

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA  
REGULAR MEETING  
FEBRUARY 13, 2012 – 7:00 P.M.  
CITY HALL COMMISSION CHAMBER

The City Commission of the City of Wildwood Florida met in Regular Session, February 13, 2012 at 7:00 p.m.

Present were: Mayor Wolf, Commissioners Bivins, Clark, and Strickland. Also present were: Interim City Manager Jacobs, City Attorney Blair, Assistant City Clerk Roberts, Police Chief Reeser, Development Services Director Peavy, Human Resource Coordinator Cox, Senior Planner Grimm, and AVT Law. Commissioner Allen out.

The meeting was called to Order followed by an invocation and Pledge of Allegiance to the American Flag.

1. TIMED ITEMS AND PUBLIC HEARINGS  
7:00 p.m.

a. PUBLIC HEARING – First Public Hearing for public input on the City of Wildwood’s proposed application to the Fla. Dept. of Economic Opportunity (DEO) for funding under the FFY 2011/2012 Fla. Small Cities Community Development Block Grant (CDBG) program (Attachments)

Andy Easton, Andy Easton and Associates reported that the City is currently in the process of a Neighborhood CDBG for drainage improvements on Osceola, Pitt & Stone. Noted there are three other categories, Housing Rehabilitation, Commercial Revitalization, and Economic Development. The City could potentially apply for an ED before the end of the year. Two public hearings would be required for application and this meeting is the First of two. The public hearings are to receive input from the public. Mayor Wolf opened the meeting for Public Hearing. No comments were received.

b. Request for final site plan approval for Case SP 1112-02; K&B Lawn and Landscaping; based upon Special Magistrate’s recommendation, subject to approval, exemption, or permitting of the project by all agencies of competent jurisdiction and the City Engineer’s comment letter of February 9, 2012 (Attachments – Staff Recommends Approval)

CDD Peavy noted that items Special Magistrate requested to be taken care of, have been.

Motion by Commissioner Strickland, second by Commissioner Bivins to accept the recommendation of Special Magistrate for SP 1112-02 to approve. Motion carried by unanimous vote.

c. Ordinance No. O2012-06 repealing section 13-4 of the City of Wildwood code and section 1 of Ordinance No. 308 to make the City’s firearm code more conducive to Fla. State Statutes’ firearm regulations (Attachments from Attorney General – Staff Recommends Approval)

CA Blair referred to the AGO and attachments indicating that the City has no other course than to rescind the City's firearm ordinance. PC Reeser concurred even though he has concerns.

The meeting was opened to Public Hearing. No comments were received.

Motion by Commissioner Bivins, second by Commissioner Clark that Ordinance No. O2012-06: An Ordinance Of The City Of Wildwood, Florida; Providing For Repeal Of Section 13-4 Of The City Of Wildwood Code And Section 1 Of Ordinance Number 308; Providing For Firearms And Airguns; Providing For An Effective Date. Motion carried by unanimous vote.

2. REPORTS AND PUBLIC INPUT

a. SPECIAL PRESENTATIONS:

- 1) Introduction of Volunteer Chaplains for the Police Department: Pastor Attaway, First Baptist Church, Pastor Jones, Pastor Recla, Chaplain with the Villages Fire Department, and Pastor Brock, Heritage Community Church (Chief Reeser – NO Attachments)

Each of the Pastors gave a brief history of their experience. Pastor Jones was unable to be present.

- 2) Introduction of new Parks & Recreation Coordinator, Jenny Donovan

ICM Jacobs introduced PRC Jenny Donovan to the Commission.

