

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA  
REGULAR MEETING  
APRIL 22, 2013 – 7:00 P.M.  
CITY HALL COMMISSION CHAMBER

The City Commission of the City of Wildwood, Florida met in Regular session April 22, 2013 at 7:00 p.m.

Present were: Mayor Wolf, Commissioners Bivins, Green, Clark and Strickland. Also present were: City Manager Cannon, City Clerk Jacobs, City Attorney Blair, Assistant City Clerk Roberts, Police Chief Reeser, Development Services Director Peavy, Public Works Director Kornegay, and Utility Director Phillips.

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

1. TIMED ITEMS AND PUBLIC HEARINGS

- a. TABLED APRIL 8, 2013 – 7:00 PM – 2<sup>nd</sup> FINAL READING – ORDINANCE NO. O2013-10 An ordinance to prohibit the possession, sale, offer for sale or display of synthetic drugs or synthetic stimulants and certain legal presumptions concerning the same within the City of Wildwood (Attachments – Staff Recommends Approval)

CA Blair reported she and Chief Reeser had met and she also reviewed the Pasco County Ordinance and incorporated parts into the City's ordinance. The ordinance is now very clear.

O2013-10 was read by title only and meeting opened for Public Hearing. No comments were received from the audience.

Motion by Commissioner Clark, second by Commissioner Green to adopt O2013-10 on its second final reading. An Ordinance Of The City Of Wildwood, Florida, Concerning Synthetic Drugs, Providing For "Synthetic Drugs", Providing For Purpose, Findings And Legislative Intent; Providing For Definitions; Providing For The Prohibition On The Possession, Sale, Offer For Sale Or Display Of Synthetic Drugs Or Synthetic Stimulants And Certain Legal Presumptions Concerning Same; Providing For Enforcement And Penalties; Providing For Severability; Providing For Codification; Providing For Conflict; Providing For An Effective Date. Motion carried by unanimous vote.

2. REPORTS AND PUBLIC INPUT / SPECIAL PRESENTATION(S)

- a. Special Presentations  
1) None
- b. City Manager  
1) Results of the RFQ Selection Process and request for approval of the ranking and authorization to proceed with negotiations with the number one ranked firm of Architects Design Group, Inc. for the following scope of services: a.) Preliminary site plan for the 10 and 20 year needs of the department; b.) Preliminary floor plan for the 10 and 20 year needs of the department; and c.) Opinion of probable cost for the construction of the facility for the 10-year build out (Attachments – Staff Recommends Approval)

Motion by Commissioner Bivins, second by Commissioner Clark to accept the Staff rankings and authorize the City Manager to proceed with negotiations beginning with the number one ranked, Architects Design Group, Inc. for the following scope of

services: a.) Preliminary site plan for the 10 and 20 year needs of the department; b.) Preliminary floor plan for the 10 and 20 year needs of the department; and c.) Opinion of probably cost for the construction of the facility for the 10-year build out. Motion carried by unanimous vote.

- c. City Attorney – None
- d. City Clerk – None
  
- e. Commission Members – (items not taken in order)

2) Commissioner Green suggested appointing a planning committee to consider an identity for the City. Noted the Horse in Ocala. Something that could be used on the Seal/Logo to distinguish the City of Wildwood. Signage at all the entrances to the City and not just the DOT signs. Mentioned that the area was known for cattle. Mayor Wolf noted he has talked with the Word Family in regards to placing a Welcome to Wildwood sign on their property. Noted the Wildwood area was known for farming and railroad transportation. May need to incorporate the railroad theme. CM Cannon indicated a meeting with school people and longtime residents to incorporate some of the Commission ideas would be a good start. He would work on it.

