

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA
REGULAR MEETING
MARCH 22, 2010 – 7:00 P.M.
CITY HALL COMMISSION CHAMBER

The City Commission of the City of Wildwood met in Regular session March 22, 2010 at 7:00 p.m. in the City Hall Commission Chamber.

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

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

- (IMMEDIATELY) MOTION TO APPOINT CITY COMMISSION TO SERVE AS THE CITY'S PLANNING AND ZONING BOARD FOR THE PURPOSE OF ACTION ON THE FOLLOWING and ADJOURN AS CITY COMMISSION –

Motion by Commissioner Clark, second by Commissioner Allen to appoint the City Commission as Planning & Zoning Board for the purpose of hearing cases for which the Special Magistrate recused himself to avoid potential conflict. Motion carried. All voting yea.

- A. Review Special Magistrates recommendation to Commission to abstain from making a recommendation on Cases RZ 2010-02-01, Wildwood Crossings PUD, and Oxford Crossings PUD Case RZ 2010-03-01, to avoid potential conflict (Attachment)
- B. Case RZ 2010-02-01 Wildwood Crossing request to rezone from Commercial/R-1 to City PUD – P&Z Board to review and make a recommendation to the City Commission (Attachments)

DSD Peavy was sworn in and provided location, parcel numbers, and developer information. Acorn Investment, Joe Nesbitt Manager and applicant request approval and favorable recommendation from the Wildwood Planning & Zoning Board for rezoning from Commercial and R-1 to City PUD. Applicant has provided a conceptual plan. Staff has reviewed the project and drafted a proposed ordinance and should recommendation for approval be made, the first reading of the ordinance will take place tonight. Surrounding land uses are – north, Commercial and General Mixed Use; south, Medium Density Residential and General Mixed Use; east, The Villages DRI where the County Administrative Building is under construction; west, Commercial and Institutional.

Proposed Project consists of 42,500 sq ft of Commercial on five acres, along with 20 acres of residential. Density was approved through the land use at 15 units per acre. Staff has reviewed the application and conceptual plan for compliance with the Future Land Use and Development Regulations and staff recommends favorable approval of the terms set forth in the proposed ordinance. The Planning & Zoning Board has the duty to determine whether sufficient information to make a recommendation has been submitted or to describe the terms and conditions appropriate to make that decision.

Meeting was advertised as required and certified mail was sent to surrounding property owners for the original meeting and to adjoining property owners for this meeting. Notices were posted on the front and rear door of City Hall and at the Wildwood Post Office, and in the Daily Commercial.

The meeting was opened for Public Hearing.

Daniel Parker, Joe Nesbitt and Robin Shriner were sworn in to make comment.

Daniel Parker – is understanding more from the meeting. The City is wanting this to be a PUD to have more ability to protect the surrounding homeowners and the City. Is the developer required to go PUD. What is 15 units per acre?

DSD Peavy – the property went through a rezoning and land use process in 2005. If nothing was done today and since this property is in one of the neighborhood commercial mixed-use nodes, it would be forced to go through the PUD process. The Developer is going through the PUD as part of the next step to develop the property to get some entitlements and get a plan in place for what is to happen on the property in the future. The PUD provides more restrictions and forces the developer to come forward at an early stage as to what they may do on the property. The Commercial and Residential shown on the conceptual plan are not necessarily final. They will have to come back for site plan review. Entitlements include Zoning already in place to provide shorter process when they are ready to develop. The Comp Plan that was approved in 2005 allows for this PUD and 15 units per acre already. Nothing is being requested that was not already planned. Each unit means one residential unit. Duplexes would be 2 units. Noted there will be buffering.

Joe Nesbitt, Applicant. Applied for the underlying land use five years ago to permit higher densities in residential development and commercial. Intent is to have a quality development.

CM Smith – Concerns from Pastor Parker and others is the quality of the apartments. This is not the final step of the process. The developer will have to come back for additional approvals and local residents can make objections to make sure developer is completing everything to get that approval.