- 3) Update on CR 466A Widening Project and estimated monthly decorative lighting costs (David Grimm – Attachments)

SP Grimm provided a brief update on the project. Under the City/County Interlocal Agreement the County will construct the lighting and landscaping and the City will be responsible for lease, energy and maintenance costs and referred the Commission to the information packet and cost for the City to maintain the decorative lights. Introduced Rick Busche of Kimley Horn the Engineer for the County. In response to a question from Mayor Wolf, Mr. Busche indicated that with the exception of service to the decorative lighting, the electric power lines along 466A will be above ground. Mayor Wolf noted that the City was on record requesting underground power lines due to the zero setbacks along 466A. Mr. Busche noted the request was put to Progress Energy and the cost for burying power was more than 1.5 million dollars. He noted the old service is being removed and new service is being installed and will be optimized. It was questioned whether above ground is in conflict with the City ordinances. Noted the City could purchase the lighting equipment and would have to maintain it, or lease it from Progress who will maintain it. Surveying and acquisitions are progressing and should be complete by the end of the year. Construction time frame to start in early 2013.

- 4) Proclamation declaring 2012 as the Year of the Girl and Celebrating 100 years of Girl Scouting (Attachments – Staff Recommends Approval)

Motion by Commissioner Strickland, second by Commissioner Bivins to approve Proclamation declaring 2012 as the Year of the Girl and Celebrating 100 years of Girl Scouting. Motion carried by unanimous vote.

b. City Manager

ICM Jacobs brought the following items to the attention of the Commission and public.

- 1) FYI – Sumter County Public Works' Annual Household Hazardous Waste/Electronics Waste Amnesty Day in the Wildwood Middle-High School parking lot on Sat., March 24, 2012 from 9AM-3PM (Attachments)
- 2) FYI – Sumter Co. Chamber of Commerce Certificate of Appreciation to the City of Wildwood for supporting the Chamber for 10-years (Attachments)
- 3) FYI – AARP Annual Tax Aide Program at Wildwood Community Center in the offices at the back of the building every Monday from 8:30 a.m. to 3:00 p.m.; February 6 thru April 9 – Free service to anyone needing assistance with their personal taxes (no businesses) (NO Attachments)
- 4) FYI – Low Cost Vaccination Clinic for Dogs & Cats – Saturday, March 31, 2012 from 8:30 am – 12 noon; Animal Care Center of Wildwood (NO Attachments)
- 5) BFA Contract expiration – add to next regular meeting or special meeting. Mayor Wolf requested it be placed on next regular.

c. City Attorney – None

d. City Clerk – None

e. Commission Members – None

f. Public Forum (10 minute time limit) – None

g. Notes, Reports, and items for the file as attached

3. NEW BUSINESS – ACTION REQUIRED

a. MINUTES

- 1) Minutes of Special Called Meeting held on December 21, 2011 (Attachments – Staff Recommends Approval)
- 2) Minutes of Regular Meeting held on January 9, 2012 (Attachments – Staff Recommends Approval)
- 3) Minutes of Special Meeting held on January 18, 2012 (Attachments – Staff Recommends Approval)
- 4) Minutes of Regular Meeting held on January 23, 2012 (Attachments – Staff Recommends Approval)
- 5) Minutes of Special Called Meeting held on January 30, 2012 (Attachments – Staff Recommends Approval)

Motion by Commissioner Bivins, second by Commissioner Clark to approve the minutes of December 21, 2011, January 9, 2012, January 18, 2012, January 18, 2012 and January 30, 2012 as typed. Motion carried by unanimous vote.

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

1) Ordinance No. O2012-01; an ordinance adopting the Development Order (DO) and Proportionate Share Agreement (PSA) for Southern Oaks DRI (Attachments – Staff Recommends Approval)

CDD Peavy noted that Ordinance reading included a Proportionate Share Agreement which outlines the mitigation for their traffic impact and includes signalization of CR468 and SR 44 intersection, the proportionate share payment to the intersection of US301 and CR 468, and also participation in the regional transit study which the DRI's have participated in at \$50,000 each.

2) Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City (Attachments – Staff Recommends Approval)

Mayor Wolf noted the property is known as the Word property. Noted the loss of the road name Pony Farm Road when the County renamed CR139. Noted the loss of Wildwood from the name of the Library located in Wildwood when the County named the new library which was consolidated with the City of Wildwood library.