1) Discussion on building at 101 S. Main Street (NO Attachments) – Commissioner Strickland to address

Commissioner Strickland referenced the City transfer of Building services to the County and noting his dissatisfaction at the time. Now it has been brought to his attention the system seems to be a little convoluted. Commission should possibly address that buildings in the City, including historic buildings can be demolished or torn down without the Commission approval or knowledge. The ordinance that allows this reads that if a building is condemned and the costs to rehabilitate the building is more than 50% of the building's value, the only option is demolition and the owner or potential investors don't have the option to rehabilitate the building even if they so desire. Feels that no building the City should be torn down or demolished without the Commission's consent or at least knowledge, and particularly historic buildings in the downtown area. If something like that were to happen the Commission would definitely hear from the public.

Mayor Wolf noted that the building department, inspectors and code enforcement has to go by the Code in place. If something is to be done it would have to be through an ordinance. Maybe add one more thing on Historic buildings that the owner could come to the Commission before having to go to the Court to provide the opportunity for the Commission to look at extenuation circumstances. If the Commission allows an appeal to the Commission first and the owner comes to the Commission and presents a valid contract with a licensed builder, and the Commission could see that something was going to happen, and if the building was properly zoned he would not have a problem changing the Code.

CA Blair noted that it would have to be done in a way so that they came to the Commission before the Code Enforcement Board entered its final order and noted

Florida Statute requires that it goes from the Code Enforcement Board to the Circuit Court. Could work on something with specific criteria.

CA Blair suggested a process whereby it goes before the Special Magistrate and he makes a decision whether there is extenuating factor that should allow it go to the Commission. Noted there is not an historic district in the City under Statutes by the City could create one. Commission Strickland suggested using the CRA area as a determining factor. Mayor Wolf remarked that could be the limiting factor he was looking for, because he would not want it to be wide opened, but they would have to keep the subjectivity out.

DSD Peavy indicated there some other issues that work together that will have to be addressed. Noted that through the JPA the City's building service is through Sumter County and the building official is the County's building official and makes the determination of whether a building is unsafe or unfit. The process would begin with the building official being called in to The Florida Statute requires if 33 or 30% of the supporting members or 50% of the non-supporting members are damaged that it is considered an unsafe building for the public. The particular case that brought this subject to the Commission cannot be discussed in this meeting but it did go through that process. The Special Magistrate has one way to go even though someone shows it can be repaired. Mayor Wolf and Commissioner Strickland indicated that is what has to be changed.

Commissioner Strickland expressed the opinion that if a property owner or business owner has the means and desire to rehabilitate a building, government should stay out of it. Mayor Wolf concurred, but language needs to be included to make sure they do rehabilitate and within a certain time frame.

DSD Peavy responded it could easily be done to change the ordinance to bring the building into compliance; the Special Magistrate would have the power to do that. Amended Ordinance would give Special Magistrate or Code Enforcement Board the discretion of what could be done if the 50% requirement was taken out and if the building is brought into compliance either by taking down or bringing it up to code. The SM or CEB could then assess the time frame to bring into compliance. PC Reeser expressed concern that City would have liability during the time the City has been notified of the unsafe or unfit condition and the case moving through the process including appeal to the Commission.

Motion by Commissioner Strickland, second by Commissioner Bivins to refer to staff and City Attorney to work on amendments and draft an ordinance to include concerns of Commission; and ask Special Magistrate that on current cases building be made safe under the current law and continue the cases until new ordinance can be completed. Motion carried by unanimous vote.

3) Mayor Wolf – would like for City Manager to meet with P&RC Hudson in regards to a Marquee sign to place in front of the Community Center to announce upcoming events at the Community Center.

f. Public Forum (10 minute time limit)

1) Marie Lazinski resident of the Villages asked whether responses have been received from CSX regarding questions from the February 20 CSX meeting. Have not heard anything or seen anything the papers answering the questions or whether they did go to the schools the next day. Mayor Wolf noted this came up at last meeting and the City has been in constant communication with CSX. DSD Peavy reported her contact with CSX and communication continues. CSX is working on data to come up with a plan and before a plan can be put into place a feasibility study would have to be done. Ms. Lazinski asked if a petition might help move them. DSD Peavy indicated the problem is there are so many petitions with different wording and it doesn't work that way. Noted there is a petition for safety, a petition to place an overhead crossing the railroad and 301, a petition for overhead crossing the railroad. Ms. Lazinski asked if we could get the CSX studies that were mentioned during their meeting, or if there is a way to get all the people together and roll the petitions into one. DSD Peavy suggested Ms. Lazinski contact Development Services on Tuesday.

