preliminary plan shall be submitted for review and approval in the manner required by Chapter 4 or Chapter 5 of the Land Development Regulations, whichever Chapter is applicable:
- 1) Developer's Agreement. Prior to approval of a site plan or a subdivision preliminary plan, the City and the Developer agree to enter into Utility or Developer's Agreements to address the provision of water, wastewater and reuse water to the Project. The agreement shall also specify, among other items, the ownership and maintenance of infrastructure associated with the Project.
- F. Principal Uses. Principal uses listed in Chapter 3, Table 3-6 of the Land Development Regulations for the Neighborhood Mixed Use - 7 (NMU-7) zoning district shall be allowed.
- G. Development Standards. Unless otherwise noted, the Project shall adhere to the zoning district standards prescribed in Chapter 3 of the Land Development Regulations for the Neighborhood Mixed Use - 7 (NMU-7) zoning district.
- 1) Residential Standards
    - a. Single Family Attached and Apartment/Condominium Buildings:  
The minimum distance between structures shall be 20'.
    - b. Single Family Detached:
      - i. Minimum Lot Size – 5,500 SF
      - ii. Minimum Lot Width – 50'
      - iii. Setbacks:
        1. Front – 15' setback from primary structure and 20' setback for garages

2. Sides – 5' setback on lots less than 7,500 SF and 10' setback on lots over 7,500 SF
3. Rear – 15'

H. Design District Standards. Unless otherwise noted, the Project shall adhere to the Community Design District Standards pursuant to section 6.12 of the Land Development Regulations.

I. Recreation and Open Space. The Project shall maintain a minimum of 25% (107.7 acres) open space.

1) Buffers.

- a. The Project shall contain a 10' perimeter landscape buffer along US 301, C-462, realigned section of C-462. No landscape buffer shall be required along CR 209 and CR 232. However, additional right-of-way shall be provided to the City by the Developer. In lieu of the required buffer along CR 209 & CR 232, a decorative wall shall be constructed.
- b. The Project shall contain 10' wide interior landscape buffers between changes of use.
- c. The Project shall contain 25' landscape buffers adjacent to wetlands.
- d. Any on site booster pumps, tanks, or lift stations needed to serve the Project shall be screened, buffered and located outside of the perimeter buffer.

3) Open Space. Open space shall include wetlands, preservation areas, greenspace, and landscape buffers. Open space may also include trails, plazas, courtyards, and other public similar public areas. Open space may also include recreation areas and amenities provided said amenities or area is not enclosed within conditioned space. For purposes of meeting open space requirements, up to 50% of the drainage retention areas (stormwater management areas) may be included in the open space calculation; however, the amount of open space credit from the drainage retention areas shall not exceed 50% of the open space requirement. Open space shall not include open bodies of water, right-of-ways, yards or lots of record per plat, driveways, off street parking areas or other impervious surface areas that do not meet the criteria.

J. Environmental Considerations.

1) Gopher Tortoise Survey. Prior to development of the site, the Developer shall conduct a 100% survey for gopher tortoises.

- 2) Wetlands. Developer is required to submit an updated Formal Determination of Wetlands and Other Surface Waters from the Southwest Florida Water Management District.

K. Public Facilities.

- 1) Potable Water, Wastewater, and Reuse Water. The Project shall be connected to the City's water and wastewater system prior to any certificates of occupancy being issued. The Project will also connect to the City's reuse water system prior to certificates of occupancy being issued, if available. Expansion of the City's Potable Water and Sanitary Sewer systems shall be negotiated by a separate Developer's Agreement between the City and the Developer. Said agreement shall specify cost, ownership and maintenance, and timetables for delivery of services.
- 2) Solid Waste. Solid waste services shall be provided by the City or the City's contracted refuse service provider.
- 3) Stormwater. The Project shall contain a stormwater management system which meets the requirements of the Southwest Florida Water Management District, and Chapter 6, section 6.4 of the City's Land Development Regulations.
- 4) Underground Utilities. All on site utilities shall be underground. Developer is responsible for running utilities underground for the Project. The City shall insure that any utilities within any public utilities easement serving lands other than the Planned Development shall be underground.
- 5) Lighting. Exterior lighting of all buildings and parking lots shall be designed so that light is not directed off the Project. Exterior light fixtures should be fully shielded or designed with light-angle cut-offs so as to eliminate spill light, trespass light, and glare.
- 6) Easements. Project shall provide 20' Utility Easements along CR 209, CR 232 and the realigned C-462. See Exhibit "C".
- 7) Right-of-Way. Developer shall donate right-of-way along CR 209 and CR 232 to provide a total of 50' from centerline. See Exhibit "C".

L. Access and Transportation

- 1) Access. Project may provide two (2) access points on US 301 for commercial areas, four (4) access points on C-462 for commercial and office areas. The Project may also provide two (2) access points on CR 232, two (2) access points on CR 209 and two (2) access points on C-462 realigned for the residential areas. Internal cross-access shall be provided between land uses. Driveway permits for access on to C-462 shall be obtained through Sumter County. Driveway permits for US 301 shall be obtained through the

Florida Department of Transportation (FDOT). Driveway permits for CR 209 and CR 232 shall be obtained through the City of Wildwood.

2) Transportation System Improvements. The Developer shall be fully responsible for the following improvements to the transportation system to mitigate transportation impacts of the Project. These improvements were identified in the Traffic Impact Analysis submitted with the Planned Development application:

- a. The Developer shall donate sufficient right-of-way and construct a two lane roadway for the realignment of C-462. Sufficient right-of-way will be based on the C-462 Preliminary Engineering Study conducted by Sumter County provided there is no updated design information provided by Sumter County before construction of the realignment. Developer shall donate right-of-way along CR 209 and along CR 232 to provide a total of 50' from centerline.
- b. Individual development pods and land uses shall be interconnected by a series of roadways and trails within the Project. Internal roadways and trails shall be developed with accordance with the conceptual development plan and the typical roadway provided for local roads.
- c. The Project shall provide a system of multi-use trails and sidewalks that encourage walking and bicycling within the development as shown on the conceptual development plan.
- d. Golf carts. Golf carts may be allowed to utilize the multi-use paths within the Project pending final engineering approval at the time of site plan.

M. Maintenance of Common Areas. Maintenance and repair of structures, lawn mowing, and landscaping maintenance of all common areas within the Project shall be the responsibility of the property owner or its designee such as a property owners association, at no cost or obligation to the City. The Developer shall provide guidelines to the City for approval, not to be reasonably withheld, conditioned or delayed, for the maintenance of common areas. The City will be granted the right to enforce the common areas maintenance obligations against the Developer, as may be applicable, and to be reimbursed for the reasonable attorney's fees, costs and expenses, as may be reasonably incurred by the City.

N. Enforcement of Rules and Regulations. For the maintenance of the common areas referenced in Section 3(M) above, the applicable provisions in the Guidelines: (i) shall be made applicable to the Project; and (ii) shall be reviewed/approved by the City of Wildwood and a certificate of occupancy being issued for completed improvements; and (iii) will provide that the City of Wildwood shall have the right, but not the obligation, to enforce such maintenance obligations against a violating

party and that the City should be entitled to reasonable attorney's fees and costs for enforcement regardless of whether or not a suit has been filed.

- O. Impact Fees. The Planned Development shall be subject to all impact fees applicable at the time of permitting. All impact fees are to be paid before issuance of any building permit. Proof of Sumter County impact fees paid shall be provided to the City of Wildwood. Any impact fees adopted by the City of Wildwood, Sumter County or the Sumter County School Board prior to issuance of building permits shall also be applicable to the Planned Development.
  
- P. Expiration of Planned Development Agreement. Actual construction must begin within the Planned Development within 24 months of the final adoption of the Planned Development Agreement. If no construction has started on the approved Planned Development within 24 months, the Planned Development shall lapse and be of no further effect. The City Commission may extend the Planned Development for periods of up to six (6) months provided the applicant can show good cause why said the Project was delayed under the originally approved Planned Development Agreement. However, the City Commission shall not allow extensions beyond 84 months after the effective date of this Ordinance.

PASSED AND ORDAINED in regular session of the City Commission of the City of Wildwood, Sumter County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2014.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

ATTEST: \_\_\_\_\_ ED WOLF, MAYOR  
Cassandra Lippincott, City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Ashley Hunt, City Attorney

**Ordinance O2014-22**

**“Exhibit A”**

**O’Dell Planned Development**

**Parcels D31=006, D31=007, D31=008, D31=010, D31=029, & D31=030**

**Legal Description**



**CITRUS ENGINEERING & SURVEYING, INC.**

• CONSTRUCTION SURVEYS • MORTGAGE SURVEYS • BOUNDARY SURVEYS •

3585 E. GULF TO LAKE HWY. - INVERNESS, FLORIDA 34453  
PHONE: (352) 860-1145 FAX: (352) 860-2229

MAY 19, 2014

**A LEGAL DESCRIPTION FOR  
MILDRED O'DELL TRUST OF  
LAND IN SECTION 31, TOWNSHIP  
18 SOUTH, RANGE 21 EAST,  
SUMTER COUNTY, FLORIDA**

**THE N1/2 OF THE NW1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 23 EAST. LESS LANDS IN OFFICIAL RECORD BOOK 118, PAGE 91, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA. AND LESS THE NE1/4 OF THE NE1/4 OF THE NW1/4. AND LESS ROAD RIGHT-OF-WAY OF CR 462 AND CR 209, AS MAINTAINED.**

**AND**

**THE S1/2 OF THE NW1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 23 EAST. LESS ROAD RIGHT-OF-WAY OF CR 209, AS MAINTAINED.**

**AND**

**THE S1/2 OF THE NE1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 23 EAST. LESS ROAD RIGHT-OF-WAY OF US. HIGHWAY NO. 301.**

**AND**

**THE W1/2 OF THE SW1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 23 EAST. LESS ROAD RIGHT-OF-WAY OF CR 209, AND CR 232, AS MAINTAINED.**

**AND**

**THE E1/2 OF THE SW1/4 OF SECTION 31, TOWNSHIP 18 SOUTH RANGE 23 EAST. LESS ROAD RIGHT-OF-WAY OF CR 232, AS MAINTAINED.**

**AND**

**THE W1/2 OF THE SE1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 23 EAST. LESS ROAD RIGHT-OF-WAY OF CR 232 AS MAINTAINED.**

**AND LESS**

**THAT PART OF THE SOUTHEAST ¼ OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 23 EAST, IN SUMTER COUNTY, FLORIDA; BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 23 EAST IN SUMTER COUNTY, FLORIDA, SAID POINT BEING A RAILROAD SPIKE IN ASPHALT PAVEMENT (NO NUMBER), RUN N89°57'38"W ALONG**

THE NORTH LINE OF THE SOUTHEAST  $\frac{1}{4}$  A DISTANCE OF 44.54 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 301; SAID POINT BEING AN IRON PIN LABELED LB707; THENCE CONTINUE N89°57'38"W ALONG THE NORTH LINE OF THE SOUTHEAST  $\frac{1}{4}$  A DISTANCE OF 525.00 FEET TO AN IRON PIN LABELED LB707; THENCE CONTINUE N89°57'38"W ALONG THE NORTH LINE OF THE EAST  $\frac{1}{2}$  OF THE SOUTHEAST  $\frac{1}{4}$  A DISTANCE OF 757.65 FEET TO A CONCRETE MONUMENT (NO NUMBER), SAID POINT BEING ON THE WEST LINE OF THE EAST  $\frac{1}{2}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 31; THENCE S00°04'58"W ALONG THE WEST LINE OF THE EAST  $\frac{1}{2}$  OF THE SOUTHEAST  $\frac{1}{4}$  A DISTANCE OF 642.90 FEET TO AN IRON PIN LABELED LB707, AND THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING, CONTINUE S00°04'58"W ALONG THE WEST LINE OF THE EAST  $\frac{1}{2}$  OF THE SOUTHEAST  $\frac{1}{4}$  A DISTANCE OF 1963.74 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 232, SAID POINT BEING A CONCRETE MONUMENT (NO NUMBER); THENCE N89°58'50"W ALONG THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 232 A DISTANCE OF 768.70 FEET TO AN IRON PIN LABELED LB707; THENCE N00°04'58"E 1436.10 FEET TO AN IRON ROD LABELED LB707; THENCE N55°34'25"E 932.85 FEET TO THE POINT OF BEGINNING.

SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD IF ANY.

**Ordinance O2014-22**

**“Exhibit B”**

**O’Dell Planned Development**

**Parcels D31=006, D31=007, D31=008, D31=010, D31=029, & D31=030**

**Conceptual Development Plan**



**Ordinance O2014-22**  
**“Exhibit C”**  
**O’Dell Planned Development**  
**Parcels D31=006, D31=007, D31=008, D31=010, D31=029, & D31=030**  
**Typical Cross Sections**

# COUNTY ROAD 209



# COUNTY ROAD 232



# COUNTY ROAD 462

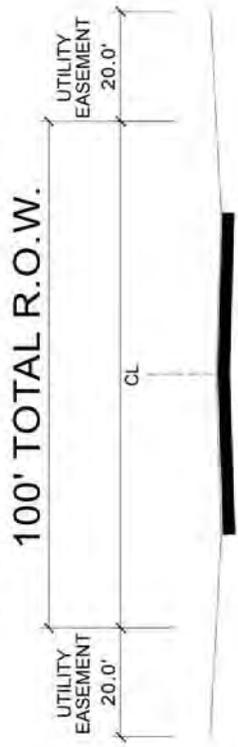


EXHIBIT 'C' - ADJACENT ROADWAY SECTIONS

**O'DELL PROPERTY**

WILDWOOD, FLORIDA



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# CITY COMMISSION OF THE CITY OF WILDWOOD

## EXECUTIVE SUMMARY

**SUBJECT:** City-Initiated Comp. Plan Amendment, CP 1404-01

Approval of Ordinance O2014-28.

**REQUESTED ACTION:**

Work Session (Report Only)

**DATE OF MEETING:** 6/9/14 First Reading  
6/23/14 Adoption

Regular Meeting

Special Meeting

**CONTRACT:**

N/A

Effective Date: \_\_\_\_\_

Managing Division / Dept: \_\_\_\_\_

Vendor/Entity: \_\_\_\_\_

Termination Date: \_\_\_\_\_

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

- Annual
- Capital
- N/A

**FUNDING SOURCE:** \_\_\_\_\_

**EXPENDITURE ACCOUNT:** \_\_\_\_\_

**HISTORY/FACTS/ISSUES:**

Staff seeks approval for a Small Scale Future Land Use Map Amendment to the adopted Comprehensive Plan. On June 3, 2014, the case was heard before the Planning and Zoning Board/Special Magistrate acting as the Local Planning Agency in which the Special Magistrate recommended approval of Ordinance O2014-28. **Staff also recommends approval of Ordinance 02014-28 (attached).**

The 0.72 +/- acre subject parcel is intended to be utilized as a small retail store. The amendment reassigns the property from City "Medium Density Residential" to City "Commercial." Subject to approval of this small-scale land use change approval, the applicant has submitted a rezoning application for consideration.