Robin Shriner – feel the need to reiterate the fact that it was tripled zone – R1, Commercial, and General Mixed Use. Understand tonight that it is different. Will be looking out backside yard into the development. If some way to keep the retention pond from becoming a mosquito breeder, and keep the large old oaks and use them as a buffer neighbors would appreciate it.

DSD Peavy – keep in mind zoning is under the land use. City cannot do anything outside the parameters of what has already been approved though the State under the land use. The property does have General Mixed Use on it, but was left out of the staff report, and was discussed at the Planning and Zoning Board meeting. Cannot approve 15 units per acre if the land use was not already approved through the State. Reiterated the plan is conceptual.

Commission Strickland – why is the density determined before the minimum open space from the total acreage? Useable acreage – they actually could put 20 units per acre. DSD Peavy – the density is determined land use. Acres are based on gross acreage. Then 25% minimum open space is determined based on the gross acres. The useable acreage is based on gross acreage and yes it is possible for 20 units per acre. Dry retention is considered open space, but wet retention is not. City can put restrictions on the density.

Commissioner Strickland – feels it is misleading to say the density is 15 units per acre when the density is determined before the open space is subtracted. DSD Peavy – this is the way the Comp Plan is set up.

Daniel Parker – expressed strong objection to having as many as 40 units adjacent to his property line. Seems extremely excessive.

Joe Nesbitt – the way the State and Wildwood calculates density is consistent with other jurisdictions. Cannot say today that with meeting all the requirements such as parking, amenities, etc. there will even be 15 units per acre. Can work through the buffer issues in the site plan phase.

Commissioner Clark - if the developer meets all requirements City can't refuse to approve, correct? CA Blair – it would be attackable if what they were requesting was reasonable. In this situation you have staff recommending approval.

Sitting as the Planning & Zoning Board, Motion by Commissioner Clark, second by Commissioner Allen to accept the recommendation of staff to approve . Motion carried. Yea – Allen, Bivins, Clark, Wolf. Nay – Strickland.

- C. Case RZ 2010-03-01 Oxford Crossing request to rezone from General Mixed Use-GM to City PUD – P&Z Board to review and make a recommendation to the City Commission (Attachments)

DSD Peavy – (still under oath) provided location and Developer information. 301 LLC, Joe Nesbitt, Manager and applicant. The is different from previous in that it is zoned General Mixed Use through the City. GMU requires that any property must go through the PUD process. Applicant seeks approval and favorable recommendation from the Planning and Zoning Board. Project consist of 145,000 sq ft of Commercial along with about 60 acres of Residential density at 12 units per acre. North – General Mixed Use with Zoning of PUD. South – Industrial land use and zoning. East – General Mixed Use and County Ag. West – County Commercial and County Ag with light Commercial. Staff has reviewed the application and drafted the proposed Ordinance. The Ordinance sets 12 units per acre density and Commercial at 145,000 sq ft., PUD has listed permitted uses which fall within the type of Commercial the City has designated for that area and also listed some prohibited Commercial uses. Recreation and Open space are listed. Open space is at 25% as with all other projects. The Planning and Zoning Board has the duty to determine whether sufficient information to make a recommendation has been provided or describe terms and conditions appropriate to develop the

recommendation. Staff noticed the Public Hearing by sending out certified mail to surrounding property. Posted on the front and rear doors of City Hall and at the Wildwood Post Office. Published in the Daily Commercial.

Joe Nesbitt (sworn in earlier) – anticipate there will be develop demand for the property, therefore trying to get this step completed. Anticipated market is the schoolteachers for the Charter school and service employees.

Mayor Wolf opened meeting for Public Hearing. No comments received.

Sitting as the Planning & Zoning Board, Motion by Commissioner Clark, second by commissioner Bivins to accept the recommendation of staff on RZ 2010-03-01. Motion carried. Yea – Allen, Bivins, Clark, Wolf. Nay – Strickland.

