

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA
REGULAR MEETING
DECEMBER 13, 2010 – 7:00 P.M.
CITY HALL COMMISSION CHAMBER

The City Commission of the City of Wildwood, Florida met in Regular session December 13, 2010 at 7:00 p.m.

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

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
7:00 PM

DSD Peavy was sworn in by Mayor Wolf.

- a. PUBLIC HEARING – 2nd FINAL READING Ordinance No. O2010-26, an ordinance adopting the annual update to the Capital Improvement Element of the Comprehensive Plan (Attachments – Staff Recommends Approval)

DSD Peavy explained Statutory requirement to adopt an annual update to the Capital Improvement Element of the Comprehensive Plan, as part of the budget process. The facilities included in the CIE are: Utilities, Transportation, Recreation, Open Space and Public Schools Facilities. This year some proposed improvements are being deleted and new improvements are being added. O2010-26 adopts the update and amending the Comprehensive Plan.

Mayor Wolf introduced and read by title O2010-26, and opened meeting for Public Hearing. No comments were received.

Motion by Commissioner Clark, second by Commissioner Strickland that Ordinance No. O2010-26: An Ordinance Of The City Of Wildwood Florida; Adopting The Annual Update To The Capital Improvements Element Of The Comprehensive Plan; Amending The Comprehensive Plan As Required Pursuant To Section 163.3177(3)(B)1, Florida Statutes; 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. O2010-27, an ordinance correcting Scriveners errors in Ordinance No. 616 (Turkey Run PUD) (Attachments – Staff Recommends Approval)

Mayor Wolf introduced and read by title only O2010-27, and opened meeting for Public Hearing. No comments were received.

DSD Peavy O2010-27 is to correct scriveners' errors in the legal description in Ordinance No. 616.

Motion by Commissioner Allen, second by Commissioner Strickland that Ordinance No. O2010-27: An Ordinance Of The City Of Wildwood, Florida, Correcting Scriveners Errors Caused By Scriveners Errors Contained In The Property Description Provided By The Original Surveyor In Ordinance Number 616; And Providing For An Effective Date: is adopted on second final reading. Motion carried by unanimous vote.

- c. TIMED ITEM Approval of Resolution No. R2010-36 and of the 2nd NOPC (Notice of Proposed Change) to The Villages of Wildwood DRI Development Order (Attachments – Staff Recommends Approval)

Mayor Wolf introduced and read by title R2010-36.

DSD Peavy – In accordance with State Statute 380.06 a Public Hearing date was set for December 13 to discuss the Villages of Wildwood second NOPC to the Development Order for the Villages of Wildwood DRI. The proposed changes to the DRI are to amend the Land Use conversion matrix to include skilled nursing facilities, assisted living facilities and independent living facilities in the land uses, and adding the 4.71 acres, and amending Map H and Map H-1 to reflect the 4.71 acres to the town center mixed use.

Motion by Commissioner Clark, second by Commissioner Bivins that Resolution No. R2010-36: A Resolution Of The City Commission Of The City Of Wildwood, Florida, Adopting A Second Amendment To The Development Order For The Villages Of Wildwood Development Of Regional Impact; Providing An Effective Date: is adopted. Motion carried by unanimous vote.

- d. TIMED ITEM Final plat approval for Lakeside Landings – Regatta II (Attachments – Staff Recommends Approval)

DSD Peavy – changing multi-family lots to single-family units. It is Phase II. The plat includes 41 single-family residential lots which is a revision to the original plan. All engineering has been approved. Fire, City Engineer and staff recommend approval.

Motion by Commissioner Allen, second by Commissioner Bivins to approve the Final plat for Lakeside Landings – Regatta II. Motion carried by unanimous vote.

