

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA
REGULAR MEETING
MAY 9, 2011 – 7:00 P.M.
CITY HALL COMMISSION CHAMBER

The City Commission of the City of Wildwood, Florida met in Regular session, May 9, 2011 at 7:00 p.m.

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

The meeting was called to order by Mayor Wolf with Commissioner Allen giving the invocation and the audience joining in the Pledge of Allegiance to the American Flag.

1. TIMED ITEMS AND PUBLIC HEARINGS

Adoption of the Evaluation and Appraisal Report (EAR) through Resolution R2011-04 (Attachments - Staff Recommends Approval)

DSD Peavy was sworn in by Mayor Wolf. Then explained that the EAR is due every seven years. All comments have been received from other agencies and the EAR needs to be adopted by Resolution No. R2011-04 and transmitted to DCA.

Motion by Commissioner Allen, second by Commissioner Bivins that Resolution No. R2011-04: A Resolution Of The City Commission Of The City Of Wildwood, Florida, Adopting The Evaluation And Appraisal Report For The City Of Wildwood Comprehensive Plan; Approving Transmittal Of The Report To The Department Of Community Affairs In Accordance With Section 163.3191, Florida Statutes: is adopted. Motion carried by unanimous vote.

2. REPORTS AND PUBLIC INPUT

SPECIAL PRESENTATIONS:

- Health Care Benefit Package Presentation (Deanna Cox, HRO (Attachments)
- Health Care Benefits Comparison & Cost Presentation (Robert Smith, City Manager) (Attachments)

Mayor Wolf noted that Health care special presentation is to be pulled from agenda until the next regular meeting. CM Smith requested the item be tabled until May 23 to give Brown & Brown the opportunity to quote the programs that were chosen from PRM.

Commissioner Allen requested to look at what the Legislature did regarding Health Insurance.

CM Smith noted that if the City went with PRM we would be in a pool of about 5000. Mayor Wolf commented that although he personally has been with the Brown & Brown group for years, he has told them that the City has to go with what is best for the City and if we can do better in a pool that is where we have to go.

Motion by Commissioner Bivins, second by Commissioner Clark to table Health Care Benefit Package and Benefits Comparison & Cost Presentation until the May 23 meeting. Motion carried by unanimous vote.

- Proclamation declaring Arbor Day as May 7, 2011

Motion by Commissioner Allen, second by Commissioner Bivins to approve the Proclamation declaring Arbor Day as May 7, 2011. Motion carried by unanimous vote.

- a. City Manager
 - 1) Quarterly Report from Jason Hargrove, P&R Coordinator –(Attachments)
 - 2) On Saturday, May 7, the City was presented with Tree City USA Flag and awarded its 21st year as being a Tree City USA. New Forester in this area who is more active, and gave instruction on planting the trees donated and purchased.
 - 3) Newspaper article regarding Sumter County and E5 Solutions have not come to terms on a contract for 2011-2012.
 - 4) Received letter from FDOT that there will be a signal at Powell Road and SR 44 and will be engaged as soon as it is installed.
 - 5) Still waiting on response from FDOT on Emergency signal for 301.
 - 6) In conversation with County Administrator learned that the County received FRDAP funds for Cherry Lake Park in 2001. The County is eliminating that Park and removing the equipment from the park and will have to repay FRDAP the money for the improvements on that park. City Manager is trying to coordinate with DEP to keep the money within Sumter County and hopefully utilize those funds for MLK Park, Clark Park, or for Millennium Park. The FRDAP funds were awarded to Sumter County and since Wildwood is in Sumter County we have a park that can use the same improvements – a pavilion, back stops, well site, picnic benches, etc.
 - 7) Met with Verando this week and can probably fund the improvements through reserves. Not only the HVAC system but also some improvements to the outside of City Hall such as repairing the columns, stucco and painting. The outside improvements will be about \$40,000.
 - 8) Made some improvements at MLK park. Removed the poles, began mowing the outside and added additional clay. Had a P&R Board meeting trying to resolve some issues at Clark Park and tightening up the rules and regulations at MLK Park.
 - 9) Workshop scheduled for Monday, May 16 at 5:30 p.m. Update LDR review, Logo review and review of Legislative updates.
 - 10) Will be having a public workshop on May 24 to talk about the LDR's.
- b. City Attorney - None
- c. City Clerk - None
- d. Commission Members
Commissioner Allen – at MLK Park could mile markers be placed on the walk trail.

e. Public Forum (10 minute time limit)