3) Ordinance No. O2012-08; an ordinance reclassifying Parcel # D32=152 containing 2.16 +/- acres (MICO Customs) in the Shamrock Industrial Park from City "Commercial" to City "Industrial" requiring a Small Scale Future Land Use Map Amendment to the adopted Comprehensive Plan; based on favorable recommendation by Planning and Zoning Board/Special Magistrate acting as the Local Planning Agency (Attachments - Staff Recommends approval)

4) Ordinance No. O2012-09, rezoning Parcel # D32=152 containing 2.16 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial" in conformance with the Future Land Use Map of the Comprehensive Plan and based on favorable recommendation by the Planning & Zoning Board/Special Magistrate (Attachments - Staff Recommends Approval - subject to approval of Ordinance O2012-08)

5) Ordinance No. O2012-10; an ordinance reclassifying Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from City "Commercial" to City "Industrial" requiring a Small Scale Future Land Use Map Amendment to the adopted Comprehensive Plan; based on favorable recommendation by Planning and Zoning

Board/Special Magistrate acting as the Local Planning Agency (Attachments - Staff Recommends approval)

6) Ordinance O2012-11 rezoning Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial" in conformance with the Future Land Use Map of the Comprehensive Plan and based on favorable recommendation by the Planning & Zoning Board/Special Magistrate (Attachments - Staff Recommends Approval - subject to approval of Ordinance O2012-10)

7) Ordinance No. O2012-12; an ordinance extending the names of Clarke, Lee and North Main Streets now located within the city and providing for submission to the 911 coordinator (Attachments – Staff Recommends Approval)

Mayor Wolf noted the Ordinances are for first reading only with no action required. Public Hearing will be at second final reading. CDD Peavy provided a color handout for clarity of property and roadways.

c. RESOLUTIONS FOR APPROVAL:

None

d. APPOINTMENTS

None

e. CONTRACTS AND AGREEMENTS

None

f. FINANCIAL

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

Motion by Commissioner Clark, second by Commissioner Strickland to approve payment of the bills. Motion carried by unanimous vote.

2) Discussion/Approval of change order requests for:

a) Pitt and Stone Street Drainage Improvements (+\$27,237.29) under the CDBG Project Grant (Attachments – Staff Recommends Approval)

Motion by Commissioner Strickland, second by Commissioner Bivins to approve CO1-2 in the amount of + \$27,237.29. Motion carried by unanimous vote.

b) Discussion/Approval of change order requests for Osceola Street Drainage Improvements (+\$37,219.10) under the CDBG Project Grant (Attachments – Staff Recommends Approval)

SP Grimm noted the City is still in excellent condition with the costs of the project. Will have funds remaining to construct additional sidewalks and paving.

Motion by Commissioner Clark, second by Commissioner Bivins to approve CO 1-4 in the amount of + \$37,219.10. Motion carried by unanimous vote.

SP Grimm referenced 232 resurfacing. Noted that costs involved with come to the Commission at the next meeting. The project area has been increased to include the 209 intersection and the approaches from each direction.

g. GENERAL ITEMS FOR CONSIDERATION

1) Discussion/Board Option - Update on CSX "S-Line" Capacity Improvement Project and that it will cost the City to move utility lines - David Grimm to address (NO Attachments)

SP Grimm – Reported this project was brought to the City's attention in 2006-07 only to have CSX cancel it in 2008. CSX unofficially notified the City that the "S-Line" is back on track again with no dates. Then approximately two weeks ago the City was notified verbally the project was moving ahead at a very fast pace and the City had 60 days to complete locating all the crossing, and design, permit, bid and construction. He called CSX and requested an official notice, which was receive and forwarded to ICM Jacobs and the City Attorney. The notice is open ended as to what the City is to do. They state the March start time but there is no reference to 60 day term. Have discussed with the City Attorney and feel the City has a good stance at this time. Kimley Horn is scheduling soft digs to find what the City has and the locations. We are aware of seven crossings. It has to be determined if all will have to be addressed or if some of the casings in the ground are wide enough to accommodate the additional rail. That will be done next week and Kimley Horn will bring a report of probable costs. There is nothing in the budget because the City was unaware this would take place.

Mayor Wolf – recommended that discussion begin with CSX regarding a force main crossing to the Word property area. SP Grimm indicated that crossing was discussed and is planned to be part of this design. CSX has indicated they will fast track the permitting for the project.