Motion by Commissioner Bivins, second by Commissioner Allen to adjourn the Planning & Zoning Board meeting. Motion carried. All voting yea.

- Mayor Wolf Reconvened the City Commission Meeting.

1. TIMED ITEMS AND PUBLIC HEARINGS

7:00 PM

(a) PUBLIC HEARING-2nd FINAL READING Ordinance No. O2010-01, providing for Refuse services, yard waste, amending and adding sections of the City's Code of Ordinances (Attachments – Staff recommends approval)

Ordinance No. O2010-01 read by title only and meeting opened for Public Hearing. No comments received.

Motion by Commissioner Allen, second by Commissioner Strickland that Ordinance No. O2010-01: An Ordinance of the City of Wildwood, Florida, creating Chapter 15, Article I of the City of Wildwood Code; providing for definitions; providing that City Facilities for the collection of refuse and garbage are established as a utility; amending Article II of the City of Wildwood Code; amending Section 15-31; providing for refuse services; providing procedure for setting refuse fees; providing for collection generally; amending Section 15-32; providing that all refuse and garbage shall be collected by the City; providing for exceptions; amending Section 15-33; providing that collection shall be supervised by the Director of Solid Waste; amending Section 15-23; providing for private collection permits; amending Section 15-35; providing for collection in newly annexed areas; amending Section 15-36; providing for residential and commercial containers; amending Section 15-27; providing for Commercial Dumpsters; amending Section 15-38; providing for yard waste; amending Section 15-39; providing for collection of tires, rims and white goods; amending Section 15-40; providing for enforcement of delivery fees; deleting Section 15-41; renumbering Section 15-42; renumbering Section 15-43; adding a new Section 15-43; repealing Ordinance Numbers 254, 394 and 402; providing for prohibited acts; providing for an exception to curbside placement for handicapped customers; providing for fees; providing for conflict; and providing for an effective date: is adopted on second final reading. Motion carried by unanimous vote.

(b) PUBLIC HEARING-2nd FINAL READING Ordinance No. O2010-06, an ordinance providing specificity of when base rates apply to development (Attachments – Staff Recommends Approval)

Ordinance No. O2010-06 read by title only with meeting opened for Public Hearing. No comments received.

Motion by Commissioner Bivins, second by Commissioner Clark that Ordinance No. O2010-06: An Ordinance of the City of Wildwood, Florida, amending Section 19-30, City of Wildwood Code; providing for application of Base Utility Rates; providing for conflict; and providing for an effective date: is adopted on second final reading. Motion carried by unanimous vote.

(c) PUBLIC HEARING-2nd FINAL READING Ordinance No. O2010-07, providing for emergency plumbing; generators; for pumping stations at critical points or which have a peak design capacity of 1000 GPM or more; etc. (Attachments – Staff recommends approval)

Ordinance No. O2010-07 read by title only with meeting opened for Public Hearing. No comments were received.

Motion by Commissioner Clark, second by Commissioner Strickland that Ordinance No. O2010-07: An Ordinance of the City of Wildwood, Florida, amending Section 6.4 of the City of Wildwood Land Development Regulations; providing for Emergency Pumping capability; providing for in-place emergency generators for pumping stations at critical points or which have a peak design capacity of 1000 GPM or more; providing for conflict; providing for an effective date: is adopted on second final reading. Motion carried by unanimous vote.

(d) Timed Item - Planning & Zoning Board's recommendation on Case RZ 2010-02-01 Wildwood Crossings request to rezone from Commercial/R-1 to City PUD (See Attachments under P&Z Board – B above – Staff Recommends Approval)

Meeting opened for Public Hearing. No comments received.

Motion by Commissioner Allen, second by Commissioner Bivins to accept the recommendation of the P&Z Board on Case RZ 2010-02-01. Motion carried by unanimous vote.

