

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA
REGULAR MEETING
FEBRUARY 27, 2012 – 7:00 P.M.
CITY HALL COMMISSION CHAMBER

The City Commission of the City of Wildwood Florida met in Regular Session February 27, 2012 at 7:00 p.m.

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

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.

DSD Peavy, Richard Busche, and others were sworn in.

a. Public Hearing – 2nd final reading: Ordinance No. O2012-01; an ordinance adopting the Development Order (DO) and Proportionate Share Agreement (PSA) for Southern Oaks DRI (Attachments – Staff Recommends Approval)

Mayor Wolf introduced and read by title Ordinance No. O2012-01. Indicated that wild turkey was not listed in the wildlife section, and knows there are turkeys on the property. Public Hearing was opened. No comments were received.

Motion by Commissioner Bivins, second by Commissioner Clark that Ordinance No. O2012-01: An Ordinance of the City of Wildwood, Florida, adopting the Development Order and Proportionate Share Agreement for the South Oaks Development of Regional Impact; providing for codification; providing for conflict; and providing for an effective date: be adopted on second final reading. Motion carried by unanimous vote.

b. Public Hearing – 2nd final reading: 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)

DSD Peavy – received some letters from owners of property abutting the Trailwinds Village property, who expressed concern about development too close to the property line, pumps near the area, lighting and road issues. Issues were address during the Special Master Hearing and the pumps were being relocated however how the traffic will travel was not changed on the plans. The Special Master pointed out during the Hearing that the property was annexed into the City in 2005 before the property to the north was developed. I was also made clear during the meeting that the zoning on the property has been able to accommodate this type of development since 2005. In the 2035 Comp Plan the General Mixed Use category that was on this property was changed to Central Mixed Use. All who sent in letters were made aware of this.

It was pointed out that the developer could develop the property at a greater density and intensity. Any change to the PD would have to go back to the Planning & Zoning then the Commission through Public Hearing.

Mayor Wolf noted that the Word family has been good stewards of the land and there is probably no need of concern for the live oak trees. DSD Peavy noted that the buffer widths, the roadway widths and the building set backs were explained to those with concerns. Noted that after the Special Master Hearing some concerns expressed included height of buildings, location of buildings and building overlooking their homes and windows. Noted that the developer wouldn't know what is going where on the property at this time, even though there is a conceptual plan. Noted there are extensive landscaping requirements in the buffer.

Ordinance No. O2012-07 was introduced and read by title only. Public Hearing was opened.

1) Al Tillman of the Villages. They have written some of the letters. All they ask is that they be informed through the developer of what is going on and maybe they can work together.

No further comments received.

Motion by Commissioner Clark, second by Commissioner Strickland that Ordinance No. O20112-07: 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 Word Family LLC; Providing For Severability; Providing For Codification; And Providing For An Effective Date: be adopted on second final reading. Motion carried by unanimous vote.

c. Public Hearing – 2nd final reading: 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)

DSD Peavy – there were a couple of properties within the Shamrock Industrial Center that annexed in from the County in 2004 with Industrial Zoning from the County. In the Land Use Amendment by the City some were designated as Commercial and now need to be brought into compliance with the surrounding area. There are two Small Scale FLUMA Ordinances and two Rezoning Ordinances.

Ordinance No. O2012-08 was introduced and ready by title only. Public Hearing opened.

Motion by Commissioner Clark, second by Commissioner Bivins that Ordinance No. O2012-08: An Ordinance Of The City Of Wildwood Florida; Proposing A Small Scale

Land Use 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: be adopted on second final reading. Motion carried by unanimous vote.

d. Public Hearing – 2nd final reading: 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)

O2012-09 introduced and read by title only. Public Hearing opened. No comments received.