2) Gidget Gibson – following up to Mayor Wolf's request for a marquee sign in front of the Community Center, she asked that additional signage be installed to direct people to the Community Center. Reported there were several people who attended the WWHS 1935-current Reunion over the weekend got lost. Commissioner Clark suggested that signage wording be "Emergency" Shelter/Community Center because it is not just a "Storm" Shelter/Community Center.

g. Notes and Reports

1) Budget Comparison Report for March 2013

CM Cannon noted we should be about 50% in all the funds. One item that stands out is CRA Expenditures are over 100%, however, there were CDBG funds available after the main project was completed, so those funds were used for additional paving/sidewalks in the project area.

2) FYI - Announcement: Arbor Day/Tree City USA (23-Years) Celebration – this Friday at 9:00 a.m. – City Hall front courtyard – tree planting and tree give-away (Attachment)

3. NEW BUSINESS – ACTION REQUIRED

a. MINUTES

- 1) Minutes of Special Called Workshop held on March 18, 2013 (Attachments – Staff Recommends Approval)
- 2) Minutes of Regular Meeting held on March 25, 2013 (Attachments – Staff Recommends Approval)
- 3) Minutes of Regular Meeting on April 8, 2013 (Attachments – Staff Recommends Approval)

Motion by Commissioner Bivins, second by Commissioner Green to accept the Minutes of March 18, 2013, March 25, 2013 and April 8, 2013 as presented. Motion carried by unanimous vote.

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

1) Ordinance No. O2013-11; an ordinance reclassifying a portion of parcel # D18=038 containing 0.98 +/- acres (Gary Williams) from Sumter County "Agricultural" to City "466-301 Mixed Use" requiring a Small Scale Future Land Use Map Amendment to the adopted Comprehensive Plan; based on favorable recommendation by the Planning and Zoning Board/Special Magistrate acting as the Local Planning Agency, case CP 1302-02 (Attachments - Staff Recommends approval)

2) Ordinance No. O2013-12; an ordinance rezoning a portion of parcel # D18=038 containing 0.98 +/- acres (Gary Williams) from Sumter County "RR1C" to City "466-301 Mixed Use" in conformance with the Future Land Use Map of the Comprehensive Plan; based on favorable recommendation by the Planning & Zoning Board/Special Magistrate, case RZ 1302-02 (Attachments - Staff Recommends Approval - subject to approval of Ordinance O2013-11)

3) Ordinance No. O2013-13; an ordinance reclassifying a portion of parcel # D30=003 containing 1.5 +/- acres (R. William Futch, Trustee) from Sumter County "Rural Residential" to City "Rural Residential" requiring a Small Scale Future Land Use Map Amendment to the adopted Comprehensive Plan; based on favorable recommendation by the Planning and Zoning Board/Special Magistrate acting as the Local Planning Agency, case CP 1302-03 (Attachments – Staff Recommends approval)

4) Ordinance O2013-14; an ordinance rezoning a portion of parcel # D30=003 containing 1.5 +/- acres (R. William Futch, Trustee) from Sumter County "RR1" to City "RR: Rural Residential" in conformance with the Future Land Use Map of the Comprehensive Plan; based on favorable recommendation by the Planning & Zoning Board/Special Magistrate, case RZ 1302-03 (Attachments-Staff Recommends Approval - subject to approval of Ordinance O2013-13)

Mayor introduced and read by title only Ordinance O2013-11, O2013-12, O2013-13 and O2013-14.

c. RESOLUTIONS FOR APPROVAL

1) None

d. APPOINTMENTS

1) None

e. CONTRACTS AND AGREEMENTS

1) Revised Traffic Enforcement Agreement between the COW, the Wildwood Police Dept. and Lakeside Landings Master Homeowners Association to provide State Uniform Traffic Control on the private roads owned or controlled by the Lakeside Landings Master Homeowners Association (Attachments – Staff Recommends Approval)

2) Supplement to the Traffic Enforcement Agreement between the COW, the Wildwood Police Dept. and Lakeside Landings Master Homeowners Association to provide extended traffic control services if adequate manpower is available and the services do not cost the City (Attachments – Staff Recommends Approval)

CA Blair indicated the cost for additional services will be charged based on costs. An estimate will be provided and they would pay a deposit before the service is provided and remainder upon completion.