(e) Timed Item - Planning & Zoning Board's recommendation on Case RZ 2010-03-01 Oxford Crossing request to rezone from General Mixed Use-GM to City PUD (See Attachments under P&Z Board – C above – Staff Recommends Approval)

Meeting opened for Public Hearing. No comments received.

Motion by Commissioner Bivins, second by Commissioner Clark to accept the recommendation of the P&Z Board on Case RZ 2010-03-01. Motion carried by unanimous vote.

(f)* Timed Item - Special Magistrates recommendation on Case RZ 2010-03-02 Parkwood Sumter Properties request to rezone from county PUD to city PUD (Attachments – Staff Recommends Approval)

Meeting opened for Public Hearing. No comments received.

Motion by Commissioner Bivins, second by Commissioner to accept the recommendation of the Special Magistrate on Case RZ 2010-03-02. Motion carried by unanimous vote.

2. REPORTS AND PUBLIC INPUT

▪ SPECIAL PRESENTATION

(1): Quarterly update from E5 Solutions (Rick Dodge ref. Economic Development in Sumter County) (Attachments)

Mr. Dodge provided a power point presentation Quarterly report from the EDC of Sumter County. Hand outs on file.

(2): City Employee Recognition (Attachment)

Mayor Wolf recognized 15-year retiring employee Cindy Jones with a plaque and proclamation.

(3): Proclamation declaring Friday, April 23, 2010, as Arbor Day in the COW (in conjunction with the Tree City USA commemoration (Attachment)

Motion by Commissioner Bivins, second by Commissioner Allen proclaiming April 23, 2010 as Arbor Day in the City of Wildwood. Motion carried by unanimous vote.

a. City Manager

- 1) US 301 widening. Was to be bid in October. The Villages would like it sooner. Working to see if it can be let out in August instead of October. Clearing and grubbing will begin shortly and an arborist will be on site to save as many trees as possible.
- 2) April 3 will be the Eggstravaganza. City Manager will be the bunny.
- 3) Commissioner Allen to be attending FLC Legislative day.
- 4) Meeting with City Administrator regarding some budget items.
- 5) Budget mid-year review will be April 19 at 5:00 p.m. Will provide food and drinks.
- 6) Budget Analysis Report for February 2010 (Attachments) Self explanatory.
- 7) FYI – Thank you letter to the Sumter 44 Lions Club and Wal Mart for their contributions to the City Parks & Recreation Department (Attachments from Jason Hargrove PRC)
- 8) FYI – Wildwood Dixie Youth League contract (Attachment)
- 9) FYI – Friends of the Library report of “successful” book sale and request to utilize building for another on June 5 (which I have approved) (Attachments)

b. City Attorney - None

c. City Clerk – None

- d. Commission Members
 - Bivins – would like Commission to look at house that has been redone and consider making a purchase to be used for Youth programs and such. If can't be purchased in immediate future, don't shut down the idea. The owner wants to make a change from rental property. City Manager to check what funds are available.
 - Allen – with Mr. Hannah present wants to ask City Manager to include High Street in budget discussion.
 - Wolf – asked for Clerk to check if all franchise fees are coming in. Brighthouse rate went up March 1.
 - Wolf – have discussed computer-generated signs, what was outcome. DSD Peavy – regular signs not allowed under commercial design standards. CM Smith – exception for public entities. CA Blair – if Commission wants those - can be amended. DSD Peavy – Health department applied and were turned down and they were told would have to apply for a variance.
- 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

Motion by Commissioner Bivins, second by Commissioner Allen that the Minutes of Regular Meeting held on March 8, 2010 be approved as typed. Motion carried by unanimous vote.