Motion by Commissioner Strickland, second by Commissioner Clark that Ordinance No. O2012-09: An Ordinance Of The City Of Wildwood, Florida; Rezoning Certain Real Property In Compliance With 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 An Effective Date: be adopted on second final reading. Motion carried by unanimous vote.

e. Public Hearing – 2nd final reading: 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)

Ordinance No. O2012-10 was introduced and read by title only. Public Hearing opened. No comments received.

Motion by Commissioner Bivins, second by Commissioner Clark that Ordinance No. O2012-10: An Ordinance Of The City Of Wildwood Florida; Proposing A Small Scale Land Use 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: Be adopted on second final reading. Motion carried by unanimous vote.

f. Public Hearing – 2nd final reading: 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)

Ordinance No. O2012-11 was introduced and read by title only. Public Hearing opened. No comments received.

Motion by Commissioner Strickland, second by Commissioner Allen that Ordinance No. O2012-11: An Ordinance Of The City Of Wildwood, Florida; Rezoning Certain Real Property In Compliance With 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 An Effective Date: be adopted on second final reading. Motion carried by unanimous vote.

g. Public Hearing – 2nd final reading: 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)

Ordinance No. O2012-12 was introduced and read by title only. Public Hearing opened. It was noted that Clarke was spelled both with and without an “e” in the Title and ordinance and should be corrected before execution. No other comments

Motion by Commissioner Clark, second by Commissioner Strickland that Ordinance No. O2012-12: An Ordinance Of The City Of Wildwood, Florida, Extending The Name Of Clarke, Lee And North Main Streets Located Within The City; Providing For Submission To The 911 Coordinator; Providing For Conflict; Providing For An Effective Date: be adopted on second final reading. Motion carried by unanimous vote.

h. MICO Customs at Shamrock Industrial Park SP 1112-04; request site plan approval for a 5,000 sq. ft. building and a 3,000 sq. ft. carport area to be used for custom wood fabrication based on the P&Z Board/Special Magistrate’s favorable recommendation (Attachments – Staff Recommends Approval)

DSD Peavy reported the Site Plan went before the Special Magistrate in February and approval was recommended with resolution of outstanding engineering issues. Those have been resolved.

Motion by Commissioner Clark, second by Commissioner Allen that SP 1112-04, MICO Customs at Shamrock Industrial Park be approved as recommended by the Special Magistrate. Motion carried by unanimous vote.

i. Lee Clymer, P.E. with Farner, Barley & Assoc. is requesting a two-year extension of the development permit executed 7/18/11 for the Triumph South Development, (approved by City of Wildwood Ordinance No. O-2010-12) under Section 73 of Chapter 2011-139 Laws of Florida (Attachments – Staff Recommends Approval)

Motion by Commissioner Bivins, second by Commissioner Allen to approve the request to extend the development permit executed 7/18/11 for the Triumph South Development. Motion carried by unanimous vote.

2. REPORTS AND PUBLIC INPUT

• SPECIAL PRESENTATION: None at this time

a. City Manager

1) FYI – Budget Comparison Report for January 2012 (Attachments)

ICM Jacobs noted there are no red flags at this time. There are some unknowns in the Enterprise funds that will have to be priced out before the effect will be known. Proceeding with caution at this time and will come to the Commission for approval. These items were not budgeted. Mayor Wolf expressed that it might be the time to be looking for low interest loans.

2) FYI – SCBOCC notifying us that the proposed grant funded sewer & water line extensions to serve proposed ALF are consistent with SC Comp Plan & FLUM (Attachments)

3) FYI - Stacey Wrightam, Police Dept. Administrative Assistant – Attained Associate of Applied Science in Business Management With Honors Degree from Ashworth College on February 6, 2012 (Attachment)

4) FYI – Steve Watson, Fleet Services Coordinator – Completed 3-day CVO Fleet Training Class 6.4L-6.7L-IDS hosted by Plaza Lincoln Mercury on January 31 through February 2, 2012 (Attachment)

5) City Manager update – ICM Jacobs noted that complete information has not been obtained. HR would like direction. Does the Commission want to schedule a workshop to review what is here or begin scheduling interviews. Commission Allen suggested having workshop for review the first week in March and begin interviews the third week in March.