- 1) Manny Pesco – here to address sign ordinance and request the Commission to readdress, specifically Banners. Noted he received Code Violation notice and the banner on the Wildwood Antique Mall had to be removed by May 16. Noted this is a temporary sign until he can get a permanent sign designed and installed. Have applied for sign as of today. Noted that the sign ordinance contains pictures from the Villages not from Wildwood and Wildwood has nothing in common with the Villages. Wildwood has small business owners who don't have the megabucks. Have 40 vendors in the Antique Mall and rival the mall in Ocala. Will max out at 20,000 sq ft. Noted other businesses that have not received a citation for their banners including Dominoes, Ace, meat store, and the party store. Noted that Hardees now has a banner up. Stated that banners are not only good business because they impact the impulse of the buying public but also business signage is a form of free speech. Has been researching and have found that the Supreme Court is coming down on the side of small businesses that it is a form of free speech as long as the signage is on the business property. Also discussed was the snipe signs, but the problem with those is that they are on someone else's property. He indicated that once a banner is attached to a wall it is no longer by definition a banner, but a sign. Wildwood should want to create its own uniqueness, and should develop serviceability to the merchants.

Mayor Wolf indicated that staff would look at what other cities do and whether they make concession for new businesses or provide a time limit and take that into consideration. However there are other new businesses that have conformed to the sign ordinance. There is nothing wrong with the City wanting to be better and raise the bar. There is nothing wrong with the monument signs and no one can say that driving between the Villages and the City is not a nice drive. Mr. Pesco indicated that monument sign studies are showing those not to be as much the safety factor they were expected to be, but are just the opposite. A monument sign only six feet tall from the ground are more difficult to see in traffic. Noted again that you can't infringe on freedom of speech.

CM Smith reported that he talked with Manny Pesco on Thursday and new he planned to bring this to the Commission. Mr. Pesco was told that if the Commission consented and instructed him to look at our sign ordinance and compare with other ordinances in the area, then Jerri could be instructed to draft a memo as to whether the City is doing everything according to Florida Statute and allowed by the Supreme Court, then we would provide that documentation to Mr. Pesco. In reviewing other ordinances, see what is required and whether there is an amortization period from when a business first starts to when they to put up permanent sign. Mr. Pesco submitted for a sign permit this morning and is in the CRA area where the City has sign grants. Told Mr. Pesco that he needed

time to research, and if the Commission consents he will proceed to review City sign ordinance and ordinances of other municipalities.

Mr. Pesco indicated he would provide the ruling by the Supreme Courts regarding signage for small businesses to save the City Attorney time. Mr. Pesco indicated he is advertising on a billboard on 44 and one on 301, is open seven days a week. He would like to be part of the discussion and the merchants deserve to be a part of the discussion regarding the new LDR.

- 2) Lisa Olender – have been dealers in Ocala and have an Antique Mall for a number of years. Have been in Traditions Mall, but the road changes are hurting their business and if not for the Wildwood Antique Mall they probably would be leaving Wildwood. Sells have doubled at the Wildwood Antique Mall what they were at the Traditions Mall.
- 3) Hezi Gabai and Ellen S. Aven of Hollywood Café spoke. Mr. Gabai showed photos of the original Hollywood Café for the Commission to see. He noted that they are trying to preserve some of Wildwood history. Ms. Aven read from the LDR sections pertaining to preservation of historical buildings in downtown and setting blocks and lots providing for pedestrian use. Mr. Gabai noted that they have put their savings into the building and business. CM Smith questioned if this was a Code issue regarding signage, and noted that it would have to go through the Code Enforcement process before the Commission. He noted that regarding design amendments to the ordinance he will be reviewing with Mr. Pesco. Mr. Gabai indicated they are trying to preserve the 1920 interior and are trying to do something good. Stated that you have to look at your history before going into the future. Sorry he did not follow the proper procedure, but only wants to do something good to bring the area to life.

CM Smith stated that he would be sure that Mr. Gabai is a part of the sign amendment discussion and again noted the grant moneys available to the CRA areas of town. Would need to see David Grimm regarding the grants. Noted that the LDR changes will have to move forward to meet the time frames set by DCA, but there could be amendments after adoption. CA Blair indicated that if there is an ongoing case related to signs, it might be possible to have Code Enforcement to delay the hearing for the review of the ordinances. CM Smith – will ask that of the Special Magistrate.

- 4) Joyce Brazell resident of Wildwood. Does 98% of shopping in Wildwood. Does not go to the Villages or Lady Lake. Requested that when the comparison of the City's ordinance with other communities' to use only other municipalities' policies and not the Villages'. Mayor Wolf noted that Brownwood Town Center will be in the City limits. Ms. Brazell noted that she remembers the original Brownwood as a bankrupt restaurant in Central Lake Michigan and they had banners there. She noted

municipalities that could be compared to Wildwood's such as Leesburg, Clermont, Summerfield, Belleview, Tavares, Eustis, and Okahumpka.