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

- 1) Ordinance No. O2010-03, an ordinance reclassifying the rezoning of Wildwood Crossing PUD from Commercial/R-1 to City PUD (Attachments)

Ordinance No. O2010-03 read by title only.
- 2) Ordinance No. O2010-04, an ordinance reclassifying the rezoning of Parkwood Sumter Properties from county PUD to City PUD (Attachments)

Ordinance No. O2010-04 read by title only.
- 3) Ordinance No. O2010-05, an ordinance reclassifying the rezoning of Oxford Crossing from General Mixed Use-GM to City PUD (Attachments)

Ordinance No. O2010-05 read by title only.
- 4) Ordinance No. O2010-08, changing the name of a certain street located in Lakeside Landings Development (Attachments – Staff recommends approval)

Ordinance No. O2010-08 read by title only.
- 5) Ordinance No. O2010-09, providing for exemptions from set backs, lot size & signage for lots reduced in size by eminent domain (Attachments)

- 6) Ordinance No. O2010-09 read by title only.
- c. RESOLUTIONS FOR APPROVAL:
- 1) Resolution No. R2010-08 a resolution declaring surplus property and determining the manner of disposal (Attachments – Staff Recommends Approval)
- Resolution No. R2010-08 introduced and read by title only.
- Motion by Commissioner Bivins, second by Commissioner Clark that Resolution No. R2010-08: A Resolution of the City Commission of the City of Wildwood, Florida determining that certain property is surplus; determining the manner of disposal of said property; providing for an effective date: is adopted. Motion carried by unanimous vote.
- d. APPOINTMENTS
None
- e. CONTRACTS AND AGREEMENTS
None
- f. FINANCIAL
- 1) Bills for Approval (Attachments – Staff Recommends Approval)
Motion by Commissioner Strickland, second by Commissioner Bivins to pay the bills as approve. Motion carried by unanimous vote.
- g. GENERAL ITEMS FOR CONSIDERATION
- 1) Discussion relative to Resolution R2010-07, clarification needed on holiday policy – does Holiday Bank expire in twelve (12) months, or will there not be an expiration date? (Attachments)
- Motion by Commissioner Allen, second by Commissioner Bivins that Holiday Bank expire in twelve months unless exception approved by City Manager. Motion carried by unanimous vote.
- CM Smith – Smoking and smokeless tobacco policy. Prefer smokeless tobacco be on breaks, not in the public domain. Commission requested that areas be designated in the resolution as smoking area and that signage be installed.
- Motion by Commissioner Allen, second by Commissioner Bivins that Resolution be drafted as amended by Commission. Motion carried. Yea – Allen, Strickland, Bivins, Wolf. Nay – Clark.
- 2) Discussion relative to continuation of Grower’s Market (Attachment – Staff Recommends Approval)

CM Smith – noted a net loss for the market, but the market has been operating during unusual cold winter and the non-growing season.

Richard Sopko, Market Manager - April 17 Market will be in conjunction with Sumter County Health Department, Women's Health Day and a 5K run. The radio station is present on the 3rd Saturday every month. Seeking grant for advertising and sound system for entertainment. Ready to set up equipment for food stamps, but don't want to set it up unless Market continuing.

Commissioner Allen – noted other Markets have kiddie rides to bring in adults with children.

Motion by Commissioner Bivins, second by Commissioner Allen to extend the Growers Market. Motion carried by unanimous vote.

CM Smith commended Richard Sopko on great job.

4. ADJOURN:

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

5. Mayor Wolf reconvened the Commission as the CRA(Community Redevelopment Agency)
a. Bids for the Gamble Street Drainage Improvements Project (Attachments – Staff Recommends Approval of low bidder)

Motion by Commissioner Clark, second by Commissioner Bivins to approve the recommendation of staff and award bid to CW Roberts in the amount of \$52,411.50. Motion carried by unanimous vote.

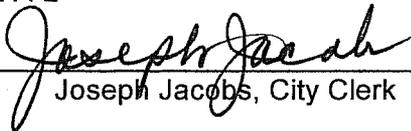
6. ADJOURN

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

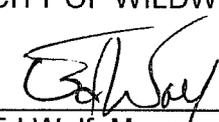
CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST:



Joseph Jacobs, City Clerk



Ed Wolf, Mayor