Staff believes a Future Land Use Map designation of "Medium Density Residential" is appropriate based on the intended use of the property and should be approved for the following reasons:

- Justification of the proposed amendment has been adequately presented;
- The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan;
- The subject amendment does not meet the criteria of urban sprawl or exemplify an energy inefficient land use pattern;
- The proposed amendment will not have an adverse effect on environmentally sensitive systems;
- The proposed amendment will not adversely affect transportation, potable water, sewer, schools, or other public facilities without providing remedies to correct the system or facility.

The attached maps illustrate the subject parcel's relation to the surrounding area as well as the existing and proposed Future Land Use Map designations within the vicinity.

A handwritten signature in black ink that reads "Melanie D. Peavy". The signature is written in a cursive, flowing style.

Melanie D. Peavy  
Development Services Director

---

City of Wildwood, Florida  
Planning & Zoning Board/Special Magistrate  
as Local Planning Agency

The case below was heard on Thursday, June 3<sup>rd</sup>, 2014, by the Special Magistrate. The applicant seeks a small scale comprehensive plan amendment from City Medium Density Residential to City Commercial on 0.72 +/- acres. The site is generally located on the north side of E. Kentucky Avenue between First and Second Avenue, just to the east of US Hwy 301 (SR 35) in downtown Wildwood.

**Case:** CP 1404-01

**Parcel:** G07D388

**Owner:** Pat the Plumber, Inc.

**Applicant:** City of Wildwood

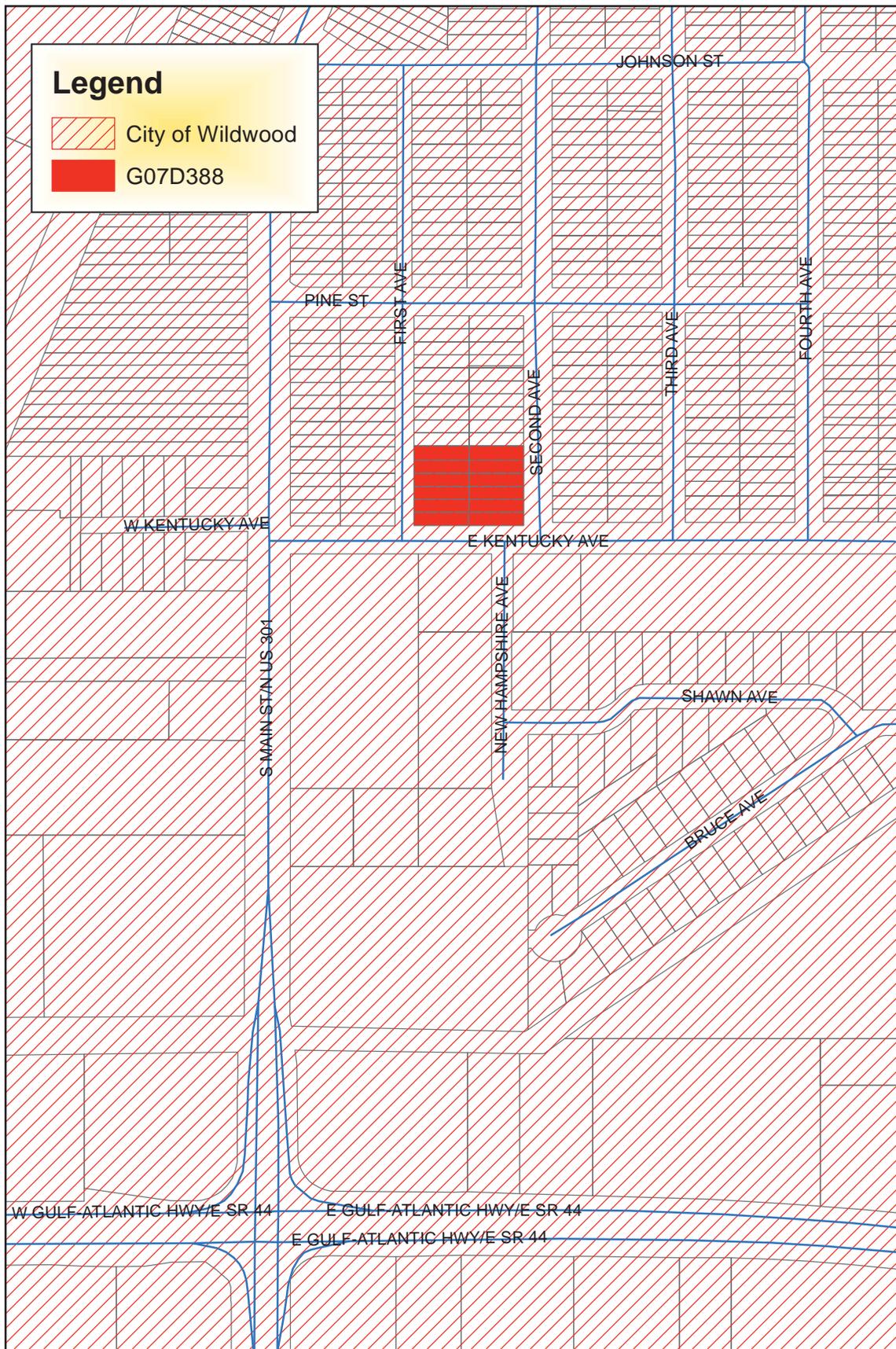
Under subsection 1.7(C) of the Land Development Regulations (LDRs), the Planning and Zoning Board/Special Magistrate as Local Planning Agency has a duty to make a recommendation to the City Commission on all proposed comprehensive plan amendments in accordance with the procedure outlined in subsection 1.14(B)(2) and the criteria for the approval of comprehensive plan amendments as defined in subsection 1.7(D) of the LDRs.

Based upon the testimony and information presented, the Special Magistrate recommends approval of the small scale land use map amendment and favorable recommendation of Ordinance O2014-28 to the City Commission upon Commission considering landscaping property bordering residential area.

Dated: June 19, 2014



Archie O. Lowry, Jr.  
Special Magistrate City of Wildwood



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City of Wildwood  
100 North Main Street  
Wildwood, FL 34485  
Phone: (352) 330-1330  
www.wildwood-fl.gov



0 Feet 120 240

**G07D388**  
**714 First Ave**

**WILDWOOD, FLORIDA**

APRIL 2014

LOCATION MAP



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City of Wildwood  
100 North Main Street  
Wildwood, FL 34485  
Phone: (352) 330-1330  
www.wildwood-fl.gov



**G07D388**  
**714 First Ave**

WILDWOOD, FLORIDA

APRIL 2014

EXISTING FUTURE LAND USE

**ORDINANCE NO. O2014-28**

AN ORDINANCE OF THE CITY OF WILDWOOD FLORIDA;  
PROPOSING A SMALL SCALE FUTURE LAND USE MAP  
AMENDMENT TO THE ADOPTED LOCAL  
COMPREHENSIVE PLAN AND FUTURE LAND USE MAP  
IN ACCORDANCE WITH THE COMMUNITY PLANNING  
ACT OF 2011, AS AMENDED; PROVIDING FOR  
CODIFICATION; PROVIDING FOR CONFLICT; AND  
PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, the City of Wildwood, Florida, is proposing to amend the local Comprehensive Plan and Future Land Use Map of said City, to include a land use amendment described as follows, to-wit:

**Parcel G07D388**  
**Pat the Plumber Inc. Property**  
**0.72 acres +/-**

**Legal Description:**

**Lots 21 through 32, Block N, SUNSET PARK, according to the Plat thereof as recorded in Plat Book 1, page 82 1/2, Public Records of Sumter County, Florida.**

**Subject to covenants, restrictions, reservations and easements of record, if any, which are not extended or reimposed hereby.**

This property is to be reclassified from City comprehensive plan designation "Medium Density Residential" to City comprehensive plan designation "Commercial."

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the City Commission of Wildwood, Florida, as follows:

**SECTION 1.** The adopted local Comprehensive Plan and Future Land Use Map for the City of Wildwood, Florida, are hereby amended to include the above-referenced property and proposed land use amendment as indicated above. The amendment to the Future Land Use Map of the local comprehensive plan is attached hereto as "Exhibit A" and incorporated herein by reference.

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

**SECTION 3.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

**SECTION 4.** This Ordinance shall take effect upon its final reading by the City Commission of the City of Wildwood.

**DONE AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

S E A L

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

ATTEST: \_\_\_\_\_  
Cassandra Lippincott, City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to form:  
\_\_\_\_\_  
Ashley Hunt, City Attorney

**Ordinance O2014-28**

**“Exhibit A”**

**G07D388 (Pat the Plumber Inc.)**

**Proposed Future Land Use Map Designation**



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City of Wildwood  
100 North Main Street  
Wildwood, FL 34485  
Phone: (352) 330-1330  
www.wildwood-fl.gov



Feet  
0 100 200

**G07D388**  
**714 First Ave**

**WILDWOOD, FLORIDA**

APRIL 2014

PROPOSED FUTURE LAND USE

# CITY COMMISSION OF THE CITY OF WILDWOOD

## EXECUTIVE SUMMARY

**SUBJECT:** City-Initiated Rezoning – RZ 1404-01

**REQUESTED ACTION:** Approval of Ordinance O2014-29.

<input type="checkbox"/> Work Session (Report Only)	<b>DATE OF MEETING:</b> <u>6/9/14 First Reading</u> <u>6/23/14 Adoption</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:

Staff seeks approval from the City Commission for a rezoning from City “R-3: Medium Density Residential” to City of Wildwood “C-1: General Commercial - Downtown.”

The 0.72 +/- acre subject property is located on the north side of E. Kentucky Ave. between First and Second Avenue, just to the east of US Hwy 301 (SR 35) in downtown Wildwood. The property is subject to a concurrent Small Scale Comprehensive Plan amendment to change the Future Land Use Map designation to City “Commercial”. The requested zoning of “C-1: General Commercial - Downtown” would bring the property into compliance with the proposed Future Land Use Map designation.

**Staff recommends approval of Ordinance O2014-29 subject to approval of Ordinance O2014-28, which establishes a future land use appropriate to the proposed zoning.**

Case RZ 1404-01 was considered by the Planning & Zoning Board/Special Magistrate on Tuesday, June 3, 2014. The Planning & Zoning Board/Special Magistrate gave a favorable recommendation of the rezoning to the City Commission.



Melanie D. Peavy  
Development Services Director

**City of Wildwood**  
**Planning & Zoning Board/Special Magistrate**

The case below was heard on Thursday, June 3<sup>rd</sup>, 2014 by the Special Magistrate. The applicant seeks approval and favorable recommendation from the City of Wildwood Planning and Zoning Board/Special Magistrate for a Zoning Map Amendment from City "R-3: Medium Density Residential" to City "C-1: General Commercial: Downtown." The property is generally located on the north side of E. Kentucky Avenue between First and Second Avenue, just to the east of US Hwy 301 (SR 35) in downtown Wildwood.

**Case:** RZ 1404-01

**Parcel:** G07D388

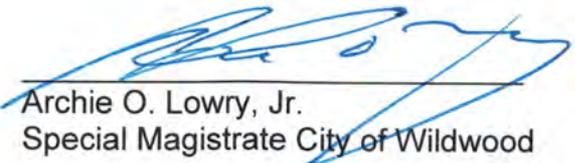
**Owner:** Pat the Plumber, Inc.

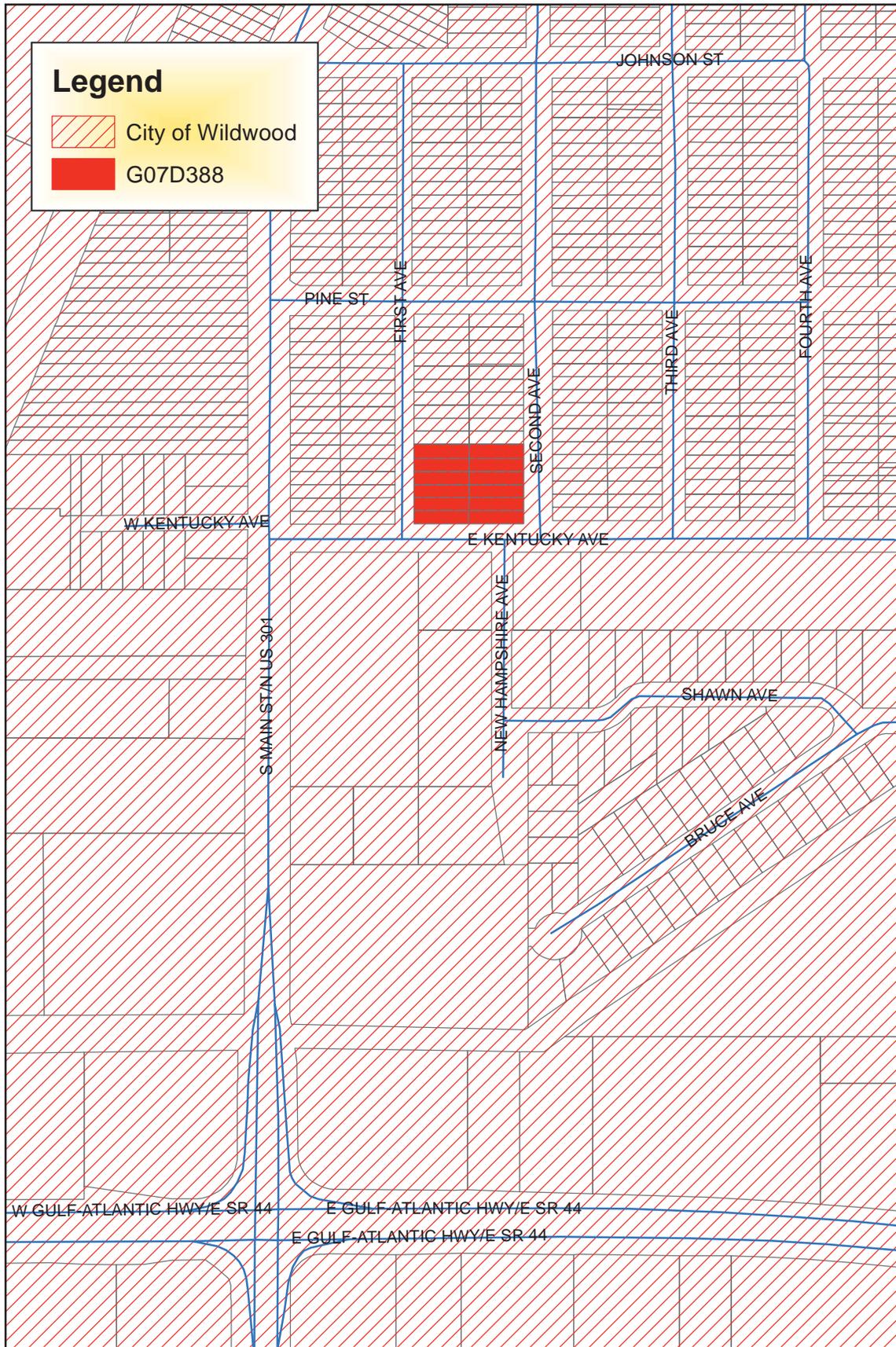
**Applicant:** City of Wildwood

Under subsections 1.7(B)(2) and 3.3(B)(3) of the Land Development Regulations (LDRs), the Planning and Zoning Board/Special Magistrate has a duty to make a recommendation to the City Commission on all proposed zoning amendments in accordance with the procedure outlined in subsection 1.14 (B)(3) and the criteria for the approval of zoning amendments as defined in subsection 3.3(B)(4) of the LDRs.