Motion by Commissioner Green, second by Commissioner Strickland that the Traffic Enforcement Agreement and the Supplement to the Traffic Enforcement Agreement be accepted. Motion carried by unanimous vote.

f. FINANCIAL

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

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

2) Request for approval for purchase and installation of a new server at City Hall from MMD Computer Center, Inc. at a cost of \$14,472 to replace the current server and back-up system which is 12½ -years old, low on memory and starting to cause problems (Attachments – Staff Recommends Approval)

Motion by Commissioner Clark, second by Commissioner Bivins to approve purchase of a new server for City Hall from MMD at a cost of \$14,472. Motion carried by unanimous vote.

Commissioner Green asked if this would provide the internet connection for the iPads. It was indicated wi-fi would be available with Brighthouse service, probably within the next two months.

3) Request approval for C.W. Roberts to pave remaining roads approved in the FY 12/13 Budget by extending the CR 232 paving contract pricing at \$80.00/ton to repave CR 202 and CR 179 (Attachments – Staff Recommends Approval)

Motion by Commissioner Clark, second by Commissioner Bivins to approve request for C.W. Roberts to pave remaining roads approved in the FY 12/13 Budget by extending the CR 232 paving contract pricing at \$80.00/ton to repave CR 202 and CR 179. Motion carried by unanimous vote.

g. GENERAL ITEMS FOR CONSIDERATION

1) SP 1302-01 – Oxford Greens – Final Plat Approval for the Oxford Greens Plat to subdivide parcel D08=005 into five lots. Proposed plans for the development include an Independent Living Facility, an Assisted Living Facility and Memory Care, and Senior Cottages. (Staff recommends approval)

Motion by Commissioner Strickland, second by Commissioner Clerk to approve SP 1302-01 – Oxford Greens – Final Plat Approval for the Oxford Greens Plat to subdivide

parcel D08=005 into five lots. Proposed plans for the development include an Independent Living Facility, an Assisted Living Facility and Memory Care, and Senior Cottages. Motion carried by unanimous vote.

4. ADJOURN

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

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

S E A L

ATTEST:

  
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Joseph Jacobs, City Clerk

  
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Ed Wolf, Mayor

IMPORTANT DATES

- a. April 26, 2013 – (Friday) – Arbor Day / 23 years as a Tree City USA Celebration – 9:00 AM – City Hall Front Courtyard
- b. April 30, (Tuesday) – Parks & Recreation Board Meeting – 6:15 PM – City Hall Conference Room #124 (Rescheduled from May 7<sup>th</sup> as P&R Coordinator will be out of town on May 7<sup>th</sup>)
- c. May 13, 2013 – (Monday) - City Commission Meeting – 7:00 PM – City Hall Commission Chamber
- d. May 2, 2013 – (Thursday) – Providence Independence At Wildwood - Grand Opening, Open House & Ribbon Cutting – 4:00-8:00 PM - 7676 Rio Grande Blvd (off C-466A), Wildwood
- e. May 17, 2013 (Friday) – Food Truck Night – 6:00 to 9:00 PM – City Hall Front Courtyard
- f. May 27, 2013 – (Monday) – MEMORIAL DAY HOLIDAY – ALL CITY OFFICES/DEPARTMENTS CLOSED EXCEPT POLICE DEPT.
- g. May 27, 2013 – (Monday) - City Commission Meeting – 7:00 PM – City Hall Commission Chamber (Subject to cancellation due to the holiday)