By Common Consent review of information and interview questions workshop scheduled for March 7 at 6:00 p.m., at which time interview meetings will be scheduled.

6) ICM Jacobs noted contact from Bradley Arnold regarding Communication tower and equipment. County currently has agreement the City to use the City tower in this area. The City has budgeted this year for narrow banding. The County has asked the City to hold up on the narrow banding, and has initially agreed to cover the costs of all the City communication equipment through a County contract with Motorola. PC Reeser noted Lake County changed to the 800 system last year and had a 1.4 million dollar maintenance fee last year. When the County changes to the 800 system, Wildwood will be by itself and unable to communicate with other law enforcement and safety departments.

Bradley Arnold has requested a rewrite of the County/City tower agreement by the next meeting on March 12. He needs that done to have everything done before January 1, which is the date given by FCC that narrow banding must be completed. The 800 system meets that requirement. Not many downsides to working with the County, but noted that the 800 radios are more expensive than those currently used which are vhf, \$900 compared to \$4000 per radio. The first

radios will be through the County, but additional ones will be at the City's expense. Commissioner Clark noted that the County has included the other City departments, not just the Police department in the communication system. PC Reeser indicated that the agreement needs to be completed before the new tower is done because then the City will lose leverage. Commissioner Clark suggested that the City staff come up with the language they want with the City Attorney's assistance, and then submit it to the County for their review. More information to be provided at first meeting in March.

- b. City Attorney – Received final order today of forfeit of truck and trailer to the City on a law enforcement case.
- c. City Clerk – None
- d. Commission Members –
Mayor Wolf – requested time at the end of the meeting to discuss several items.
- e. Public Forum (10 minute time limit) – None
- f. Notes, Reports, and items for the file as attached

3. NEW BUSINESS – ACTION REQUIRED

a. MINUTES

- 1) Minutes of Regular Meeting held on February 13, 2012 (Attachments – Staff recommends approval)

Motion by Commissioner Strickland, second by Commissioner Bivins to approve the minutes of February 13, 2012. Motion carried by unanimous vote.

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

- 1) Discussion/Board Option of Ordinance No. O2012-16, a proposed Ordinance providing for the extension of the permitted hours of sale of alcoholic beverages in the City of Wildwood to 2:00 a.m. daily (Attachments – Board Option)

DSD Peavy noted the current Ordinance cuts alcohol off at midnight with the exception of New Years' Eve. Explained a call has been received from a developer who has a larger named restaurant than any currently in the local area but they would not want to come to Wildwood without a change in the hours.

Mayor Wolf noted that the new town center will be in Wildwood and is affected by the hours. DSD Peavy noted the reason this was put in the form of an Ordinance was based on the individual responses received from each Commissioner when she called them.

The changes proposed permits the hours of sales until 2 a.m. and do not cover bottle clubs.

Mayor Wolf expressed concern that the ordinance is not tight enough and that the hours should be tied to something such as the number of seats and that the majority of the income is on food. Wildwood doesn't need to be a place where everyone comes when bars elsewhere are shut down. CA Blair noted that there is a separate bottle club ordinance and it was not changed.

Mayor Wolf reiterated it should address bona fide restaurant, not a bar. DSD Peavy noted that Sumter County cut off is midnight and includes Lake Sumter Landing and Lake County cut off is 2 a.m. which includes Spanish Springs.

