

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA
REGULAR MEETING
SEPTEMBER 13, 2011 – 7:00 P.M.
CITY HALL COMMISSION CHAMBER

(meeting taped)

The City Commission of the City of Wildwood, Florida met in Regular session September 13, 2011 at 7:00 p.m.

Present were: Mayor Pro tem Allen; Commissioners Bivins, Clark, and Strickland. Also present were: City Manager Smith, City Clerk Jacobs, City Attorney Blair, Assistant City Clerk Roberts, Police Chief Reeser, AVT Law and Development Service Director Peavy.

The meeting was called to order by Mayor Pro tem Allen who also gave the invocation and the audience joined in the Pledge of Allegiance to the American Flag.

1. TIMED ITEMS AND PUBLIC HEARINGS

a. PUBLIC HEARING Opened by Mayor Pro tem Allen.

(1) (Review) STATE REQUIREMENTS (Hearing Information) reference the Hearing Procedures for tentative adoption) (Attachments)

CM Smith noted that tentative adoption of Millage then tentative adoption of Budget is required.

(2) TENTATIVE ADOPTION of the Proposed Millage (Property Tax Levy or Ad Valorem Taxes) for the 2011-2012 Fiscal year (Please see your budget packet for information)

(3) Resolution No. R2011-18 – TENTATIVELY adopting the Proposed Millage (Property Tax Levy or Ad Valorem Taxes) for the 2011-2012 Fiscal Year (Attachments)

CM Smith reported the Millage rate for FY 2011-12 to be 4.0714%.
No comments received from the Public.

Resolution No. R2011-18 was introduced and read by title only.

Motion by Commissioner Strickland, second by Commissioner Bivins that R2011-18: A Resolution Of The City Of Wildwood, Florida Adopting The Tentative Levying Of Ad Valorem Taxes For City Of Wildwood, Florida; Providing For An Effective Date: be adopted. Motion carried by unanimous vote.

b. PUBLIC HEARING – Opened by Mayor Pro tem Allen.

(1) TENTATIVE ADOPTION of the City of Wildwood's Proposed Budget for the 2011-2012 Fiscal Year (Please see your budget packet for information)

(2) Resolution No. R2011-19 – TENTATIVELY adopting the City of Wildwood's Proposed Budget for the 2011-2012 Fiscal Year (Attachments), AND Copy of ad's for the second public hearing – for your review (Attachments)

CM Smith reported that due to population increase some tax revenues would show an increase for FY2011-12. Noted grants received. Noted projects such as HVAC repair for City Hall, Repaving, Vehicle replacement. Noted start of Police Station Construction fund, IT upgrades, annex upgrade, water department office relocation, 466A improvements, new City logo, Winter Wonderland event, increasing WUP. Offer has been made for new utility director. Noted time for new impact fee studies, which are required every five years. General Fund contingency of \$402,000 and Enterprise Fund contingency of \$67,980, but that is not anticipating revenue from Connection or TIE fees. Total expenditures of \$10,827,000, revenues \$11,297,000 with a total contingency of \$470,000.

No comments were received from the Public.

Resolution No. R2011-19 was introduced and read by title only.

Motion by Commissioner Bivins, second by Commissioner Strickland that Resolution R2011-19: A Resolution Of The City Of Wildwood, Florida Adopting The Tentative Budget For Fiscal Year 2012; Providing For An Effective Date: be adopted. Motion carried by unanimous vote.

c. PUBLIC HEARING – 2nd FINAL READING*

Ordinance No. O2011-09, an ordinance establishing the Wildwood Springs Community Development District, naming district boundaries; granting special powers; naming the initial members of the district's board of supervisors; etc. – WITH A POWER POINT PRESENTATION

Ordinance No. O2011-09 was introduced and read by title only. Public Hearing opened by Mayor Pro tem Allen.

DSD Peavy, Cheryl Stuart and Dean Barberree were sworn in.