Based upon the testimony and information presented, the Special Magistrate recommends approval of the Zoning Map Amendment and favorable recommendation of Ordinance O2014-29 to the City Commission upon Commission considering landscaping property bordering residential area.

Dated: June 19, 2014

  
\_\_\_\_\_  
Archie O. Lowry, Jr.  
Special Magistrate City of Wildwood



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City of Wildwood  
100 North Main Street  
Wildwood, FL 34485  
Phone: (352) 330-1330  
www.wildwood-fl.gov



0 Feet 120 240

**G07D388**  
**714 First Ave**

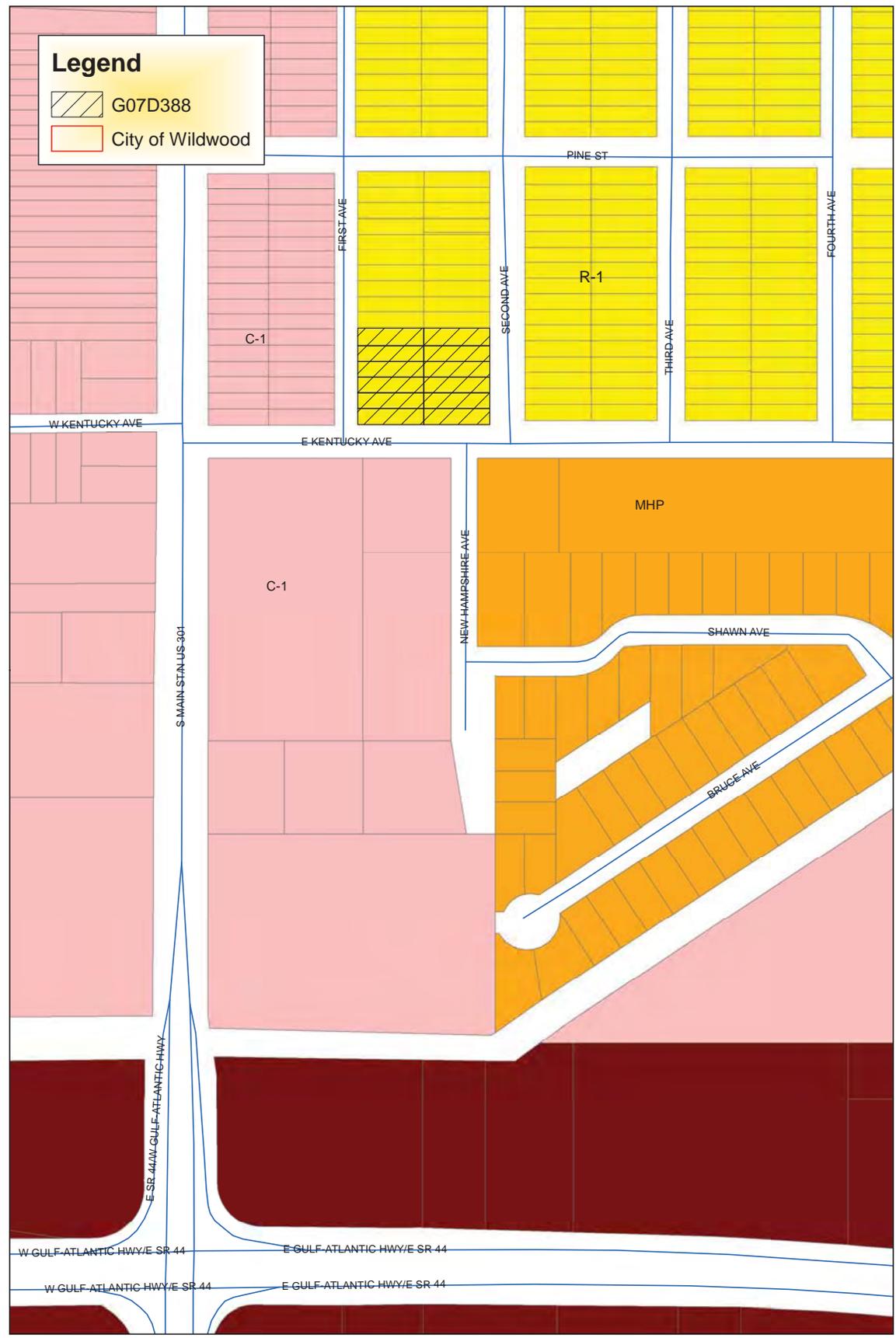
**WILDWOOD, FLORIDA**

APRIL 2014

LOCATION MAP

**Legend**

-  G07D388
-  City of Wildwood



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City of Wildwood  
100 North Main Street  
Wildwood, FL 34485  
Phone: (352) 330-1330  
www.wildwood-fl.gov



<b>G07D388</b> <b>714 First Ave</b>	
<b>WILDWOOD, FLORIDA</b>	
APRIL 2014	EXISTING ZONING

**ORDINANCE NO. O2014-29**

AN ORDINANCE OF THE CITY OF WILDWOOD FLORIDA;  
PROPOSING A ZONING MAP AMENDMENT TO THE  
OFFICIAL ZONING MAP IN ACCORDANCE WITH  
SECTIONS 3.2 AND 3.3 OF THE LAND DEVELOPMENT  
REGULATIONS; PROVIDING FOR CODIFICATION;  
PROVIDING FOR CONFLICT; AND PROVIDING FOR AN  
EFFECTIVE DATE

**WHEREAS**, the City of Wildwood, Florida, is proposing to amend the Official Zoning Map of said City, to include a rezoning of real property described as follows, to-wit:

**Parcel G07D388**  
**Pat the Plumber, Inc. Property**  
**0.72 acres +/-**

**Legal Description:**

**Lots 21 through 32, Block N, SUNSET PARK, according to the Plat thereof as recorded in Plat Book 1, page 82 1/2, Public Records of Sumter County, Florida.**

**Subject to covenants, restrictions, reservations and easements of record, if any, which are not extended or reimposed hereby.**

This property is to be reclassified from City "R-3: Medium Density Residential" to City of Wildwood "C-1: General Commercial: Downtown."

**AND WHEREAS**, the rezoning is consistent with the City's Comprehensive Plan and Land Development Regulations.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the City Commission of Wildwood, Florida, as follows:

**SECTION 1.** The Official Zoning Map of the City of Wildwood, Florida is hereby amended to include the above-referenced property as indicated above. The amendment to the Official Zoning Map is attached hereto as "Exhibit A" and incorporated herein by reference.

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

**SECTION 3.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

**SECTION 4.** This Ordinance shall take effect upon its final reading by the City Commission of the City of Wildwood.

**DONE AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

S E A L

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

ATTEST: \_\_\_\_\_  
Cassandra Lippincott, City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Ashley Hunt, City Attorney

**Ordinance O2014-29**

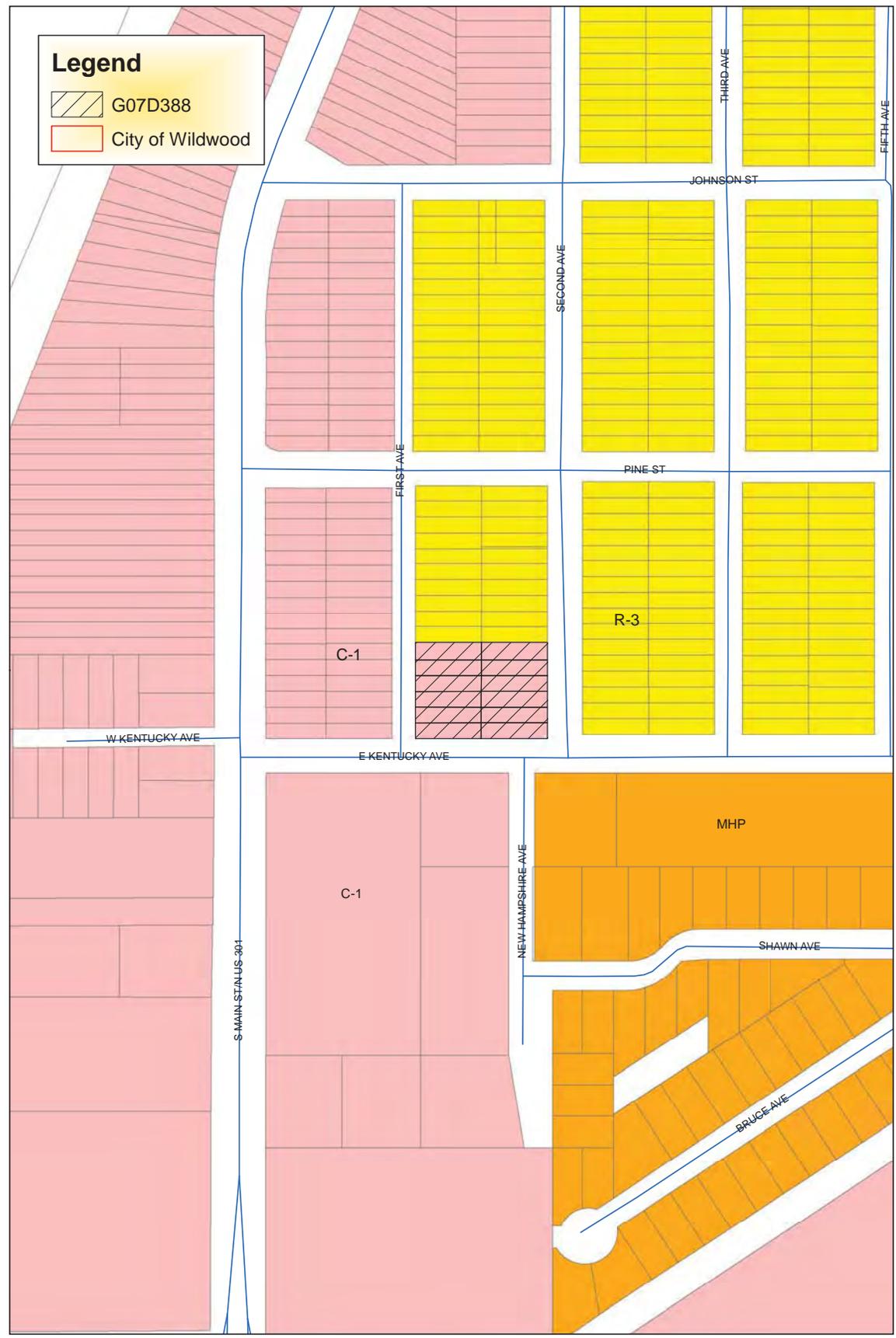
**“Exhibit A”**

**G07D388 (Pat the Plumber, Inc.)**

**Proposed Zoning Map Designation**

**Legend**

-  G07D388
-  City of Wildwood



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City of Wildwood  
100 North Main Street  
Wildwood, FL 34485  
Phone: (352) 330-1330  
www.wildwood-fl.gov



<b>G07D388</b> <b>714 First Ave</b>	
<b>WILDWOOD, FLORIDA</b>	
APRIL 2014	PROPOSED ZONING

# CITY COMMISSION OF THE CITY OF WILDWOOD

## EXECUTIVE SUMMARY

**SUBJECT:** Nahas Chevrolet / Clark Annexation, Case AN 1404-01

Approval of Ordinance O2014-30

**REQUESTED ACTION:**

<input type="checkbox"/> Work Session (Report Only)	<b>DATE OF MEETING:</b> <u>6/9/14 First Reading</u> <u>6/23/14 Adoption</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:**

On September 24, 2004, Cynthia Clark on behalf of Cindy Chevrolet entered into a pre-annexation agreement with the City of Wildwood in consideration of water and sewer service for the 18.8 +/- acre auto dealership property. This agreement was subsequently recorded with the Sumter County Clerk of Court and is attached for your reference.

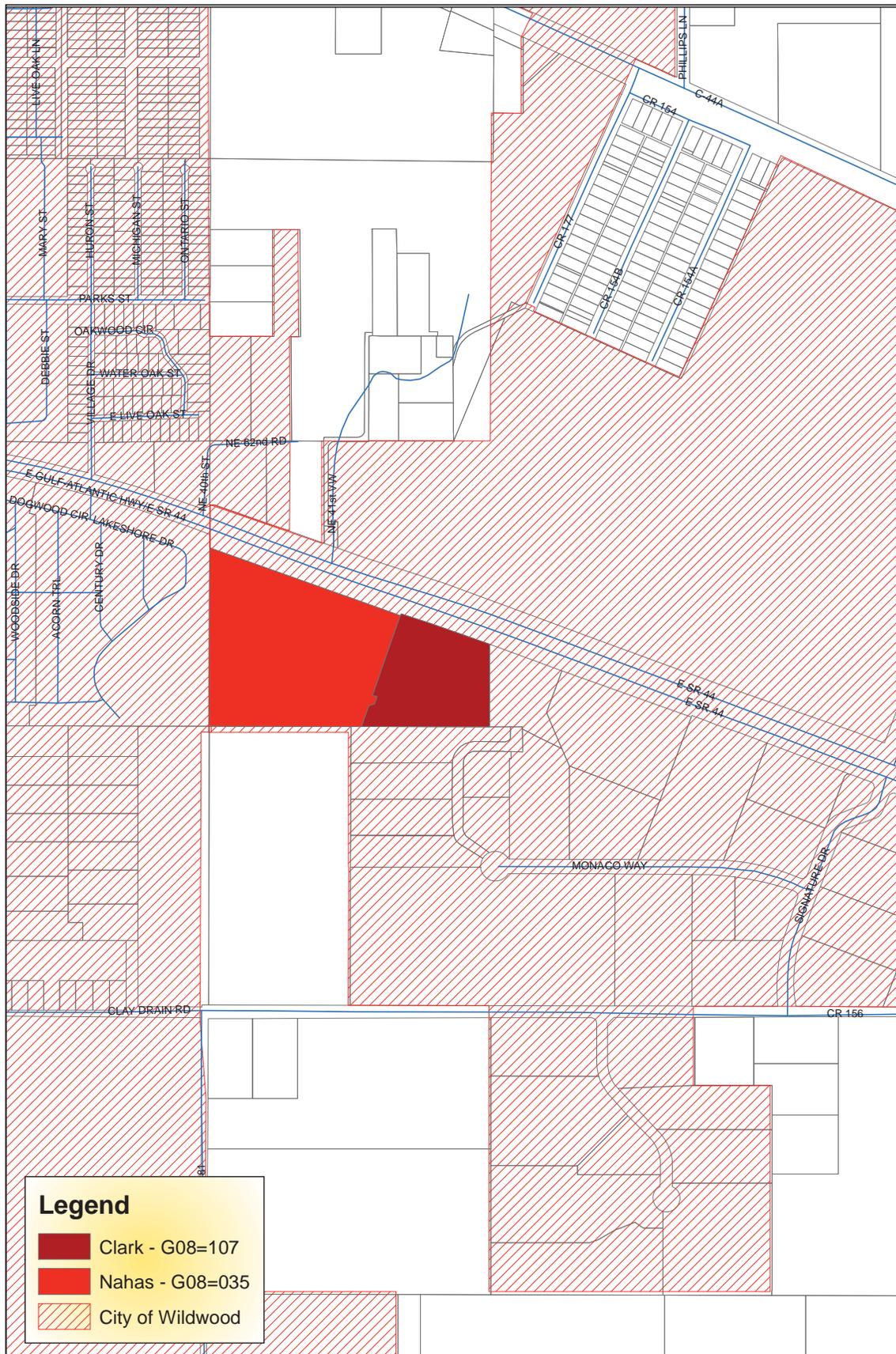
Per the terms of the agreement, the "property owner agrees to annex the property into the City at any time that it becomes reasonable and possible to do so upon request by the City at any time after three years from the date of this agreement." Ms. Clark has since sold the auto dealership and 13 of the acres on which it resides, while retaining 5.8 acres of property directly to the east of the dealership. Annexation into the City is now appropriate because the property is contained within the City's Joint Planning Area with Sumter County, which allows for voluntary annexations within the planning area that would otherwise not be permissible under statute due to the creation of a "pocket" or "enclave."