2) Discussion/Board Option – Update on Lenard Powell/City property information requested at January 23 meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale (Melanie Peavy - Attachments)

DSD Peavy – reported that as directed she researched information through Sumter County as well as reviewing information provided by Mr. Powell which included an appraisal of his property. Research revealed that property in the 462/139 area sold for \$3.15 to \$8.50 per sq. ft. The Turkey Run property with a planned development zoning went for \$7.75 sq. ft. The City's property is currently

zoned Public Education Utilities and in the Future Land Use and Joint Planning area to be changed to some type of commercial or high density residential.

Staff recommends that a survey be conducted, which could be directed for Mr. Powell to conduct or pay for to determine the exact amount of property and the Commission would have to determine the price per square foot. Property is approximately .45 acres or approximately 19,416 sq. ft. and can be developed.

DSD Peavy noted that property on the east of Powell road, some of which is owned by Mr. Powell and some by the Villages will be brought before the Commission in a few weeks to be added to the Villages DRI.

Mayor Wolf noted the Villages will probably not sell any property for less than \$10 per sq. ft. Suggested that the selling price on the Carlos Bailey property be checked. Suggested an agreement with Mr. Powell that he sell his property to a developer then let the developer work with the City to purchase the City property. Noted that every day the price of the property is increasing. Noted that the funds from the sell will go into recreation.

Lenard Powell – asked if the City wanted to buy his property then the City would have the entire property to sell to a developer. Noted that utilities are not at the property and should not be compared with property to the east of Powell Road where there are utilities. Doesn't have assurance from the City yet that it would be rezoned for Commercial. Noted his property has the access to the only crossover to the corner, and he does not understand that his property price would be less than the City's.

DSD Peavy noted the City has utilities to Millennium Park, but doesn't extend to undeveloped property or property that doesn't have a developer's agreement. Regarding the zoning and Future Land Use, the property is within a Joint Planning area.

Lenard Powell noted there is no stormwater utility to the property so that retention would have to be provided on the .45 acres.

In response to a question from Commissioner Clark, CA Blair indicated the Commission would have to request an appraisal to have one done. Commissioner Clark noted that Mr. Powell's property was compared to sells in Tavares and other counties for his appraisal. Commissioner Strickland suggested that the Commission set a price if they want to sell it and move forward. Doesn't feel an appraisal will be much good. Asked CA Blair whether this would have to be open to everyone, or could the City sell to a private individual.

CA Blair indicated that in the past there was a provision in the Charter that required real property to be sold through sealed bids, and typically with personal property you do have to go through this whole process with only specific ways to

dispose of it. When purchasing real property there is sometime a requirement that you get an appraisal. She indicated that she has found nothing in the Charter, Ordinances, or State Statutes that required an appraisal. The City has a general obligation to sell at the best price the City can get, at a fair market value or above. Feels the City needs an ordinance in place.

Commissioner Strickland asked what will happen if the Commission approves a deal at \$6.00 per square foot and then someone comes up and says they would have paid \$12 per square foot? CA Blair noted that is why you have to have good backup showing you sold it for fair market value. ICM Jacobs noted that the property would have to be declared surplus, and feels that sealed bid or auction would be the best route. Commissioner Strickland asked if you could set a minimum and open it for bids. CA Blair indicated that would be a good process.

Mr. Powell requested that if the City to clean up the property if they are not going to sell it. He noted that he had not started the annexation and rezoning process of his property because he was told by the previous City Manager not to start the process because it could be an enclave, but has been in discussion with the City for two years. He noted he signed an annexation agreement. DSD Peavy indicated the City has been pursuing the JPA with Sumter County and there has been a hold off on their end. Hopefully in June of this year the County will be submitting the JPA to DCA. When the JPA is approved then the City can move forward with this property. Even though the property is contiguous, Mr. Powell's property is within an area that is an enclave. There are several property owners in the enclave that do not want to annex.

Greg Beliveau of Land Planning Group indicated they have just worked with Fruitland Park to annex property using three different methods of the Florida Statutes. CA Blair to review the statutes and how many parcels there are. DSD Peavy noted that part of the JPA is that the City is not going to annex any more property until the JPA is in place.