- f. Notes, Reports, and items for the file as attached

3. NEW BUSINESS – ACTION REQUIRED

a. MINUTES

- 1) Minutes of Regular Meeting held on April 25, 2011 (Attachments – Staff Recommends Approval)

Motion by Commissioner Clark, second by Commissioner Bivins to approve the minutes of April 25, 2011 as typed. Motion carried by unanimous vote.

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

None

c. RESOLUTIONS FOR APPROVAL:

None

d. APPOINTMENTS

- 1) Appointment of individual to the Fire and Emergency Medical Services Advisory Board (Attachments – Board Option)

CM Smith noted he no longer qualifies for the Advisory Board. Needs to be someone who resides within the City and can be an elected official or a City resident. Meet once per month with next meeting being May 13, which will be missed. Will place need of volunteer on website and Commission to provide other names to City Manager before Commission May 23 meeting.

e. CONTRACTS AND AGREEMENTS

- 1) CDBG Project Contract Agreement (Dave Grimm, PP and/or Attorney Blair) (Attachments – Staff Recommends Approval)

CM Smith noted amendments needed: Compliance officer for 504 policy compliance and Fair Housing will be the City Manager and for EEO will be Deanna Cox, HRC.

Motion by Commissioner Allen, second by Commissioner Bivins to approve as amended. Motion carried by unanimous vote.

- 2) Transmission Infrastructure Extension (TIE) Fee Update Work Order Authorization for Barnes, Ferland & Associates to complete the work outlined in the Scope of Services dated May 2, 2011 (Attachments – Staff Recommends Approval)

CM Smith noted this is Step 2. Connection fees didn't have to be changed per the Master Utility Study that was completed and approved on April 11. Brings to Phase 2 where we need to amend the TIE fee to match the new

Utility Master Plan. The reason it is expensive is that the 5 and 10 year Capital Improvement Plans have to be amended and what has been constructed in the past 10 years that needs to be removed from the TIE Fee list and recalculate the figure.

Mayor Wolf asked how many years are on the contract with BFA and how many remain. CM Smith indicated it is a three year contract and City is in year 2, and there is a 60-day out clause on the contract. Ron Ferland is not actively working with the City. Last contact was at one of the first instances at Champagne Farms. Believe he has been bought out of the company. One of the key factors in selecting BFA was Ron Ferland's local knowledge and experience.

Motion by Commissioner Clark, second by Commissioner Allen to approve the Update Work Order to complete the work outlined in the Scope of Service dated May 2, 2011. Motion carried by unanimous vote.

- 3) Request for approval to authorize Carr, Riggs & Ingram, CPAs and Advisors to perform a separate closeout audit on the WW769070-Wildwood Treatment Facilities project loan agreement as required by FDEP for the loan period from June 15, 2007 through January 29, 2010 (Attachments – Staff Recommends Approval)

CM Smith noted the price was negotiated down.

Motion by Commissioner Bivins, second by Commissioner Clark to approve separate closeout audit. Motion carried by unanimous vote.

f. FINANCIAL

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

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

- 2) Review/approval of low quote from LPI for the construction and installation of handicap ramps on Gamble Street (Attachment – Staff Recommends Approval)

CM Smith noted there has been a complaint.

Motion by Commissioner Clark, second by Commissioner Bivins to approve the low from LPI for construction and installation handicap ramps on Gamble Street. Motion carried by unanimous vote.

g. GENERAL ITEMS FOR CONSIDERATION

- 1) Request for decision/clarification regarding businesses such as the Internet Cafes/Sweepstakes (Attachments – Staff Requests Direction from Commission)

DSD Peavy noted there is no clear ruling by the State on the law. CM Smith there is so much gray area that moratorium could be continued for a term stated. CA Blair – this will provide time to review new legislation.

Motion by Commissioner Allen, second by Commissioner Bivins to continue moratorium for a period of six months. Motion carried by unanimous vote.

Resolution No. R2011-05 was introduced and read by title only.

Motion by Commissioner Bivins, second by Commissioner Clark that Resolution No. R2011-05: A Resolution of the City Commission Of The City Of Wildwood, Florida, Placing A Moratorium Of Permitting Internet Cafes Or Entities Providing Game Promotions In Connection With The Sale Of Consumer Products Or Services; Providing For An Effective Date: is adopted. Motion carried by unanimous vote.

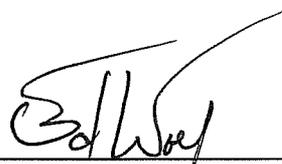
4. ADJOURN:

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

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST: 
Joseph Jacobs, City Clerk


Ed Wolf, Mayor