**Staff recommends approval of Ordinance O2014-30.**



Melanie D. Peavy  
Development Services Director





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City of Wildwood  
100 North Main Street  
Wildwood, FL 34485  
Phone: (352) 330-1330  
www.wildwood-fl.gov



Feet  
0 290 580

NAHAS CHEVROLET/CYNTHIA CLARK

WILDWOOD, FLORIDA

JUNE 2014

LOCATION MAP

**ORDINANCE NO. O2014-30**

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, PROVIDING FOR THE VOLUNTARY ANNEXATION OF CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 18.8 ACRES BEING GENERALLY LOCATED ON THE SOUTH SIDE OF STATE ROAD 44 AND EAST OF US HWY 301 (SR 35); IN SECTION 8, TOWNSHIP 19 SOUTH, RANGE 23 EAST; WHICH IS CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF WILDWOOD AND LOCATED IN THE CITY'S JOINT PLANNING AREA; PROVIDING THAT SECTION 1-14 OF THE CITY OF WILDWOOD CODE OF ORDINANCES IS AMENDED TO INCLUDE THE ANNEXED PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

Now, therefore, **BE IT ORDAINED** by the City Commission of the City of Wildwood, Florida:

**SECTION 1.** Based upon the petition of the owner of the following described real property, which is generally located on the south side of State Road 44 and east of US Hwy 301 (SR 35), to be annexed into the City the property is hereby annexed into the City of Wildwood pursuant to Section 171.044, Florida Statutes. The City Commission finds that the property is contiguous to the City of Wildwood; is located within the City's Joint Planning Area with Sumter County; and meets all legal requirements for annexation. The annexed property lying in Sumter County, Florida owned by George E. Nahas, Terrall C. York, and Cynthia Clark, is more particularly described as follows:

**Parcels G08=035 and G08=107**  
**Nahas Chevrolet / Cynthia Clark**  
**18.8 +/- Acres**

**LEGAL DESCRIPTION**

**PARCEL 1**

THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LYING SOUTH OF THE RIGHT-OF-WAY OF STATE ROAD 44.

LESS THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE S89°57'02"E, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 8 A DISTANCE OF 710.38 FEET TO THE

POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE N19°16'18"E, 103.34 FEET; THENCE N73°34'03"E, 27.92 FEET; THENCE N18°35'58"E, 37.16 FEET; THENCE N72°42'27"W, 22.25 FEET; THENCE N19°16'18"E, 405.04 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 44; (THE FOLLOWING 2 COURSES ARE ALONG THE SOUTH RIGHT-OF-WAY OF STATE ROAD 44); THENCE S72°08'09"E, 143.99 FEET; THENCE S70°56'13"E, 310.80 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; THENCE DEPARTING SAID RIGHT-OF-WAY S00°00'54"W, ALONG SAID EAST LINE A DISTANCE OF 384.44 FEET TO A POINT ON SAID SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; THENCE DEPARTING SAID EAST LINE N89°57'02"W ALONG SAID SOUTH LINE A DISTANCE OF 615.87 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE, PRIVATE EASEMENT FOR STORMWATER RUNOFF AND RETENTION AND FOR THE CONSTRUCTION AND MAINTENANCE OF STORMWATER FACILITIES OVER AND UPON THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY OF STATE ROAD 44.

DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE S89°57'02"E ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 8 A DISTANCE OF 710.38 FEET TO THE POINT OF BEGINNING; THENCE N19°16'18"E, 103.34 FEET; THENCE N73°34'03"E, 27.92 FEET; THENCE N18°35'58"E, 16.63 FEET; THENCE S89°57'02"E, 549.72 FEET TO THE EAST LINE OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 8; THENCE S00°00'54"W, 121.27 FEET TO THE SOUTH LINE OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 8; THENCE N89°57'02"W, 615.87 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 2

THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY OF STATE ROAD 44 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE S89°57'02"E, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 8 A DISTANCE OF 710.38 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE N19°16'18"E, 103.34 FEET; THENCE N73°34'03"E, 27.92 FEET; THENCE N18°35'58"E, 37.16

FEET; THENCE N72°42'27"W, 22.25 FEET; THENCE N19°16'18"E, 405.04 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 44; (THE FOLLOWING 2 COURSES ARE ALONG SAID SOUTH RIGHT-OF-WAY OF STATE ROAD 44); THENCE S72°08'09"E, 143.99 FEET; THENCE S70°56'13"E, 310.80 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY S00°00'54"W, ALONG SAID EAST LINE A DISTANCE OF 384.48 FEET TO A POINT ON SAID SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; THENCE DEPARTING SAID EAST LINE N89°57'02"W, ALONG SAID SOUTH LINE A DISTANCE OF 615.87 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE PRIVATE EASEMENT FOR STORMWATER RUNOFF AND RETENTION AND CONSTRUCTION AND MAINTENANCE OF STORMWATER FACILITIES OVER AND UPON THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY OF STATE ROAD 44.

DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE S89°57'02"E ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 8, A DISTANCE OF 710.38 FEET; THENCE N19°16'18"E, 103.34 FEET; THENCE N73°34'03"E, 27.92 FEET; THENCE N89°57'02"W, 562.90 FEET; THENCE N30°26'41"W, 69.65 FEET; THENCE S55°47'32"W, 114.00 FEET; THENCE N89°55'29"W, 78.53 FEET TO THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 8; THENCE S00°03'37"W, ALONG SAID WEST LINE, 101.64 FEET TO THE POINT OF BEGINNING.

**SECTION 2.** All of the above described annexed property shall liable for its proportionate share of the future and existing indebtedness of the City of Wildwood.

**SECTION 3.** All of the above described annexed property shall be subject to the laws and ordinance of the City of Wildwood as if this territory had been a part of the City of Wildwood at the time of passage and approval of said laws and ordinances.

**SECTION 4.** Until such time as the City amends its comprehensive plan, the current Sumter County zoning classification and future land use regulations will remain in full force and effect.

**SECTION 5.** Section 1-14 of the City of Wildwood Code of Ordinances is hereby amended to include the legal description of the annexed parcel pursuant to this Ordinance. The location map identifying the property to be annexed are attached hereto

as "Exhibit A" and incorporated herein by reference.

**SECTION 6.** If any portion of this Ordinance is declared invalid for any purpose, the remaining portion shall remain valid and in full force and effect.

**SECTION 7.** This Ordinance shall take effect upon final approval by the City Commission.

**DONE AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2014, by the City Commission of the City of Wildwood, Florida.

SEAL

ATTEST:

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

\_\_\_\_\_  
Cassandra Lippincott, City Clerk

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

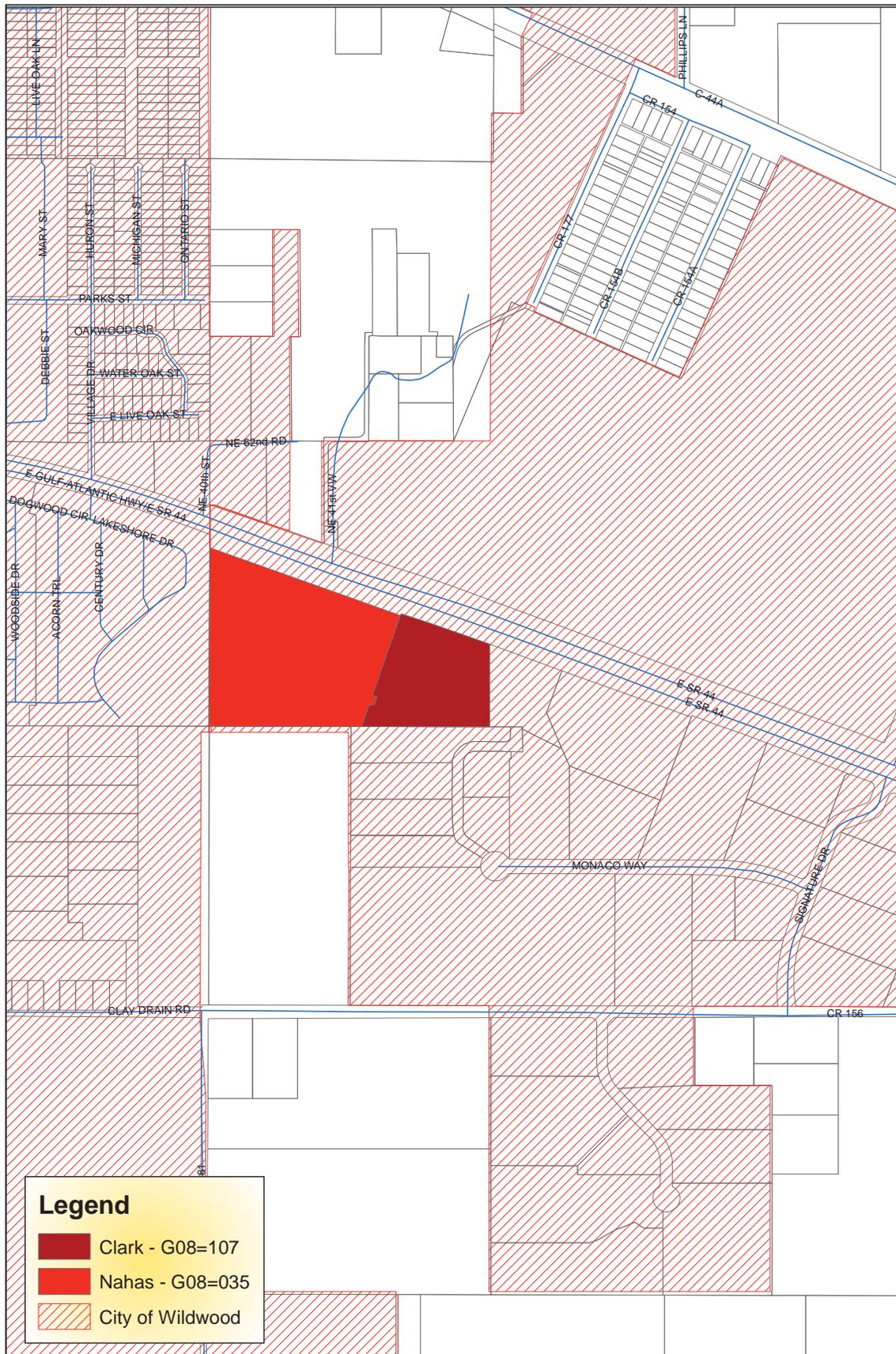
First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Ashley Hunt, City Attorney

**Ordinance O2014-30**  
**“Exhibit A”**  
**Nahas Chevrolet / Clark Property Annexation**  
**Location Map**



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# CITY COMMISSION OF THE CITY OF WILDWOOD

## EXECUTIVE SUMMARY

**SUBJECT:** Dog Friendly Dining – Local Option Ordinance

Approval of Ordinance O2014-32

**REQUESTED ACTION:**

<input type="checkbox"/> Work Session (Report Only)	<b>DATE OF MEETING:</b>	<u>6/9/14 First Reading</u> <u>6/23/14 Adoption</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:**

Square 1 Burgers Restaurant in the Pinellas Plaza development (part of the Villages of Wildwood DRI) has requested that the City implement a local option Ordinance that would allow them to offer “Dog Friendly Dining” on their outdoor patio.

Under Florida Statutes, section 509.233 allows local governments to implement, by ordinance, a local exemption procedure to certain provisions of the Food and Drug Administration Food Code, as currently adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation (the “division”). The division is tasked with carrying out all laws and rules relating to the inspection and regulation of public food service establishments for the purpose of safeguarding the public health, safety, and welfare.

**Staff recommends approval of Ordinance O2014-32.**



Melanie D. Peavy  
Development Services Director



**ORDINANCE NO. O2014-32**

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; CREATING SECTION 3.23 OF THE CITY OF WILDWOOD LAND DEVELOPMENT REGULATIONS; PERTAINING TO ALLOWING DOGS ON OUTDOOR PATIOS AT SIDEWALK CAFES, KNOWN AS DOG FRIENDLY DINING; PROVIDING FOR CODIFICATION IN THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Chapter 509, Florida Statutes, requires the State of Florida Division of Hotels and Restaurants (the “Division”) of the Department of Business and Professional Regulation (the “Department”) to carry out all laws and rules relating to the inspection and regulation of public food service establishments for the purpose of safeguarding the public health, safety, and welfare; and

**WHEREAS**, subsection 509.032(7), Florida Statutes, expressly limits the general home rule powers of local governments as it relates to the regulation of public food service establishments; and

**WHEREAS**, notwithstanding subsection 509.032(7), Florida Statutes, the governing body of a local government may establish, by ordinance, a local exemption procedure to certain provisions of the Food and Drug Administration Food Code, as currently adopted by the division, in order to allow patrons’ dogs within certain designated outdoor portions of public food service establishments (also known as “Dog Friendly Dining”); and

**WHEREAS**, restaurants in the City of Wildwood have requested that the City pass a local exemption so that they may be permitted to offer Dog Friendly Dining to their patrons; and

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the City Commission of Wildwood, Florida, as follows:

**SECTION 1.** Section 3.23 of the Zoning Chapter of the City of Wildwood Land Development Regulations is hereby created to include the following:

- (A) Local exemption authorized. There is hereby established a local exemption procedure to certain provisions of the Food and Drug Administration Food Code, as currently adopted by the state division of hotels and restaurants, in order to

allow patrons' dogs within certain designated outdoor portions of public food service establishments.