DSD Peavy reported that representatives from Wildwood will provide a brief presentation and that staff recommends adoption of the Ordinance.

Cheryl Stuart of the law firm, Hopping Green & Sams, P.A. in Tallahassee, introduced Dean Barberree of Reader & Partners, LLC. Ms. Stuart noted for the record that the hearing was noticed as required in Chapter 190 of the Florida Statutes. Proof of publication will be provided when received from the paper. Testimony was pre-filed and she requested that the original Affidavits Adopting Written, Pre-filed Testimony of Joe MacLaren, of Gary Moyer, and of Dean Barberree be made a part of the official records of the meeting. Executive Summary of the Petition to Establish Wildwood Springs CDD was provided to each member of the Commission and City Clerk.

Dean Barberree reviewed the background of the Wildwood Springs development. Noted the long time relationship with the City.

Ms. Stuart noted that in establishing the District the City would not give up any of the it's regulatory authority over the land, or permitting, or any environmental

regulatory authority the City may have. Believe the record they have established here supports a favorable consideration of the Ordinance.

No further comments received.

Motion by Commissioner Clark, second by Commissioner Bivins that O2011-09: An Ordinance of the City of Wildwood, Florida, establishing the Wildwood Springs Community Development District; Naming the District; Describing the external boundaries of the District; Granting special powers; naming the initial members of the District's Board of Supervisors; providing for conflict and severability; 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. O2011-10, an ordinance amending sections of the City Code of Ordinances and providing for a definitions and limits, etc. for metallic discharges (Attachments – Staff Recommends Approval)

Ordinance No. O2011-10 was introduced and read by title only. Mayor Pro tem Allen opened Public Hearing.

CA Blair reported this ordinance is to bring the City's Code in compliance with the FDEP requirements.

No further comments received.

Motion by Commissioner Bivins, second by Commissioner Strickland that Ordinance No. O2011-10: An Ordinance of the City of Wildwood, Florida, amending Sections 19-181; 19-208; 19-242; 19-281, and 19-283 of the City of Wildwood Code; providing for a Definition for significant noncompliance; providing for local limits for Metallic Discharges; providing for Notice to Director of Facilities Changes that could affect slug discharges; providing for individual Wastewater Permits; providing for reporting requirements; providing for record keeping; providing for conflict; providing for an effective date: be adopted on second final reading. Motion carried by unanimous vote.

*quasi judicial hearing

2. REPORTS AND PUBLIC INPUT

- SPECIAL PRESENTATION: (See 1.c. above)

a. City Manager

(1) FYI – August 16, 2011 Kimley-Horn & City Staff Utilities & Projects Meeting Notes (Attachments)

If any questions, see the City Manager.

(2) FYI – Letter from e5Solutions thanking us for the use of the MP Community Center for their Entrepreneurial Institute course (Attachment)
e5Solutions no longer the Economic Development Marketing Firm for the County as of October 1.

(3) FYI – Copy of letter to SCTDC (Sumter County Tourist Development Council) Chairman Gilpin regarding the SC Wayfinding Signs Proposal (Attachment)

These are landmark type signs. Sumter County looking to possibly use TD funds.

(4) FYI – Memo from Chief Reeser to City Manager Smith regarding emergency purchase/replacement of police department's server (Attachment)

Due to lightning strike had to make emergency purchase. Making Commission aware of emergency purchase as required by the Charter.

(5) FYI – Special Events Permit (TEMP 1105-01) issued to Central Florida Urology Specialists for a 5k Relay (Attachments)

FYI – not enough interest so there will not be a kick ball league.

FYI – Special meeting of September 19 to discuss Landstone, will have representative from FCCMA Range Rider program present to discuss what Commission would like to have advertised for the new City Manager position.