Commissioner Strickland – problem he has is that it is being presented as a restaurant. Doesn't know of any restaurant you can go and eat a meal at 2 in the morning. If the City is going to do it we should call it as it is – that we are allowing bars to serve until 2. A restaurant is not open until 2 o'clock. The way it is presented it is a big franchise restaurant that is saying they are not coming to the City of the ordinance and that simply is not true. If the Commission is okay with serving alcohol until 2 a.m. then we are, but if we are we need to make sure we are not thinking it is a restaurant that won't come because this isn't allowed. Mayor Wolf – sort of on the same page. If you put a number of seats in there and make sure it is for a restaurant. Commissioner Allen noted that sports bar restaurants stay open to 2 o'clock. Mayor Wolf noted that once Wildwood did allow sales until 2 o'clock and it created problems because everyone from outside the City came to the City after midnight.

CA Blair reiterated that the current ordinance does cut off at midnight, and if left as is nothing could sale until 2 o'clock. If the Commission wants something created with a sub-category for restaurants, she needs direction. Commissioner Allen requested it include restaurants and sports bars.

Commissioner Allen recommended this be referred to City Attorney, Police Chief and Development Service Director to draft language to create an exception for certain size restaurant. When completed it will return for first reading.

c. RESOLUTIONS FOR APPROVAL:
None

d. APPOINTMENTS
None

e. CONTRACTS AND AGREEMENTS

1) Discussion/Approval to amend current Civil Engineering Services Contract with Kimley-Horn & Assoc., Inc. by Change Order to add performance of Environmental Engineering Design Services; contract for Environmental Engineering Services entered into on 2/9/09 for 3-yr. period with Barnes, Ferland & Assoc. (BFA) expired 2/9/12 with no current open projects (Attachments – Staff Recommends Approval)

UD Phillips indicated that no one from BFA contacted him before the expiration date.

Motion by Commissioner Allen, second by Commissioner Strickland to approve staff recommendation to amend current Civil Engineering Services Contract with Kimley-Horn & Assoc., Inc. by Change Order to add performance of Environmental Engineering Design Services. Motion carried by unanimous vote.

f. FINANCIAL

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

Motion by Commissioner Bivins, second by Commissioner Strickland to pay the bills. Motion carried by unanimous vote.

2) Discussion/Approval of Change Order No. 5 requested by Utility Systems Construction for the CDBG for Osceola Drainage Improvements Project in the amount of \$1,011.25 (Dave Grimm) (Attachments – Staff Recommends Approval)

SP Grimm reported that the Change Order did increase the bond and is fully funded by the grant. The project is complete and closed out.

Motion by Commissioner Allen, second by Commissioner Bivins to approve Change Order No. 5 requested by Utility Systems Construction for the CDBG for Osceola Drainage Improvements Project in the amount of \$1,011.25. Motion carried by unanimous vote.

3) Discussion/Approval of Change Order No. 1 requested by CW Roberts for the CDBG for CR 232 Milling & Resurfacing Project in the amount of \$13,368.60 (Dave Grimm) (Attachments – Staff Recommends Approval)

SP Grimm reported this increased the project area to include the intersection of 232 and 209 and striping and reflectors in the curve. Richard Busche, Kimley Horn responded to questions indicating striping was not done on the road because there had been no striping, and there are grant monies remaining after the grants close out that could be used for striping on 232 through a Change Order. Commission also asked for speed limit signs. Commissioner Bivins noted the safety consciousness of the contractor in protecting his employees along the edge of the road.

Mayor Wolf expressed thank you to the residents of Wildwood in dealing with the closing of railroad crossing at 44A by CSX for maintenance.

Motion by Commissioner Allen, second by Commissioner Clark to approve Change Order No. 1 requested by CW Roberts for the CDBG for CR 232 Milling & Resurfacing Project in the amount of \$13,368.60. Motion carried by unanimous vote.