- e. TIMED ITEM Approval requested for the Negotiated Settlement Agreement; the Proportionate Share Agreement; and the Amended and Restated Development Order for Landstone DRI (Attachments – Staff Recommends Approval)

DSD Peavy – Negotiated Settlement Agreement came about as the result of DCA's appeal of the original DRI Development Order for Landstone. The

Settlement states that the City will simultaneously adopt the Agreement with Amended Restated Landstone Communities DRI Development Order. Upon adoption of Settlement Agreement and Amended Restated Landstone Communities DRI DO and submittal to DCA, a Notice of Voluntary Dismissal of the Appeal will be filed. The Amended Restated DO reflects changes made to the original DO after negotiations with DCA, City of Wildwood, Sumter County and Landstone. The Amended Restated DO requires that the Developer adequately mitigate for impact to regionally significant roadway segments anticipated to occur as a result of the development of Phase I of the DRI and that specific transportation improvements may be constructed in connection with the development of Phase I. It was noted that the attached Transportation Proportionate Share Agreement between Landstone-Wright LLC, TML of Marion LLC, City of Wildwood, Sumter County, Lake County, and the Florida Department of Transportation provides a means by which the developer will satisfy the Proportionate Share Agreement provided for in the DO and by which Phase I will be assessed a proportionate share of the costs of constructing the needed transportation improvements required to mitigate for those transportation impacts. The developer's proportionate share shall be allocated to the pipeline facilities which include the four laning of 470, payment toward safety improvement to the intersection of US301 and CR 468 and participation in the Regional Transit Study. The PSA was approved and executed by FDOT on November 1, Sumter County on November 9, and Lake County on November 23. The agreement has been signed by the owners and developers.

Motion by Commissioner Allen, second by Commissioner Clerk to approve the Negotiated Settlement Agreement; the Proportionate Share Agreement; and the Amended and Restated Development Order for Landstone DRI. Motion carried by unanimous vote.

Charles Schutter, Chuck Piper and Albert Peak were recognized in the audience.

Charles Schutter expressed gratitude to the City and City Manager for there work and help.

2. REPORTS AND PUBLIC INPUT

a. City Manager

- 1) FYI - Report on quiet title issue relative to Parcel D17=040 Oxford Park (Attachments)

See City Attorney

- 2) Update on Champagne Farms Well Site Litigation update (NO Attachments)

Champagne Farms' CFO has communicated with City insurance company and with staff they are getting an attorney, which may help our position because their lack of Florida and US law has created some issues.

3) Update on Fiber Optic and Computer Upgrade update (Attachments)

Have put this on hold for now. Need to pay for HVAC system first. If certain funding isn't available for the HVAC system then maybe both could be rolled into one loan.

4) FYI – Joint Planning Area Timeline and Sequence of Events (Attachment)

Time line has changed because waiting for MPO to do the Transportation impacts analysis.

5) FYI – CDBG (Community Development Block Grant) Update – Initial Rankings (Attachment)

Initial scoring places the City as Number 2, in the fully funded category. Could do all three projects – CR232, Pitt & Stone, and Osceola Avenue.

6) FYI – Wildwood/Bushnell library reports – updates (Attachments)

Information only. Date of opening new facility has been pushed back to January.

7) FYI – Budget Analysis Report for November 2010 (Attachments)

Information only.

8) FYI–Emergency purchase of Flygt Prop Mixer for WWTP to repair Oxidation Ditch #1 (Attachments – Staff Recommends Approval)

Had to make purchase due to emergency.

Wildwood Winter Wonderland event – will be receiving stats and cost at meeting on Tuesday. Will provide to the Commission.

b. City Attorney

Quiet Title relative to Oxford Park. A parcel of property was transferred to the City by the County that was never transferred to the County by the Odd Fellows. The County has used the property for 20 +/- years. Odd Fellows are fighting the quiet title. Before any action is taken need to have entire property surveyed to be sure no other issues.

Motion by Commissioner Allen, second by Commissioner Strickland to approve survey of Oxford Park. Motion carried by unanimous vote.

c. City Clerk - None

d. Commission Members

Allen – (1) depression at Huey and Warfield. (2) thanks for all the work on the banquets. (3) 501 water plant needs to be pressure washed or painted. (4) When are overpass lights to be turned on? SP Grimm to check with FDOT. CM Smith – he and Dave met with FDOT this morning. Several items were discussed. The widening of 301 north of the bridge and the problems experienced at 462. An MOT has been approved but plan to take another look at the traffic jams at that location. There are

several PD&E's – Turnpike widening to 8 lanes from Clermont to 301 and 6 lanes from 301 to I75. Looking at two turn lanes from 466 to 301 south. Looking at two turn lanes from 301 to 44.

e. Public Forum (10 minute time limit)

Jay Turner – every month one or two times per month his neighborhood gets brown water. What can be done about it and what is causing it. CM Smith – will be meeting with the Water Director on Tuesday and will discuss. Noted that Mr. Turner has suggested using reverse 9-1-1 when there is a water line break and/or boil water notice to go out.