- b. City Attorney – None
- c. City Clerk – None
- d. Commission Members – None
- 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 Special Meeting held on August 15, 2011 (Attachments – Staff recommends approval)

(2) Minutes of Regular Meeting held on August 22, 2011 (Attachments – Staff recommends approval)

Motion by Commissioner Strickland, second by Commissioner Bivins that the minutes of August 15, 2011 and August 22, 2011 be approved as typed. Motion carried by unanimous vote.

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

(1) Ordinance No. O2011-12, an ordinance requiring entities with pipes, cables, or lines within a public ROW to seek a permit prior to disturbance of said ROW for maintenance and/or repair, etc. (Attachments – Staff recommends approval)

Ordinance No. O2011-12 introduced and read by title only.

DSD Peavy – procedure has been in place, this is an update. The County updated theirs and the City is following by updating and adopting by Ordinance.

(2) Ordinance No. O2011-15, an ordinance correcting scrivener's errors regarding Ordinance # O2010-19 (Attachments – Staff Recommends Approval)

Ordinance No. O2011-15 introduced and read by title only.

(3) Ordinance No. O2011-16, an ordinance correcting scrivener's errors regarding Ordinance # O2010-20 (Attachments – Staff Recommends Approval)

Ordinance No. O2011-16 introduced and read by title only.

c. RESOLUTIONS FOR APPROVAL:

None

d. APPOINTMENTS

None

e. CONTRACTS AND AGREEMENTS

(1) Discussion/approval of First Amendment to Developer's Agreement between Sumter County and the COW incorporating additional fees necessary to provide water to the South Wildwood Fire Station 33 (Attachments – Staff Recommends Approval)

CM Smith reported that although this is not needed, the County wants it.

Motion by Commissioner Clark, second by Commissioner Strickland to approve the First Amendment to Developer's Agreement between Sumter County and the City of Wildwood. Motion carried by unanimous vote.

(2) The InterGovernmental Cooperative Agreement-Contract and By-Laws for Public Risk Management of Florida (Attachments Deanna – Staff Recommends Approval)

Motion by Commissioner Clark, second by Commissioner Bivins to accept and approve execution of Agreement-Contract with PRM. 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.

g. GENERAL ITEMS FOR CONSIDERATION

(1) Approval requested by St. Vincent de Paul Catholic Church for a Special Events Permit (TEMP 1108-01) to hold a "Respect for Life Rally" on the sidewalk area in front of city hall (Attachments – Board Option)

Motion by Commissioner Strickland, second by Commissioner Bivins to approve the request to hold a "Respect for Life Rally". Motion carried by unanimous vote.

(2) Request approval of Power Corps and Harrigan Builders, Inc. ERC Transfer (Attachments – Staff Recommends Approval)

Motion by Commissioner Clark, second by Commissioner Bivins to approve ERC transfer. Motion carried by unanimous vote.

(3) Review/approval requested of the University of Florida (Bureau of Vital Statistics) Population Estimate (Attachments – Staff Recommends Approval)

CM Smith reported he agrees with the number – 6926.

Motion by Commissioner Bivins, second by Commissioner Strickland to accept the Population Estimate. Motion carried by unanimous vote.

(4) Discussion/decision regarding the appointment of Commissioner Allen as Chairman of Florida League of Cities Finance Committee – possible appointment to National League of Cities (Attachments – Board Option)

CM Smith reported that Commissioner Allen has been named to the FLC Finance Committee, to serve as Chair, and there is a possibility of an appointment to the National League of Cities. Noted there would be some financial commitment on the part of the City that the Commission should approve.

Motion by Commissioner Clark, second by Commissioner Strickland to approve. Motion carried by unanimous vote.