(B) Limitations on exemption; permit requirements.

- (1) This exemption shall only provide a variance to those portions of the currently adopted Food and Drug Administration Food Code in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.
- (2) In order to protect the health, safety, and general welfare of the public, participating public food service establishments shall apply for and receive a permit from the City's Development Services Department (the "department") before allowing patrons' dogs on their premises. The department may establish a fee schedule for such permits. The application for the permit shall include the following information:
  - (a) The name, location, and mailing address of the public food service establishment.
  - (b) The name, mailing address, and telephone contact information of the permit applicant.
  - (c) A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the City. The diagram or plan should be accurate and to scale but need not be prepared by a licensed design professional.
  - (d) A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.
- (3) In order to protect the health, safety, and general welfare of the public, the following regulations and limitations shall apply to establishments which obtain such a permit:
  - (a) Employees shall be prohibited from touching, petting, or otherwise handling dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs.
  - (b) Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.

- (c) Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
  - (d) Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control. All dogs shall have all required licensing.
  - (e) Dogs shall not be allowed on chairs, tables, or other furnishings.
  - (f) All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.
  - (g) Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product in accordance with section 4-501.114 of the 2005 FDA Food Code. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.
  - (h) A sign or signs reminding employees of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.
  - (i) A sign or signs reminding patrons of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.
  - (j) A sign or signs shall be posted in a manner and place as determined by the local permitting authority that places the public on notice that the designated outdoor area is available for the use of patrons and patron's dogs.
  - (k) Dogs shall not be permitted to travel through indoor or nondesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment must not require entrance into or passage through any indoor area of the food establishment.
- (4) A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale of a public food service establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.
- (C) Violations. A violation of any of the permit requirements may result in suspension or revocation of the permit.
- (D) Location.
- (1) Dog Friendly Dining may be permitted in the following areas:

- (a) Private property; privately owned and maintained sidewalks and rights-of-way.
- (b) County or State maintained sidewalks or rights-of-way with proof of authorization of the appropriate jurisdiction.
- (2) Dog Friendly Dining may not be permitted in the following areas:
  - (a) City-maintained sidewalks or rights-of-way.
- (E) ***Indemnification Required.*** All applicants shall be required to acknowledge, at the time of application, that approval is conditioned on the applicant indemnifying and holding the City harmless for any loss or damage as a result of offering Dog Friendly Dining to their patrons. Such statement shall appear on the face of the Dog Friendly Dining application in bold, 14 pt. font.

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

**SECTION 3.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

**SECTION 4.** This Ordinance shall be effective upon adoption during the second and final reading by the City of Wildwood City Commission.

**DONE AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

S E A L

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

ATTEST: \_\_\_\_\_  
Cassandra Lippincott, City Clerk

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Ashley Hunt, City Attorney

# CITY COMMISSION OF THE CITY OF WILDWOOD

## EXECUTIVE SUMMARY

**SUBJECT:** Ordinance O2014-31: Bingo Halls

Consideration of Ordinance O2014-31

**REQUESTED ACTION:**

<input type="checkbox"/> Work Session (Report Only)	<b>DATE OF MEETING:</b>	First Reading: 6/23/14
<input checked="" type="checkbox"/> Regular Meeting	<input type="checkbox"/> Special Meeting	Public Hearing: 7/14/14

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

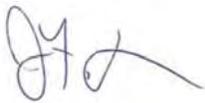
**BUDGET IMPACT:** \_\_\_\_\_

<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:**

At the request of the Commission, the City Attorney has worked with Staff in preparing an Ordinance concerning the regulation of bingo halls within the City.

A draft of the Ordinance has been provided for discussion. After feedback has been received, the Ordinance may be amended prior to the Public Hearing.



Jason F. McHugh, AICP  
Assistant City Manager/Director of Strategic Planning

**ORDINANCE NO. O2014-31**

**AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, REGULATING BINGO WITHIN THE CITY LIMITS OF THE CITY OF WILDWOOD; PROVIDING FOR FINDINGS; PROVIDING FOR DEFINITIONS; ESTABLISHING REQUIREMENTS FOR BINGO OPERATORS, LESSORS, PREMISES, AND EQUIPMENT, AND OTHER BINGO RELATED REQUIREMENTS; MAKING CERTAIN ACTS UNLAWFUL; PROVIDING PENALTIES; PROVIDING FOR AN EFFECTIVE DATE.**

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

**Section 1. Title.**

This article shall be known and may be cited as the "Wildwood Bingo Ordinance."

**Section 2. Findings**

The City Commission finds and determines that:

(a) Section 849.0931, Florida Statutes, was enacted by the legislature in order to authorize charitable, nonprofit and veterans organizations engaged in charitable, civic, community, benevolent, religious or scholastic works and other similar activities to conduct bingo games and to donate the entire proceeds derived from these games, less actual business expenses for articles designed for and essential to the operation, conduct and playing of bingo, to such endeavors, thus, bringing, aid and comfort to the community and its members.

(b) Section 849.0931(2)(a), Florida Statutes, prohibits the proceeds from bingo games from being used for any purpose whatsoever other than the enumerated purposes.

(c) Section 849.0931(3), Florida Statutes, authorizes nonprofit organizations not involved in the efforts listed above to conduct bingo games only upon the condition that the entire proceeds be returned to the players in the form of prizes.

(d) Section 849.0931, Florida Statutes, contains various other provisions intended to assure that only the groups, associations, and organizations referred to in the statute are involved in and receive and/or distribute the proceeds of these games, but the present law is inadequate to fully achieve this objective because of a lack of regulatory authority.

(e) Monies from bingo games are frequently retained illegally or taken for noncharitable purposes through various ruses such as abnormally high rentals or salaries.

(f) Arrangements between and among lessors of places where bingo games are conducted, actual or putative nonprofit organizations and concessionaires at such games have become commercialized to an extent not contemplated or intended by the legislature.

(g) Effective enforcement of any law regarding bingo games can only be brought about by local regulation of these games to insure that the proceeds from the games pass into the hands of the groups, organizations or associations identified in Section 849.0931, Florida Statutes, in the manner and for the purposes set forth in the statute.

(h) The Florida District Court of Appeals, Fifth District, has recognized that the Florida Legislature did not intend to preempt the “field of bingo play,” and that local governments may regulate conduct and add requirements that are in addition to state requirements. See *F.Y.I. Adventures, Inc. v. City of Ocala*, 698 So.2d 583 (Fla. 5th DCA 1997).

### **Section 3. Intent.**

It is the City Commission’s intent to require those associated with bingo games to comply fully with the statutory requirements for the conduct of such games, as well as to comply with the requirements set forth in this ordinance.

### **Section 4. Definitions.**

For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) BINGO CARD. The flat, usually rectangular piece of paper or thin pasteboard normally employed by players engaged in the game of bingo. More than one set of bingo numbers may be printed on any single piece of paper.

(b) BINGO GAMES. The activity commonly known as bingo wherein participants pay a sum of money for the use of one or more cards. When the game commences, numbers are drawn by chance one by one, and announced, the player covering or making those numbers on cards which they have purchased until the player who gets given numbers in the same pre-announced sequence for that particular game calls out “bingo” and is declared the winner of a predetermined prize.

(c) CHARITY. A nonprofit or veteran's organization having been in existence for three years or more, and engaged in charitable, civic, community, benevolent, religious, or scholastic works or similar activities.

(d) LEASE. Includes a lease, sublease, assignment, rental or agreement to use any premises for the conduct of bingo, other than premises owned by an organization and used by it to conduct bingo for its own benefit.

(e) LESSOR. The person or persons, partnership, or corporation that rents to or provides space to an operator, as defined in this section.

(f) MEMBER. A person who qualifies and has been accepted by an organization as a bona fide member or a person who qualifies and has been accepted by an affiliated auxiliary of the organization as a bona fide member of such auxiliary. This terms specifically excludes honorary members.

(g) OPERATOR. The person or persons, partnership, or corporation that performs, conducts, or supervises a bingo game or a series of bingo games. The following described activities are not exclusive, but they shall constitute performing, conducting, or supervising a bingo game or a series of bingo games.

(1) Supply, distribution, and collection of bingo cards.

(2) Acceptance or collection of money from players for the purpose of participating in a bingo game or a series of bingo games

(3) Distribution of prizes to players.

(4) Selecting or announcing numbers of other characters involved in playing the game of bingo.

(h) ORGANIZATION. A charitable, nonprofit or veterans' organization as defined in Fla.Stat. § 849.0931(1)(c), or a condominium association, cooperative association, homeowner association as defined in Fla.Stat. § 720.301, mobile home park owner's association, and residents of mobile home parks and recreational vehicle parks as defined in chapter 723 of the Florida Statutes.

(i) OWNER. The person or persons, partnership, or corporation that holds legal title to the physical premises in which a bingo game or a series of bingo games is played.

(j) PLAYER. Any person who has paid some amount of money to the operator for one or more bingo cards, and who has some expectation of receiving a prize if one or more of his bingo cards contains a sufficient number of numbers which are the same as those announced by the operator during a bingo game.

- (k) PREMISES. An indoor or outdoor area used for the conduct of bingo.
- (l) PRIZES. Any cash or other thing of value awarded to a player of a bingo game or players in a series of bingo games.

## Section 5. Permits.

(a) **Class A permit** - It shall be unlawful for any operator to perform, conduct, or supervise a bingo game or a series of bingo games without having first obtained a valid annual Class A permit. Every operator shall obtain an annual Class A permit from the City manager. In no case shall a Class A permit be issued to a charity, or organization, that is not based, located, and operated in Sumter County, Florida. In order to receive the Class A permit, the operator shall tender to the City manager the sum of \$100.00 and in addition shall provide the following information under oath:

(1) If the operator is a corporation, the names and addresses of its officers and directors and a true and correct copy of its articles of incorporation and bylaws. If the operator is a limited liability company, the names and addresses of its members and managers and a true and correct copy of its operating agreement. If the operator is a partnership, the names and addresses of all the partners and a true and correct copy of the partnership agreement. If the operator is not a corporation or partnership, the names and addresses of all persons who constitute the operator and any agreement or document under which the operator exists or conducts itself.

(2) A detailed description of the charitable, civic, community, benevolent, religious, or scholastic works or other similar activities in which the operator is involved and the specific endeavors to which the proceeds from the bingo games shall be donated.

(3) The address of the premises in which the operator performs, conducts, or supervises bingo games, and the days of the week on which the operator performs, conducts, or supervises bingo games. If the days are changed, a supplemental statement must be filed with the City Manager prior to the change.

(4) The names and addresses of all persons, firms, corporations, or business entities owning directly or indirectly 10% or more of the operator.

(5) A financial statement of the operator, evidencing the amount and sources of the previous year's gross revenue and the distributees with the amount of the previous year's distributions. This statement must be certified as correct by the officers of the corporation, one of the partners, or one who controls the operator, but need not be audited. The information supplied shall cover the period of the operator's most recently concluded fiscal year.

(6) In the case where an operator is a condominium association, cooperative association, or mobile home park created pursuant to law, the operator is not required to tender the sum of \$100.00, and the provisions of subsections (2), (4), and (5) above shall not be applicable, provided only residents of the condominium, cooperative, or mobile home park are allowed to participate or play in such bingo games; and all of the proceeds from the bingo games are returned to the players in the form of prizes.

(b) **Class B permit** - It shall be unlawful for any owner or lessor to rent or provide space to or permit its premises to be utilized by an operator without having first obtained a valid annual Class B permit from the City manager. This requirement for a Class B permit shall not apply when an operator, charity, or organization, holding a Class A permit is the owner or sole lessee of the premises upon which it conducts bingo games only and solely for its own benefit. In order to receive the Class B permit, the owner or lessor shall tender to the City manager the sum of \$2,000.00 and in addition shall provide the following information under oath:

(1) Complete information as to the rentals and other financial benefits received from any operators using the premises during the preceding 12 months. In the event that this the first year of operation, the owner or lessor must provide an estimate, or projection, based on their business plan for the initial year of operation.

(2) If the owner or lessor is a corporation, it shall supply the names and addresses of its officers and directors and a true and correct copy of its articles of incorporation and bylaws. If the owner or lessor is a limited liability company, the names and addresses of its members and managers and a true an correct copy of its operating agreement. If the owner or lessor is a partnership, the partnership shall supply the names and addresses of all the partners and a true and correct copy of the partnership agreement. If the owner or lessor is not a corporation or partnership, the names and addresses of all persons who constitute the owner or lessor, and any agreement or document under which the owner or lessor exists or conducts itself shall be supplied.

(3) The address of all premises held by the owner or lessor in which the operator or any operator performs, conducts, or supervises bingo games and the days of the week in which any and all operators perform, conduct, or supervise bingo games.

(4) The names and addresses of all persons, firms, corporations, or business entities owning directly or indirectly 10% or more of the owner or lessor.

(5) A financial statement of the owner or lessor, evidencing the amount and sources of the previous year's gross revenue. This statement must be certified as correct by the officers of the corporation, one of the partners, or one who controls the owner or lessor, but need not be audited. If the operator is the owner or sole lessee, it shall not be required to pay the \$2,000.00 Class B permit fee or supply the other information required of owners or lessors under this section.

(6) An affidavit, sworn to under penalties of perjury, that the owner or lessor has complied with the requirements of Florida Statute § 849.0931, as well as this ordinance.

(7) In the case where a condominium association, cooperative association, or mobile home park qualifies for the exemption provision of subsection (a)(6) above, no permit shall be required, provided the owner or lessor of the space or premises to be utilized by an operator is one of the following.

- a. The unit owners of the associations.
- b. The mobile home owners of the park.
- c. The developer of the associations.
- d. The mobile home park owner of the park.

## **Section 6. Requirements for organizations; records; financial requirements**

The following requirements shall apply to all Class A permit holders:

(a) Financial statement; other reports. Annually, each organization shall file with the code enforcement department a financial statement, in the form prescribed by the code enforcement department, containing the sources and amount of the gross revenue derived by the organization from the conduct of bingo during the 12-month or other period for which the statement is being filed and stating the names of the distributees of the net revenues and the amounts received by each. The financial statement shall be certified as correct by a principal officer, one of the partners or one

who controls the organization, but need not be audited; provided that the foregoing language shall not prohibit an operation from filing an audited financial statement nor the code enforcement department from requiring the filing of an audited financial statement whenever he determines that an audited financial statement is necessary to ascertain whether the organization is obeying the law and rules promulgated under this ordinance. The code enforcement department may also require an organization to submit other reports, on a periodic basis, covering the activities connected with or related to the conduct of bingo, which reports shall be certified as prescribed for financial statements as set forth in this subsection.