Gene Baker – commended the Commission and City on efforts to stop loitering and have police more visible west of 301. However a concern he has is that youth are provoking police and police provoke the kids. Would like to see the two teams work together. Feel that when something is taken from the youth then something should be given back. Police come and loiterers scatter. Police leave and loiterers come back. Need to put something in place for the kids to do. Would like to get on task force or planning committee in reference to giving the youth who are loitering something to do. Same youth and same corners day in and day out. Same police come. Like a big circle. There has to be a plan that when they leave they stay gone. City has them on the run, but where are they running to.

CM Smith – City is working on more recreation activities with a basketball league scheduled to begin in March at the old middle school gym and continuation of flag football. Noted that donated time for referees and donated equipment would help keep the costs down.

Mayor Wolf – need Mr. Baker to keep an watch when the leagues begin to see if the same people keep loitering. His experience is that some loiter because they want to. We can make our best effort.

Gene Baker – no, we need to make the effort. Worked with juveniles for ten years and there is a way to reach them. If they are not reached, we will continue to have the problem. Get sick and tired of coming up here, talking about we have a problem with loitering. Raised in Melbourne FL where there was a greater problem but the City and Commission got together and stopped the problem. Now live in Ocala where there was an area called little Vietnam. The police would not even enter it. The community and the Commission got together and the problem no longer exist. There is a way to reach the community with strategic planning. It is up to us to find that way. These are kids, not thugs. They are trying to get up and we are allowing them and giving them the power by not implementing a plan. I have the experience and want to be on this committee. Three levels of success – I tried, I do my best, I do whatever it takes. I am not going to rest until the loitering is stopped.

Commissioner Strickland – the City has a Parks and Recreation Board and if Mr. Baker is interested in serving on that board, that may be the most appropriate way for his input to be provided into a plan. If interested the Commission could appoint him to the board. Gene Baker – will do whatever it takes.

Commissioner Bivins – but is it the Parks & Rec Board place to prevent loitering? It is their place to create activities and activities have been created. Jason Hargrove has an outline.

CM Smith – With the short staff, there are only so many activities that can be planned. The Chief is working on the loitering and will continue to do so.

Jay Turner – the activities planned, flag football and basketball, where is the advertisement being done. There are no signs on the west side. The only thing advertised on the west side was the Easter egg hunt. To get involved the kids have to see the advertisement. CM Smith indicated signs will be placed at the MLK Outreach Center and the MLK Park. Commissioner Strickland – flyers were given out at the schools for the basketball league.

Commissioner Bivins – information is being given to the children and hopefully it is getting home. However, all the activities are being laid out and everything that can be done is being done as far as Parks & Rec, but that is not the place to deal with the issues that go on, on the west side. We can create the activities, we can create all the recreation for them, but still it is a bigger issue than have given them somewhere to go.

Commissioner Strickland – agree with that and may have misunderstood and thought Mr. Baker was looking for places for when the loiterers left where were they going. Thought it was looking to offer ideas.

Commissioner Bivins – asked Mr. Baker is any of the loiterers he can identify have participated in any of the activities already in place, such as flag football. Is anyone trying to get that group to create a team, because that should not be Parks & Rec responsibility.

Mr. Baker – I have a ministry and we made an effort to get a football team started. It was too expensive for the families. Had someone come from Orlando who was going to incorporate them into his league, but decided not to because of the travel. We did try to get some type of football league together for the kids on the westside, and believe it went so far as to the City asking them to provide a schedule of when they would want to use the park. We did make efforts to incorporate football teams for the westside to where it would be economical for the kids on that side.

Commissioner Bivins – so it is not then so much what is being set up, it's the economic side of it to do whatever the City is setting up. Mr. Baker – yes, and we need a happy medium. You have activities for our kids on the east side where we have to activities on the west side.

Mayor Wolf – I thought we got away from east side, west side, separate but equal. Yet all I am hearing recently is we want separate but equal facilities and separate but equal leagues.

Mr. Baker – first time he heard one community was when John Johnson was a Commissioner stated at a Martin Luther King event, let's make this not for the west side, it's one community, one city. It sounded wonderful and that is the way it should be, however, we do not have one community, we have an east side and a west side.