Mr. Powell indicated he would be agreeable to pay for the survey. He noted that he still doesn't know what zoning will be approved for the property. DSD Peavy noted that the land Mr. Powell is referring to is in the County.

Commissioner Strickland would be okay with offer at \$8.50 per square foot or take it off the table. Mr. Powell indicated he would pay the \$8.50 per square foot.

Motion by Commissioner Strickland, second by Commissioner Bivins to table until February 27 for Commissioner Allen to be present and with Commission Strickland to do additional research of property sell amounts. Motion carried by unanimous vote.

3) Discussion/Board Option - Proposed language for modification of Comprehensive Plan and Design District Standards for roadway interconnectivity requirements discussed at Special Meeting on January 18; staff is seeking

direction from the Commission whether they are comfortable with this proposed language and to provide approval to amend the Comprehensive Plan and Design Standards accordingly; or alternatively, to provide substitute language or direction on this matter. (Melanie Peavy - Attachments)

Mayor Wolf asked who would make the "feasible" decision, DSD Peavy then the Commission? DSD Peavy indicated yes. CA Blair noted the developer would have the burden of proving it is not feasible.

Motion by Commissioner Strickland, second by Commissioner Bivins to accept the Proposed language for modification of Comprehensive Plan and Design District Standards for roadway interconnectivity requirements discussed at Special Meeting on January 18. Motion carried by unanimous vote.

ICM Jacobs introduced the new Parks & Recreation Coordinator Jennifer Donovan.

4) Discussion/Approval for Mayor Wolf to sign a letter requesting a waiver of Fla. Administrative Rule 9B-43.0041(1)(c), which sets a maximum funding amount for grants awarded to communities through the CDBG Program. The Cap for the COW is currently set at \$700,000; we are requesting the funding ceiling be raised to \$1.0 million for a proposed application to the Fla. Dept. of Economic Opportunity (DEO) for funding under the FFY 2011/2012 Fla. Small Cities Community Development Block Grant (CDBG) program (City is under NO obligation by signing this letter if grant is not submitted or approved) (Attachments – Staff Recommends Approval)

Motion by Commissioner Strickland second by Commissioner Clark to approve Mayor Wolf to execute the letter requesting a waiver of Florida Administrative Rule 9B-43.0041(1)(c), to allow funding ceiling be raised \$1.0 million for a proposed application to the Fla. Dept. of Economic Opportunity (DEO) for funding under the FFY 2011/2012 Fla. Small Cities Community Development Block Grant (CDBG) program. Motion carried by unanimous vote.

5) Human Resources to give update on the six (6) City Manager candidates selected for possible interviews (NO Attachments)

HRC Cox reported that the PD has completed all background checks and provided a summary to each Commissioner. Noted that Mr. Lavalie has taken another position and is no longer interested, and that Mr. Cannon has taken another position but is still interested in Wildwood. If the City selected Mr. Cannon, he would want Wildwood to pay the \$15,000 buyout. Noted reference to Public Records requests about everything has been requested, one has been received. Not all references have been checked yet.

She suggested that the Commission consider Skype interviews for those far away, and will research further if the Commission desires. Mayor Wolf stated he would think that the people would want to make personal contact with the City.

Noted that the full background is available for review if the Commission wishes.

Mayor Wolf noted that as soon as all the information is collected, the City Manager or two Commissioners need to call a special meeting. Needs to move to front burner so that all the information can be reviewed by the Commission to then schedule interviews.

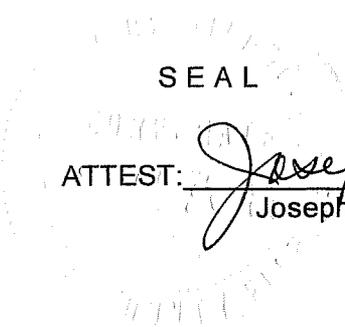
4. ADJOURN:

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

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST:



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

*Ed Wolf*  
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Ed Wolf, Mayor