(b) *Compensation prohibited.* No salary, compensation, tip or reward in any form whatsoever shall be offered, solicited, paid or given, before, during or after, directly or indirectly, to any person conducting or assisting in the conduct of bingo.

(c) The principal officers of any charity, or organization conducting bingo, and all persons conducting or assisting in the conduct of bingo shall sign an acknowledgment form provided by the City which describes the penalties for violating state and local regulations pertaining to bingo, and violations pertaining to embezzlement, money laundering and racketeering. A copy of each acknowledgment form shall be provided to the Wildwood Police Department.

(d) Each operator shall maintain adequate records for a minimum of three years of all bingo activity on a per game basis which shall include the following: gross game receipts and all income from any source, including, but not limited to, admission charges; all payout for prizes whether in cash or merchandise; any and all operating expenses; and net proceeds.

(e) The records required to be kept under this ordinance shall be made available on demand for immediate inspection by any law enforcement officer or by the City or its authorized representative at reasonable times during normal business hours and whenever bingo games are in progress, but law enforcement officers shall not interrupt an actual bingo game in progress or interfere with the operation of the premises where bingo is played unless necessary in order to make an inspection.

## **Section 7. Requirements for owners and lessors; records; financial requirements.**

The following requirements shall apply to all Class B permit holders:

(a) No owner or lessor and no officer, director, stockholder, member, manager, employee or any other person having an interest in the lessor shall conduct, assist or participate in the conduct of bingo or render any service or offer, distribute or

give anything of value to anyone conducting, assisting or participating in the conduct of bingo or to any member of a permitted organization.

(b) Separate bank account. The entire proceeds derived by an owner or lessor from the leasing of premises upon which bingo is conducted shall be deposited in a checking account in a bank which shall be maintained separate and apart from all other amounts of the owner or lessor and shall not be used for the deposit of funds received from any other activity than the leasing of premises for the conduct of bingo. If the owner or lessor is other than an individual, two (2) of the required principal officers or partners shall be required to sign all checks, drafts and other instruments withdrawing or transferring funds from the checking account, without exception. The provisions of this subsection shall not preclude the periodic withdrawal or transfer of the net proceeds, after payment of the actual business expenses related to the premises from which the funds were derived, for the use of the owner or lessor.

(c) An owner or lessor shall maintain adequate records according to generally accepted accounting practices, which records shall show all income from the leases or rentals, all gross proceeds, actual business expenses and the entire or net proceeds from leases or rentals of premises for the conduct of bingo, and which shall also include copies of the executed leases or agreements, if any, for such premises. All records shall be maintained by the owner or lessor for a minimum of three (3) years.

(d) The records required to be kept under this ordinance shall be made available on demand for immediate inspection by any law enforcement officer or by the City or its authorized representative at reasonable times during normal business hours and whenever bingo games are in progress, but law enforcement officers shall not interrupt an actual bingo game in progress or interfere with the operation of the premises where bingo is played unless necessary in order to make an inspection.

(e) Financial statement; other reports. Annually, each owner or lessor shall file with the City a financial statement, in the form prescribed by the City, containing the sources and the amount of the gross revenue derived by the lessor from the leasing of premises for the conduct of bingo during the twelve-month or other period for which the statement is being filed, and stating the actual business expenses related to the premises. The financial statement shall be certified as correct by a principal officer, one of the partners or one who controls the lessor, but need not be audited; provided, that the foregoing language shall not prohibit a lessor from filing an audited financial statement.

(f) All leases and agreements with any operator, charity, or organization shall be in writing and shall be kept and maintained according to the record requirements of this ordinance.

(g) The principal officers of any owner or lessor shall sign an acknowledgment form provided by the City which describes the penalties for violating state and local regulations pertaining to bingo, and violations pertaining to embezzlement, money laundering and racketeering. A copy of each acknowledgment form shall be provided to the Wildwood Police Department.

### **Section 8. Display of information.**

(a) During the course of any and all bingo games, the operator shall post in a conspicuous place, in letters and numbers no smaller than three inches in height, the following information:

(1) Names of all persons operating or assisting in the operation of the bingo game, together with the name of the charity, or organization, with which they are associated.

(2) The total gross receipts collected per bingo game.

(3) The total retail value of all prizes, whether in money or merchandise to be awarded per each bingo game.

(4) The net receipts collected but not awarded as prizes.

(5) The information in subsections (2) through (4) above shall be posted after each game is completed and indicate separate entries for game. All figures shall remain posted until the last bingo game is played for that day.

### **Section 9. Identification and name tags.**

All persons operating or assisting in the operation of any bingo game shall wear legible tags evidencing their name and the charity, or organization, with which they are associated. The person shall not conduct bingo for any other charity, or organization, licensed under this ordinance.

### **Section 10. Conduct of bingo games.**

The following rules and regulations shall govern bingo games:

(a) No individual bingo card shall be used for more than one bingo game and it shall be identified by a unique combination of numbers consisting of card number and the number of the particular series or lot. These numbers shall be imprinted on one side of the card, along with the trade name or logo of the manufacturer. No prizes shall be awarded unless the player surrenders his signed bingo card to the operator who

shall indicate thereon the amount, character, and value of the prize awarded. Operators shall retain surrendered bingo cards for a period of at least 90 days.

(b) It shall be unlawful for any operator to employ, distribute, or sell bingo cards other than the type described in subsection (a) of this Section. The operator is further required to maintain adequate records of its purchase of bingo cards from whatever source acquired showing the serial number systems as described in subsection (a) of this Section above of all the cards. The records will be subject to the same inspection provisions as stated in this ordinance. All cards shall be sold to players at a flat price throughout any bingo session, and no quantity discounts will be allowed to players.

(c) Supplies and equipment bought by operators for all games shall be purchased from a bona-fide distributor authorized to do business in the state and maintaining an office therein.

(d) A distributor of bingo equipment and supplies who sells equipment or supplies to an operator of a game to be held in the City, shall provide the operator with a card having dimensions of no less than 24 inches by 36 inches stating thereon the name and address of the manufacturer of the bingo cards supplied by the distributor. The operator shall affix and permanently display the card or place card on a wall during each game the supplied cards are used.

(e) Notwithstanding the foregoing, operators of bingo games on premises owned or solely leased by a charity, or organization, or leased from a charity, or organization, as defined in Section 4 above who owns the premises, shall be exempt from the provisions of subsection (a) of this Section to the extent that they may reuse cardboard bingo cards and the winner will not have to surrender the winning card. In such cases the winner must sign a receipt for the prize that is won. To qualify for this exemption, the premises may not be used for bingo activities more often than six hours per a 24-hour period for a total of no more than 18 hours in one seven-day period or no more than three days per week.

#### **Section 11. Additional requirements.**

(a) Every person involved and present in the conduct of a bingo game must be a bona fide member of the organization for at least a period of one year and resident of Sumter County for at least six months prior to his or her involvement with the conduct of any bingo game. It shall be unlawful for any person or any member of any organization to falsely represent the membership status of any person involved in the conduct of a bingo game.

(b) Bingo shall not be played on any premises during more than five (5) days per week.

(c) There shall not be more than three (3) jackpots on any premises during any day.

(d) No bingo shall be played on Sundays.

(e) The hours of operation for bingo games for a Class B permit holder shall be restricted to daylight hours (from dusk until dawn).

(f) The sale or consumption of alcohol on the premises of a Class B permit holder shall be prohibited.

(g) The game of bingo shall not be conducted or played under any other name, designation, title label, term or pseudonym.

#### **Section 12. Prohibition of minors.**

(a) No person under the age of eighteen (18) years shall:

(1) Participate or be allowed to participate in any bingo game; and

(2) Be present or allowed to be present in that part of the premises where a bingo game is being conducted.

#### **Section 13. Dates for issuance of permits.**

All permits required by this section shall be issued by the City manager beginning October 1 of each year and expiring on September 30 of the succeeding year. Any operator, lessor, or owner required to have a permit pursuant to this section, shall obtain the permit prior to commencing any bingo game.

#### **Section 14. Security requirements.**

All Owners or Lessors possessing a Class B permit shall maintain the following security devices and standards at their premises:

(a) A security camera system with inside and outside visual monitoring operating twenty-four (24) hours a day and capable of recording and retrieving an identifiable image both inside and outside the premises;

(b) A safe or cash management device for restricted access to cash receipts;

(c) A conspicuous notice at all public entrances to premises stating cash register contains limited amount of cash;

(d) At exits to premises, height markers displaying height measures;

(e) A silent alarm system capable of notifying law enforcement;

(f) At least one Florida state licensed, armed security guard, when the premises is open for business; and

(g) Tinted windows or other obstructions of the view through the glass of any Bingo operation shall be prohibited for purposes of visual security of police offices.

### **Section 15. Providing false information.**

No person shall knowingly make a false, untrue, or misleading oral statement to any code enforcement officer, or any other City official, as to any matter investigated in relation to the provisions or enforcement of this ordinance.

### **Section 16. Violations.**

Any person, firm, corporation, or business entity violating any of the provisions of this section shall be guilty of a punishable violation. Upon conviction of such a violation, any operator, lessor, or owner shall automatically have its permit revoked.

### **Section 17. Penalty.**

A person who knowingly and willfully violates the terms of this ordinance, upon being found guilty, shall be punished as provided in section 1-7 of this Code.

### **Section 18. Incorporation clause.**

Section 849.0931, Florida Statutes, is hereby incorporated by reference into this ordinance, except that (1) where this ordinance provides additional or more specific regulations, the provisions of this ordinance shall govern; and (2) violations of this ordinance shall be prosecuted as per the provisions of this ordinance.

### **Section 19. Severability.**

If any Section, subsection, sentence, clause, phrase or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this ordinance invalid or unconstitutional.

**Section 20. Effective date.**

This ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2014, by the City Commission of the City of Wildwood, Florida.

SEAL

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

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

\_\_\_\_\_  
Cassandra Lippincott, City Clerk

Ed Wolf, Mayor

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Ashley S. Hunt, City Attorney

# CITY COMMISSION OF THE CITY OF WILDWOOD

## EXECUTIVE SUMMARY

**SUBJECT:** Ordinance O2014-34: Convenience Store Security

Approval of Ordinance O2014-34

**REQUESTED ACTION:**

<input type="checkbox"/> Work Session (Report Only)	<b>DATE OF MEETING:</b>	First Reading: 6/23/14
<input checked="" type="checkbox"/> Regular Meeting	<input type="checkbox"/> Special Meeting	Public Hearing: 7/14/14

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

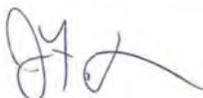
**BUDGET IMPACT:** \_\_\_\_\_

<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:**

At the request of the Police Department Ordinance O2014-34 has been prepared. The Ordinance supersedes and replaces the "Convenience Store Security Ordinance" (Ord. No. 229, adopted on 11-26-90) in order to conform the ordinance with the provisions of the "Convenience Business Security Act" found in Chapter 812 of the Florida Statutes.

**Staff recommends approval of Ordinance O2014-34.**



Jason F. McHugh, AICP  
Assistant City Manager/Director of Strategic Planning

**ORDINANCE NO. O2014-34**

**AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, CHANGING AND AMENDING THE CONVENIENCE STORE SECURITY ORDINANCE; RENAMING THE ORDINANCE; PROVIDING FOR PURPOSE AND FINDINGS; PROVIDING FOR DEFINITIONS; REVISING REQUIREMENTS FOR CONVENIENCE BUSINESSES; PROVIDING FOR AN EFFECTIVE DATE.**

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

Section 1. Purpose

This article supersedes and replaces the “Convenience Store Security Ordinance” (Ord. No. 229, 11-26-90) in order to conform the ordinance with the provisions of the “Convenience Business Security Act” found in Chapter 812 of the Florida Statutes.

Section 2. Title.

This article shall be known and may be cited as the “Convenience Business Security Ordinance.”

Section 3. Findings

The City Commission finds that convenience businesses are at risk for robbery. The City Commission further finds that certain minimum security requirements are helpful in protecting employees and the consumer public from robbery and injury. The City Commission further finds that certain minimum security requirements are needed to protect the health, welfare, and safety of residents of, and visitors to, the City.

Section 4. Intent.

It is the City Commission’s intent to require convenience businesses to use security devices and security measures to protect employees and the consumer public from robbery and other violent crimes. Furthermore, it is the City Commission’s intent that security devices, measures, and standards shall be no different than those standards contained in F.S. §§ 812.173 and 812.174, under state preemption.

Section 5. Definition.

As used in this article, the term "convenience business" means any place of business that is primarily engaged in the retail sale of groceries, or both groceries and gasoline, and that is open for business at any time between the hours of 11:00 p.m. and 5:00 a.m. It does not include: a business that is solely or primarily a restaurant; a business that always has at least five employees on the premises after 11 p.m. and before 5 a.m.; a business that has at least 10,000 square feet of retail floor space; or any business in which the owner or member of the owner's family work between the hours of 11 p.m. and 5 a.m.

Section 6. Security Measures for Convenience Businesses.

The security measures set forth in F.S. §§ 812.173 and 812.174, are hereby incorporated by reference and adopted herein.

Section 7. Effective date.

This Ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2014, by the City Commission of the City of Wildwood, Florida.

SEAL

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

ATTEST: \_\_\_\_\_  
Cassandra Lippincott, City Clerk

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

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Ashley S. Hunt, City Attorney

**CITY COMMISSION OF THE CITY OF WILDWOOD**

**EXECUTIVE SUMMARY**

**SUBJECT:** Purchase Falcon Rapid ID Scanners

**REQUESTED ACTION:**

Work Session (Report Only)      **DATE OF MEETING:** June 23, 2014  
 Regular Meeting                               Special Meeting

**CONTRACT:**       N/A                              Vendor/Entity: \_\_\_\_\_  
Effective Date: \_\_\_\_\_                      Termination Date: \_\_\_\_\_  
Managing Division / Dept: \_\_\_\_\_

**BUDGET IMPACT:**                      \$4,178.00 (Impact Fees)

Annual                      **FUNDING SOURCE:**                      Impact Fees  
 Capital                      **EXPENDITURE ACCOUNT:**                      521.0635  
 N/A

**HISTORY/FACTS/ISSUES:**

Mayor and Commission,

In 2013, we purchased five Rapid ID Scanners. The devices are utilized in the identification and apprehension of subjects who are wanted. Identification of a subject is a high priority and one of the most difficult tasks Law Enforcement performs. Due to the size of the City it is very difficult to readily have the unit with the system cover from one end of the city to the other. In the future I would like to have every officer be able to rapidly identify a subject whom is trying to conceal their identity. However at this time it is not reasonable to provide every officer this device, (units are nontransferable) therefore, I would like to purchase two more units, which will provide one unit per supervisor.