- 4) Discussion/Approval for Water Tank Inspections and Pressure Cleaning required by FDEP (Attachments – Staff Recommends Approval)

Motion by Commissioner Allen, second by Commissioner Strickland to approve Water tank inspections and pressure cleaning in the amount of \$12,705 from Liquid Engineering Corporation as required by FDEP. Motion carried by unanimous vote.

g. GENERAL ITEMS FOR CONSIDERATION

- 1) INFORMATION ONLY AT THIS TIME - Wastewater System Planning – Kimley-Horn Evaluation of Lift Stations #2, #14 & #27 on SR 44 from CR 219 to I-75 for future repair & refurbishment (Attachments)

ICM Jacobs reported this is an FYI to the Commission and these are items that UD Phillips has been asked to place on hold unless emergency, until some other items' costs are known for this budget. UD Phillips stated that next year's budget is fine but doesn't want the 219 lift station to get as bad as the Three Flags lift station that is why it needs to be lined.

- 2) TABLED 02.13.12 for full Commission - Discussion/Board Option – Request from Lenard Powell to purchase City property on Powell Road; staff requests 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 (Attachments – Board Option)

DSD Peavy reviewed information from previous meeting. Mayor Wolf noted that although it has not been zoned yet, the City will probably zone it office professional. Noted that property sold in Wildwood is \$11 per sq. ft. and the Villages property is just less than \$17 per sq. ft., but does not want to hold Lenard up. Would like to work something out so that the City has a commitment to him for Right of first refusal or something so that we don't sell it out from under him. Give him the option to purchase and place a minimum price on the property. Lenard Powell noted he would probably get more contacts about his property than the City will on the ½ acre and asked that if the Commission did not want to sell it to him would they have it cleaned up and give him a letter allowing him to show the property while showing his property if that is permissible? He would not have the authority to negotiate, that will be up to the City. Also asked the City to ask the County to move on the JPA that should have been taken care of two years ago. Mayor Wolf noted that he would like to see something in the form of a letter that

would allow Lenard to show the property and note that the City property would be available to go with his property at his price, but the City will take no less than \$10 per sq. ft.

Motion by Commissioner Allen, second by Commissioner Bivins to refer to CA Blair to draft a document with Lenard Powell to allow him to show property as discussed in this meeting. Motion carried by unanimous vote.

From item 2.d.

Wolf – direct City Attorney and Staff to provide status at next meeting regarding the JPA, because the City has things they need to move forward on. CA Blair to contact the County.

Wolf – gazebo roof needs to be pressure washed or something.

Wolf – regarding Code enforcement – driving on Main Street there are several things he has noticed, such as poles in front of businesses need to be painted, and asked if the City has the authority to do something about it. DSD Peavy noted that regulations cover new development.

Wolf – underground utilities on Cleveland. Would like the minutes to be searched for the meeting where the Commission said they wanted the utilities underground. Makes no sense that right-of-way has to be purchased and road be redone if you are going to have above ground utilities for a mile and for the next four miles to the Sumter County line everything is underground. Makes it feel like the City is being treated like an unwanted step child. Once in place, it will be here forever. The City should not roll over on this. Franchise agreement with Progress energy needs to be looked at. The City has to put in all new utility lines along the corridor. CA Blair noted the regulations require all new development to have underground, but will look at it again. Mayor Wolf – why would we want above ground in the CRA district. Don't know who was in the meeting but the City told them they wanted underground. CA Blair noted there could be issues about compensation for underground lines with Progress Energy. SP Grimm noted that Kimley Horn could check it out. Believes the cost Progress Energy gave to the County was 1.5 million.

ICM Jacobs noted that the minutes would be researched tomorrow and information provided to City Attorney and Senior Planner. SP Grimm to provide the Progress Energy costs at the next meeting.

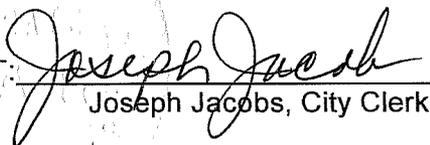
4. ADJOURN:

Upon a motion by Commissioner Allen, second by Commission Strickland the meeting was adjourned.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST:


Joseph Jacobs, City Clerk


Ed Wolf, Mayor