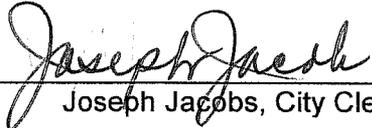
4. ADJOURN:

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

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST:



Joseph Jacobs, City Clerk



Ronald B. Allen, Mayor Pro tem

BEFORE THE CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

IN RE: PETITION TO ESTABLISH)
 WILDWOOD SPRINGS COMMUNITY)
 DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF ORANGE

I, Joe MacLaren, of Fishkind & Associates, Inc., being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Joe MacLaren, and my business address is 12051 Corporate Blvd., Orlando, Florida 32817.
3. The prepared written, pre-filed testimony consisting of eight (8) pages, submitted under my name to the Wildwood City Commission relating to the establishment of the Wildwood Springs Community Development District and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the Wildwood Springs Community Development District establishment hearing on September 13, 2011, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience and qualifications concerning the statutory requirements and financial aspects of special districts are accurately set forth in my pre-filed testimony.

6. My pre-filed testimony addresses the various statutory requirements and financial issues relating to the proposed Wildwood Springs Community Development District.

7. No corrections or amendments to my pre-filed testimony are required.

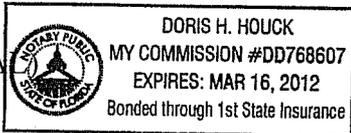
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 6th day of September, 2011.

Joe MacLaren
Joe MacLaren

SWORN TO and SUBSCRIBED before me by the Affiant, on this 6th day of September, 2011.

Doris H. Houck
Notary Public



(SEAL)

DORIS H. HOUCK
Typed Name

Personally known ✓
Type of Identification produced _____

BEFORE THE CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

IN RE: PETITION TO ESTABLISH)
 WILDWOOD SPRINGS COMMUNITY)
 DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF SUMTER

I, Gary Moyer, of Moyer Management Group, Inc., being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Gary Moyer. My business address is 610 Sycamore Street, Suite 140, Celebration, FL 34747.
3. The prepared written, pre-filed testimony consisting of six (6) pages, submitted under my name to the Wildwood City Commission relating to the establishment of the Wildwood Springs Community Development District and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the Wildwood Springs Community Development District establishment hearing on September 13, 2011, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience and qualifications concerning the statutory requirements and managerial aspects of special districts are accurately set forth in my pre-filed testimony.

6. My pre-filed testimony addresses the various statutory requirements and managerial issues relating to the proposed Wildwood Springs Community Development District.

7. No corrections or amendments to my pre-filed testimony are required.

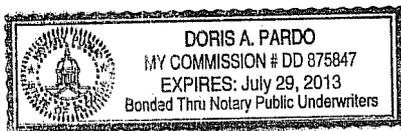
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 6 day of September, 2011.


Gary Moyer

SWORN TO and SUBSCRIBED before me by the Affiant, on this 6 day of September, 2011.

(SEAL)




Notary Public

Doris A. Pardo
Typed Name

Personally known ✓
Type of Identification produced _____

BEFORE THE CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

IN RE: PETITION TO ESTABLISH)
 WILDWOOD SPRINGS COMMUNITY)
 DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF ORANGE

I, Dean Barberree, of Reader & Partners, LLC, being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Dean Barberree and my business address is 5850 T.G. Lee Boulevard, Suite 200, Orlando, FL 32822.
3. The prepared written, pre-filed testimony consisting of eight (8) pages, submitted under my name to the Wildwood City Commission relating to the establishment of the Wildwood Springs Community Development District and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the Wildwood Springs Community Development District establishment hearing on September 13, 2011, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience and qualifications concerning the Petition, its exhibits and the reasons for establishing the District are accurately set forth in my pre-filed testimony.

6. My pre-filed testimony addresses the various statutory requirements and provides an overview of the proposed development within the proposed Wildwood Springs Community Development District.

7. No corrections or amendments to my pre-filed testimony are required.

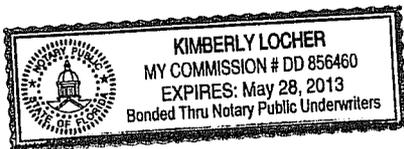
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

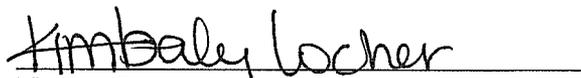
Executed this 6th day of September, 2011.