Requesting to purchase two units from DataWorks Plus for \$4,178.00, utilizing impact fees.

As of June 1, 2014 the funds available in impact fees are \$237,515.50.

E.W. Reeser, Chief 

### 3.0 Configuration and Price Schedule

FDLE FALCON RID Device(s)	Qty	Unit Cost	Total Price
<b>FALCON Rapid ID Edge Device Software with Cogent BlueCheck Finger Scanner</b> <ul style="list-style-type: none"> <li>• DataWorks Plus Edge Device Software</li> <li>• Cogent Bluetooth Wireless Single Fingerprint Scanner (500dpi) Version II U (Capacitive Scanner with display screen)</li> <li>• USB Cable</li> <li>• Wall Charger</li> <li>• Belt Case</li> <li>• System Administrator Documentation</li> <li>• User Documentation</li> </ul>	2	\$2,039.00	\$4,078.00
			
<b>USB Blue Tooth Adapter</b>	2	\$50.00	\$100.00
<b>Professional Services:</b> <ul style="list-style-type: none"> <li>• Project Management</li> <li>• Delivery</li> <li>• <b>Two Year Warranty Standard Warranty</b></li> </ul> <p><b>NOTE: Customer is responsible for installing the Wireless Fingerprint Scanners and providing user training.</b></p>	1	Included	Included
<b>TOTAL</b>			<b>\$4,178.00</b>

#### Payment Terms:

- 100% due at delivery
- Net 45

#### System Prices DO NOT INCLUDE:

- Customer provided workstations for RapidID device. Must have an available USB 2.0 slot.
- Optional Black Berry Smart Phone Software License. Price \$175.00 per unit. This option pairs the BlueCheck fingerprint scanner with a Black Berry cell phone. RapidID responses are viewed on the Black Berry phone.
- DataWorks Plus technology uses the existing Agency Network. Networking will be the responsibility of your agency.

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## **CITY OF WILDWOOD**

### **CITY COMMISSION REPORT**      Commission Meeting Date: June 23, 2014

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Subject:                      Design and permitting of Huey Street Utility Extensions

Submitted By:              Mark Odell, Interim Utility Director

Department:                Utility Department

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Staff Recommendation (Motion Ready): Recommend approval of Kimley-Horn and Associates, Inc. (KHA) Individual Project Order (IPO) 30 in the amount of \$16,900 to design and permit the Utility extension at the eastern end of Huey Street.

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#### **BACKGROUND:**

- There are two projects in the planning stages at or near the intersection of Huey Street and Powell Road.
- Both of these facilities are assisted living and both will require water and wastewater service from the City of Wildwood.
- Parcel No. G05=135 is in the northwest quadrant of the intersection and will be the site of the Rosecastle.
  - Plans for this project have been submitted for staff review.
- Parcel G08=003 is located approximately 350 feet south of Huey Street on the west side of Powell Road.
  - This project is in the design stage.

#### **FINDING, CONCLUSIONS AND RECOMMENDATIONS:**

##### **FINDINGS:**

- Water and wastewater lines are located at Millenium Park.

##### **CONCLUSIONS:**

- Extension of the utilities at Millenium Park is the most efficient and effect means of getting services to these two projects.

##### **LEGAL REVIEW:**

- This is a standard KHA IPO based on the Master Agreement between the City and KHA dated January 7, 2009.

#### **RECOMMENDATIONS:**

- Staff recommends approval of IPO #30 and authorization to proceed with the design and permitting of the line extensions.

**FISCAL IMPACT:**

- The design and construction of the project would be funded from the Water TIE fees and the Wastewater TIE fees with an unencumbered balance of \$135,000 and \$190,000 respectively.

**ALTERNATIVES:**

- Require the developer to fund the extensions through a Pioneer Agreement.

**SUPPORT MATERIAL:**

- Copy of KHA IPO #30 with Exhibit A.

C:\Users\bphillips\Documents\Agenda Items\June 23, 2014\Huey St. Utility Extensions - IPO #30.doc

**INDIVIDUAL PROJECT ORDER NUMBER 30**

Describing a specific agreement between Kimley-Horn and Associates, Inc. (Kimley-Horn), and The City of Wildwood (the Client or the City) in accordance with the terms of the Master Agreement for Continuing Professional Services dated January 7, 2009, which is incorporated herein by reference.

***Identification of Project:***

Project: Huey Street Utility Extensions

Client: City of Wildwood

***General Category of Services:***

The City intends to construct a potable water main extension within Millenium Park property from the existing main to the approximate southwest corner of the Rosecastle Development. In addition, the City intends to construct a force main extension and one sanitary lift station on City-owned properties on the south side of Huey Street. The lift station will sized to accommodate other planned developments in the area. The approximate locations of these extensions are shown on the attached EXHIBIT A.

Construction phase administration (bidding services, field inspections, etc.) are not included in this Agreement, but may be procured by a separate Agreement if requested by the City.

***Specific Scope of Basic Services:***Task 1 – Design Services

- A. Kimley-Horn will subcontract with a registered land surveyor to obtain base field survey information needed for the design of the facilities.
- B. Kimley-Horn will prepare construction plans, specifications, and an opinion of probable cost for the water main extensions, force main extensions and lift station construction described in the General Category of Services.
- C. Kimley-Horn will prepare a lift station basis of design report establishing the allowable flows to the lift station, and the possibilities of future needed upgrades.
- D. Kimley-Horn will coordinate with utility owners identified by Sunshine One-Call to determine potential utility conflicts.
- E. Kimley-Horn will submit 60% and 100% plans, specifications, and an opinion of probable cost for the City's review.

Task 2 – Permitting Services

- A. Kimley-Horn will prepare and submit permit applications to FDEP for the potable water and sanitary sewer construction.
- B. All permit application fees will be paid by the City.

***Additional Services if required:***

Services requested that are not specifically included will be provided under a new and separate IPO agreement or can be performed on an hourly basis upon written authorization.

**Schedule:**

Kimley-Horn will begin services upon receipt of an executed IPO. The above services will be provided as expeditiously as possible to meet a mutually agreed upon schedule.

**Method of Compensation:**

The Engineer will complete the above scope of services for the fees detailed below, inclusive of expenses. A breakdown of fee by task is as follows:

<b>Task</b>	<b>Description</b>	<b>Lump Sum Fee</b>
Task 1	Design Services	\$14,000.00
Task 2	Permitting Services	\$2,500.00
<b>Total:</b>		<b>\$16,500.00</b>

**Other Special Terms of Individual Project Order:**

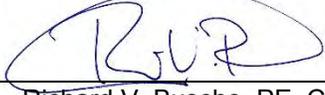
Services provided under this will be invoiced on a monthly basis. All invoices will include a description of services provided.

ACCEPTED:

THE CITY OF WILDWOOD, FLORIDA

KIMLEY-HORN AND ASSOCIATES, INC.

BY: \_\_\_\_\_

BY:  \_\_\_\_\_  
Richard V. Busche, PE, CFM

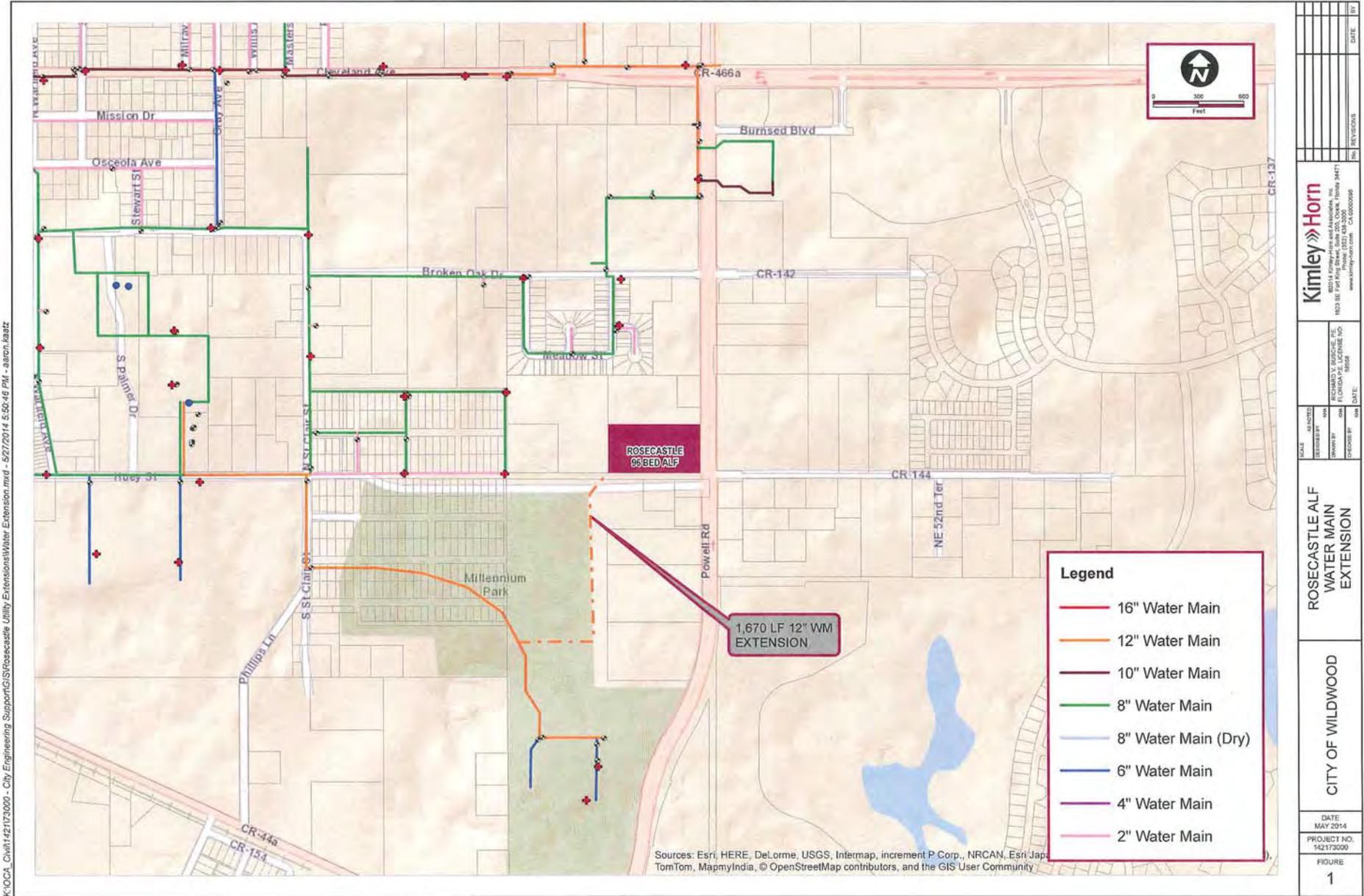
TITLE: \_\_\_\_\_

TITLE: Vice President

DATE: \_\_\_\_\_

DATE: June 12, 2014

EXHIBIT A



K:\DC\142173020 - City Engineering\_Support\GIS\Rosecastle Utility Extensions\Water Extension.mxd - 5/27/2014 5:50:46 PM - aaron.kaatz

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



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## CITY OF WILDWOOD

### CITY COMMISSION REPORT

Commission Meeting Date: June 23, 2014

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Subject: Wastewater Treatment Plant (WWTP)  
Headworks Screen

Submitted By: Mark Odell, Interim Utility Director

Department: Utility Department

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Staff Recommendation (Motion Ready): Recommend award of the bid of the Wastewater Treatment Plant (WWTP) Headworks Screen Modification project to CenState Contractors, Inc. in the amount of \$496,000.

---

#### **BACKGROUND:**

- The headworks is the “front end” of the WWTP and receives ALL flow coming into the plant.
- The bar screen is a traveling screen that filters all material greater than 6 mm (approximately ¼ inch) from the raw waste prior to it entering into the treatment process.
- The existing bar screen has been in place and functioning since the original construction of the plant in the late 1980’s.
- There have been two upgrades, plant capacity increases, since the original plant was constructed and there has been no increase in the capacity of the bar screen.
- The construction plans for the last expansion, from 2.25 MGD to the present capacity of 3.55 MGD indicated the construction of a second headworks in the 30% and 60% plans.
- At some point during the construction the second headworks was removed from the project.

#### **FINDING, CONCLUSIONS AND RECOMMENDATIONS:**

##### **FINDINGS:**

- The existing WWTP is rated and permitted at an average daily flow of 3,550,000 gallons per day (3.55 MGD).
- The existing headworks bar screen is rated at 1,500,000 GPD (1.5 MGD)
- The plant has experienced flows greater than 5.0 MGD on an intermitten basis.
- During times of high flow and partial obstruction of the screen the plant has experienced raw sewage overflowing the headworks channel.

- Raw wastewater from the Coleman Federal Penitentiary contains large amounts of plastics.

**CONCLUSIONS:**

- The headworks screen should be rated at 2 to 2.5 times the average daily flow of the WWTP. (7.10 to 8.875 MGD)
- The Florida Department of Environmental Protection (FDEP) has the permitting authority over the WWTP and could downsize the WWTP to the capacity of the headworks and bar screen.
- The project bid opening was on June 10 with the following results:
  - CenState Contractors, Inc. \$496,000
  - RTD Construction, Inc. \$586,480
  - TLC Diversified, Inc. \$556,500
  - Engineer's OPC \$509,608

**LEGAL REVIEW:**

- The agreement to be utilized for this project is a standard agreement used in the past, upon receipt of same, staff will forward a copy to the City Attorney for his review.

**RECOMMENDATIONS:**

- Staff recommends award of the project to CenState Contractors, Inc. in the amount of \$496,000.

**FISCAL IMPACT:**

- The projects budget, approved in the FY 13-14 capital improvements budget was \$400,000.
- The additional \$96,000 can be taken from the Wastewater Connection fee fund with an unencumbered balance of \$859,822.38 as of April 30.2014.

**ALTERNATIVES:**

- Staff is not aware of any alternatives.

**SUPPORT MATERIAL:**

- Copy of Kimley-Horn's Bid Tabulation and recommendation dated June 11. 2014.



June 11, 2014

Mr. Bruce Phillips, P.E., PLS  
City of Wildwood  
100 North Main Street  
Ocala, Florida 34785

**RE: Wildwood WWTF Headworks Screen Modification – Bid Tabulations  
City of Wildwood, Florida  
Kimley-Horn Project No. 142173131**

Dear Mr. Phillips:

On June 10, 2014 at 2:05 PM, bids for the Wildwood WWTF Headworks Screen Modification project were opened and read aloud in the City Hall Council Chambers. All bids were reviewed for calculation errors and responsiveness. The following is a summary of our review.

Paragraph 7, Section 00300 “Bid Form” of the bid documents states that the unit prices submitted on the Bid Form shall govern all errors in extension or addition and shall void the total base bid. Also, the corrected extension and addition of all items shall be considered to be the correct base bid for comparison purposes. No extension and addition errors were found on any of the bid submittals.