Dean Barberree

SWORN TO and SUBSCRIBED before me by the Affiant, on this 6th day of September, 2011.

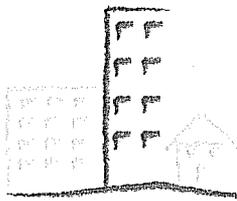
(SEAL)




Notary Public

KIMBERLY LOCHER
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Petition to Establish Wildwood Springs CDD Executive Summary

Background

Wildwood Springs, LLC petitioned the City to establish a Community Development District (CDD). The proposed District will consist of approximately 994 acres, all of which is included in the Wildwood Springs DRI. CDDs are independent, special purpose units of local government. Chapter 190, Florida Statutes, governs the process by which all CDDs in Florida are established.

The DRI Development Order issued for the Wildwood Springs project recognized and contemplated the establishment of a CDD for this project. See Section IV.A.4. of Development Order.

It is presently anticipated that the proposed Wildwood Springs CDD would assist in the funding of certain roadway improvements, both on and off site; stormwater management facilities; environmental mitigation requirements; water, sewer and reclaimed water facilities; parks and recreational facilities; and landscaping, entry features, etc. (See Exhibit 8 to Petition). Maintenance obligations of these facilities would vary. For example, the City would continue to provide retail water and sewer service while the CDD would maintain stormwater management facilities, etc.

The Wildwood Springs CDD would finance facilities using non ad valorem or special assessments, pledged to secure any debt it would issue. Similarly, it would likely levy assessments to cover the cost of maintenance of any facilities it retained. The existence of the district must be disclosed to persons buying property from the developer; the district also provides disclosure of its public financing activities and costs. In addition, all open meetings, public records, and financial disclosure provisions of Florida law would apply to the Wildwood Springs CDD and its Board members.

There are approximately 550 CDDs in the State of Florida today. Depending on their size, all CDDs are established either by city/county ordinance or by administrative rule of the Governor and Cabinet (sitting as the Florida Land and Water Adjudicatory Commission).

Statutory Criteria

The decision to establish a CDD is not a land use decision. Section 190.005 sets forth the following factors to consider:

- 1) Whether all statements contained within the petition have been found to be true and correct.

- 2) Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.
- 3) Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
- 4) Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.
- 5) Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.
- 6) Whether the area that will be served by the district is amenable to separate special-district government.

Additional Key Statutory Provisions

*CDDs have no planning, zoning or environmental permitting authority. §190.002(2)c

*Debt of a CDD cannot become the debt of the City. §190.002(3)

*CDDs must comply with reporting, audit, budgeting, ethics, and sunshine law requirements required of other local governments. §190.002(1)b

*CDD board members are initially appointed by the ordinance establishing the district. Within 90 days, the landowner(s) will convene to elect board members to 2 and 4 year terms on a one acre, one vote basis. Board members will begin to be elected by residents after 6 years and the existence of 250 registered voters living in the District. §190.006

Conclusion

The DRI Development Order issued for this project contemplated the potential establishment of a CDD to provide infrastructure and services to these lands. Based on the public infrastructure needs of this development, the proposed Wildwood Springs CDD is the best alternative for the provision and long term maintenance of facilities for the Wildwood Springs project. Establishing a CDD for this area is not inconsistent with either the state comprehensive plan (see, e.g., Goals 15, 17, and 25), nor the City's comprehensive plan (note DRI section referenced above). Because all permitting requirements for construction and operation of new facilities will apply to the CDD's activities, there will be no duplication of facilities and services. Due to its size and the infrastructure needs, the Wildwood Springs project is amenable to this type of special purpose government. The proposed CDD is the best alternative available to provide certain services and facilities to the project without inappropriately burdening the general taxpayer.