The following is a summary of bids received:

CONTRACTOR	BID AMOUNT
CenState Contractors, Inc.	\$496,000
RTD Construction, Inc.	\$586,480
TLC Diversified, Inc.	\$556,500

Section 00100 “Instructions to Bidders” of the bid documents describes the information that must be submitted with each bid to be considered a complete and responsive bid. All bids received were reviewed for compliance with this section of the bid documents. No errors were noted.

The lowest responsive bid was from CenState Contractors, Inc. in the amount of \$496,000. Kimley-Horn called references provided by CenState Contractors, Inc and received no negative comments. All references confirmed that CenState Contractors, Inc. has performed well in the past and are eligible for rehire.

Based on the above information, we have no objection to the City selecting CenState Contractors, Inc. for the Wildwood Headworks Screen Modification project.

If you have any questions or comments please contact our office.

  
Malcolm Lewis Bryant, P.E.

Cc: File

K:\OCA\_Civil\142173131 - Headworks Screen Mod\Bid Admin\Bids\Lbp140611mlb - Bid Rec Letter.docx

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## CITY OF WILDWOOD

### CITY COMMISSION REPORT

Commission Meeting Date: June 23, 2014

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Subject: Wastewater Treatment Plant (WWTP)  
Headworks Screen  
Kimley-Horn and Associates, Inc. (KHA) Amendment No. 1 to  
Individual Project Order (IPO) No. 25

Submitted By: Mark Odell, Interim Utility Director

Department: Utility Department

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Staff Recommendation (Motion Ready): Recommend approval of KHA Amendment No. 1 to IPO #25 in the amount of \$40,000.

---

#### **BACKGROUND:**

- The project has been bid and the previous agenda item was the award of the project to the low bidder.

#### **FINDING, CONCLUSIONS AND RECOMMENDATIONS:**

##### **FINDINGS:**

- City staff cannot perform the day to day contract administration of the project.

##### **CONCLUSIONS:**

- KHA is the Engineer of Record and as such will be required to certify completion of the project to the Florida Department of Environmental Protection (FDEP).
- Amendment No. 1 to IPO # 25 provides for KHA to provide the following services:
  - Preconstruction conference preparation and attendance.
  - Engineering project management/construction coordination for the duration of the project (12 weeks).
  - Provide site observations of up to 20 hours/week.

##### **LEGAL REVIEW:**

- This is a standard amendment to a KHA IPO based on the Master Agreement between the City and KHA dated January 7, 2009.

#### **RECOMMENDATIONS:**

- Staff recommends approval of IPO #25, Amendment No. 1 in the amount of \$40,000.

**FISCAL IMPACT:**

- Funding for this amendment would be from the Wastewater Connection fee fund with an unencumbered balance of \$859,822.38 as of April 30, 2014 less \$96,000 encumbered with the previous agenda item.

**ALTERNATIVES:**

- Staff is not aware of any alternatives.

**SUPPORT MATERIAL:**

- KHA Amendment 1 to IPO #25.

C:\Users\bphillips\Documents\Agenda Items\June 23, 2014\KHA Amendment 1 IPO #25.doc



**AMENDMENT NUMBER 1 TO IPO 25 BETWEEN THE CITY OF WILDWOOD  
AND KIMLEY-HORN AND ASSOCIATES, INC.**

AMENDMENT NUMBER 1, dated April 17, 2014, to the Individual Project Order (IPO) #25 between The City of Wildwood (the "City") and Kimley-Horn and Associates, Inc. ("Kimley-Horn"), dated October 9, 2013 (the "Agreement"), concerning the Wildwood WWTF Headworks Screen Modifications (the "Project").

Kimley-Horn has entered into the Agreement with the City for the furnishing of professional services, and the parties now desire to amend the Agreement.

Therefore, it is mutually agreed that the Agreement is amended to include Additional Services to be performed by Kimley-Horn and provisions for additional compensation by the City to Kimley-Horn, all as set forth in Exhibit A hereto. The parties ratify the terms and conditions of the Agreement not inconsistent with this Amendment, all of which are incorporated by reference.

ACCEPTED:

THE CITY OF WILDWOOD, FLORIDA

KIMLEY-HORN AND ASSOCIATES, INC.

BY: \_\_\_\_\_

BY: \_\_\_\_\_  
Malcolm L. Bryant, P.E.

TITLE: \_\_\_\_\_

TITLE: Associate

DATE: \_\_\_\_\_

DATE: May 30, 2014

## EXHIBIT A

Kimley-Horn shall perform the following Additional Services:

### Task 3 – Construction Stage Services

Kimley-Horn will provide professional construction phase services as specifically stated below and based on the following assumptions.

- A. The project is anticipated to have a 12 week construction duration.
- B. Preconstruction conference preparation and attendance by Kimley-Horn.
- C. Engineering project management/construction coordination for the anticipated 12 week construction duration. Project management/construction coordination includes construction contract document preparation and coordination, change order evaluation and processing, shop drawing reviews, pay application reviews, FDEP certification of completion, and as-built construction drawing coordination.
- D. Kimley-Horn will provide site observations of up to 20 hours per week (average) for the anticipated 12 week construction duration. Site observation time includes plans interpretations/clarifications, test observations, substantial/final completion inspections, and start-up testing. Total anticipated construction observations time up to 240 hours.

Kimley-Horn will complete the above scope of services for an **additional** lump sum fee of \$40,000.00, inclusive of expenses.

## CITY COMMISSION OF THE CITY OF WILDWOOD

### EXECUTIVE SUMMARY

**SUBJECT:** Internet Service ( Parks and Recreation Barn )

**REQUESTED ACTION:** \_\_\_\_\_

Work Session (Report Only)

Regular Meeting

**DATE OF MEETING:** \_\_\_\_\_

6/23/2014

Special Meeting

**CONTRACT:**  N/A

Effective Date: \_\_\_\_\_

Managing Division / Dept: \_\_\_\_\_

Vendor/Entity: \_\_\_\_\_

Termination Date: \_\_\_\_\_

BrightHouse Solutions

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

Annual

Capital

N/A

**FUNDING SOURCE:** \_\_\_\_\_

**EXPENDITURE ACCOUNT:** \_\_\_\_\_

Parks and Recreation Budget

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#### HISTORY/FACTS/ISSUES:

Attached are two quotes for internet access for the above location. This is for the security system that is being installed at the Parks and Recreation Barn. Staff recommends approval for Bright House to service this location.

---

**Jason Wheeler**

**From:** Boynton, Paul L <Paul.Boynton@centurylink.com>  
**Sent:** Friday, May 30, 2014 9:37 AM  
**To:** Jason Wheeler  
**Subject:** RE: City of Wildwood Parks & Rec Internet Pricing.  
**Importance:** High

Jason, we do not offer a 15/5. See below our offerings and prices for Pure Broad Band Service that does not require a phone line. The service comes with a dynamic IP address but if you need a static IP address it costs \$10 per month, 2 static IPs are \$13 per, 4 are \$15 per month. Let me know if you have any questions. I could get the service installed by the end of next week. Thanks PLB.

**Customer:** NPA 352 NXX 330 **Market Category** Tier 2 - Orlando

Business-Class High-Speed Internet Speed		1 Year	2 Year	3 Year
15.0/1.5		\$204.95	\$199.95	\$189.95
20.0/2.0		\$277.95	\$272.95	\$252.95
25.0/2.0		\$327.95	\$322.95	\$302.95

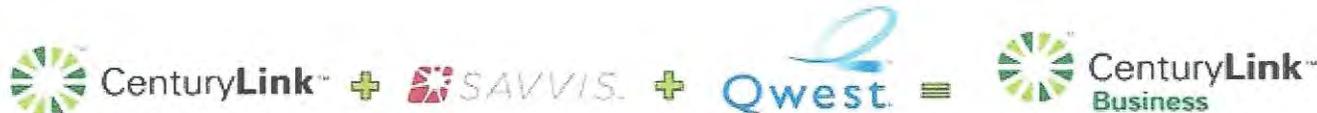
**Equipment Charges**

*The customer must be quoted a monthly recurring equipment charge when they purchase new HSI or change equipment for their existing HSI service. There are no longer one-time charges for HSI installation, however shipping and handling charges apply.*

Router for 15-20-25 Meg	\$7.49/month	\$22.95 S&H		
-------------------------	--------------	-------------	--	--

*Paul Boynton*  
 SR Government Account Manager  
 Voice: 352-368-8805 | Wireless: 352-207-4388 | Fax: 720-264-8120  
 Email: [paul.boynton@centurylink.com](mailto:paul.boynton@centurylink.com)

*CenturyLink Products include: Data Center Solutions (Cloud Based, Co-Location for Disaster Recovery & Data Backup, Managed Hosting, Security, Storage, Managed Computing & Network Infrastructure), Data Networks, Internet Access, Web Hosting, Voice and Data Equipment, Hosted VOIP, SIP Trunking, Traditional Voice Services, and Long Distance.*



**From:** Jason Wheeler [<mailto:jwheeler@wildwood-fl.gov>]  
**Sent:** Friday, May 30, 2014 9:25 AM  
**To:** Boynton, Paul L  
**Subject:** RE: City of Wildwood

Address 450 S. stclair st. Wildwood fl.



Order Type		Client ID	2317434
Business Name	City of Wildwood Parks Department	Current Provider	
Contact Name	Alice Borrack	Contact #	352-330-1330
Service Address	450 S ST Clair ST Wildwood, FL 34785	Billing Address	
Premises Owner		Account Executive Gustavo Moronta 56036 Office: 407-215-5747 Fax: 407-513-4851	
SS or Tax ID			
Tax Exempt	<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local <input type="checkbox"/> Other		

Terms of Service: 36 months

Survey Date:

Installation Date:

Telephone Number Details

Line #	Telephone Number (Caller ID)	Hunt Group	Sequence	VM	CW	3WC	CB	Directory Name
1-B Phone	352-748-4134 CITY OF WILDWOOD						ACB CTP	Private

Services, Fees, and Terms

Services Selected	Quantity	One Time Charge	Monthly Recurring Fee	Monthly Recurring Total	Initial Service Period Months
3YR 50 X 5 Mbps BUNDLE	1	\$0.00	\$100.00	\$100.00	36
up to 5 Static IPs	1	\$0.00	\$35.00	\$35.00	*
3YR FULL FEATURE SINGLE LINE BUNDLE	1	\$0.00	\$40.00	\$40.00	36
<b>Total: Prices do <u>not</u> include taxes, equipment and fees.</b>		<b>\$0.00</b>		<b>\$175.00</b>	

I (The Customer) UNDERSTAND THAT I AM RESPONSIBLE FOR ALL EQUIPMENT AND PAYMENT OF ALL APPLICABLE SERVICES AND PRODUCTS PROVIDED BY BRIGHT HOUSE NETWORKS. BY PROVIDING MY SIGNATURE BELOW, I UNDERSTAND AND ACKNOWLEDGE THAT AS A BRIGHT HOUSE NETWORKS CUSTOMER, I HAVE BEEN PROVIDED THE BUSINESS SOLUTIONS SERVICES AGREEMENT ("SUBSCRIBER AGREEMENT"), WHICH IS AVAILABLE AT BUSINESS.BRIGHTHOUSE.COM, AND THAT I AGREE TO THE TERMS OF THE SUBSCRIBER AGREEMENT. I EXPRESSLY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THE ARBITRATION PROVISION SET FORTH IN THE SUBSCRIBER AGREEMENT AND THAT I WILL BE BOUND BY IT UNLESS I OPT OUT. IF I AM A BUSINESS PHONE CUSTOMER, I EXPRESSLY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND BHN'S 911/E911 NOTICIES AS SET FOR IN THE SUBSCRIBER AGREEMENT.

\*Business TV, Equipment charges and Ancillary Services are delivered on a month to month basis and subject to increases.

Business Solutions customers will receive a complimentary WiFi Hotspot with any new Broadband Internet Services ordered unless otherwise noted above.

Line Type: "B" notation designates the Billing Telephone Number Dir Listing: (YPHV) Yellow Page Heading Verbiage

Features: (HG) Hunt Group, (SEQ) Hunt Group Sequence, (VM) Voice Mail, (CW) Call Waiting, (3WT) Three Way Transfer, (AC) Account Codes, (NSF) No Star Features

Outbound: (900) 900 Numbers, (INT) International, (900INT) 900 and International, (ACB) All Charges Blocked: 411, 900, 976, INTL, OSDA, (OBR) Outbound Restricted: Allows only 611 and 911

Inbound: (COL) Collect, (TP) Third Party, (CTP) Collect and Third Party, (IBR) Inbound Restricted

Authorized Name \_\_\_\_\_

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_



Order Type		Client ID	2317434
Business Name	City of Wildwood Parks Department	Current Provider	
Contact Name	Alice Borrack	Contact #	352-330-1330
Service Address	450 S ST Clair ST Wildwood, FL 34785	Billing Address	
Premises Owner		Account Executive	Gustavo Moronta 56036 Office: 407-215-5747 Fax: 407-513-4851
SS or Tax ID			
Tax Exempt	<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local <input type="checkbox"/> Other		
Terms of Service: 36 months		Survey Date:	Installation Date:

Services, Fees, and Terms

Services Selected	Quantity	One Time Charge	Monthly Recurring Fee	Monthly Recurring Total	Initial Service Period Months
3YR 50 X 5 Mbps	1	\$0.00	\$135.00	\$135.00	36
up to 5 Static IPs	1	\$0.00	\$35.00	\$35.00	*
<b>Total: Prices do <u>not</u> include taxes, equipment and fees.</b>		<b>\$0.00</b>		<b>\$170.00</b>	

I (The Customer) UNDERSTAND THAT I AM RESPONSIBLE FOR ALL EQUIPMENT AND PAYMENT OF ALL APPLICABLE SERVICES AND PRODUCTS PROVIDED BY BRIGHT HOUSE NETWORKS. BY PROVIDING MY SIGNATURE BELOW, I UNDERSTAND AND ACKNOWLEDGE THAT AS A BRIGHT HOUSE NETWORKS CUSTOMER, I HAVE BEEN PROVIDED THE BUSINESS SOLUTIONS SERVICES AGREEMENT ("SUBSCRIBER AGREEMENT"), WHICH IS AVAILABLE AT BUSINESS.BRIGHTHOUSE.COM, AND THAT I AGREE TO THE TERMS OF THE SUBSCRIBER AGREEMENT. I EXPRESSLY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THE ARBITRATION PROVISION SET FORTH IN THE SUBSCRIBER AGREEMENT AND THAT I WILL BE BOUND BY IT UNLESS I OPT OUT. IF I AM A BUSINESS PHONE CUSTOMER, I EXPRESSLY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND BHN'S 911/E911 NOTICIES AS SET FOR IN THE SUBSCRIBER AGREEMENT.

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Inbound: (COL) Collect, (TP) Third Party, (CTP) Collect and Third Party, (IBR) Inbound Restricted

Authorized Name \_\_\_\_\_

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_