Mayor Wolf – we have had people who live on the west side come and say they do not want to hear the tracks used to separate the east side and west side again, and the east side – west side just perpetuates the division.

Mr. Baker – I detest east side – west side, but it is apparent to him that we over here feel isolated. I feel like these kids don't have anything. Growing up in Melbourne I had a recreation department to go to. I had a boy scout club to go to. I didn't have time to hang on the corner the way these kids do.

Mayor Wolf – if you walk around the City you will see that it is diverse.

Commissioner Bivins – reiterated that the problem is bigger than a Parks & Rec issue. However, when things are planned, it is planned for everybody. May say that some can't afford to do what is planned and that is another issue. Then maybe something else needs to be done or looked at or find a way to defray the cost. This summer we didn't have enough kids to register for the Summer Program.

CM Smith – noted that the Bernstein's who ran the City program had started their own program with a lower price. For the flag football program the Millennium Park facility was the best location. The City has been offered an indoor facility at the Middle School for the basketball program, which is the best and safest location. The locations were not chosen to split the City. Commissioner Allen – Robert Hannah brought up the idea of the Middle School gym.

Commissioner Bivins – there is a registration fee for the basketball and the referees will be paid from those funds. Looking for volunteer coaches.

CM Smith – will be looking for team sponsorships.

Norvel Scott – through CDBG – is there some way to get some after school programs going. CM Smith – it is mostly for capital improvements. Mr. Baker has a program through his ministry and I was hoping that through some type of grant we could try to get a grant to assist underprivileged children. I agree that we have to look at the entire community as a whole and that is one thing our organization is looking at to try to enhance and trying to help out in those areas. Have 30 years of background in coaching and would be willing to volunteer. Worked in Parks & Rec for 10 years in Deerfield Beach. I believe if we come up with a committee to try to see where we could blend together and try to work together to come up with a plan of action to help

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

g. GENERAL ITEMS FOR CONSIDERATION

- 1) Discussion relative whether or not to hold the December 27 City Commission meeting due to the Christmas holidays) (NO Attachments)

Motion by Commissioner Allen, second by Commissioner Bivins to cancel December 27 Commission meeting. Motion carried by unanimous vote.

- 2) Request to hold a Dr. Martin Luther King, Jr. "Parade and Park Program Celebration" for the week-end of January 15 – 17, 2011 (Attachments – Board Option)

CM Smith – noted that Martin Luther King day was given to the employees as a holiday, and to hold the parade on that day would place the City have to pay holiday and holiday bank hours to at least 6 public works employees and 5 police officers. Have asked the committee to change the parade to the Saturday or Sunday, but they have said they could not accommodate that. Need Commission direction to allocate employees to work that day or not. In the past it was not a holiday for the employees or the parade was held on Saturday or Sunday.

Mayor Wolf – can the number of employees be reduced. Maybe some volunteer help from the community.

Chief Reeser – two years ago the parade was on Saturday and there was a good turn out. Last year is was on Monday and the turn out was smaller.

Robert Hannah – it is important to have the parade on Monday the 17th. We have Coleman and Webster to participate and have asked for Bushnell and Royal to participate to make it one big County event. Mayor Wolf noted the Commission would like to have a report of costs for employees for the MLK day and the Winter Wonderland event.

Motion by Commissioner Allen, second by Commissioner Strickland to approve allocation of employees for the MLK holiday parade with the City Manager, Public Works Director and Police Chief to pare down the number of employees needed if possible. Motion carried by unanimous vote.

- 3) Request to schedule a date for the "Ribbon Cutting" for Gamble Street Park – Calendar Attached (Board Option)

CM Smith – probably should schedule to have during the day when the Public Works employees are available. Will send out a couple of dates and times to the Commission for consideration.

- 4) Commission to review/accept and declare election results as final (Attachment – Staff Recommends Approval)

Motion by Commissioner Clark, second by Commissioner Bivins to declare the election results of December 7 as final. Motion carried by unanimous vote.

Mayor Wolf noted we have to get the sign in front of City Hall for announcements.

- 5) Request from The Villages (Gary Moyer, VP of Development) for the city to release mineral reservations (Attachments – Staff Recommends Approval)

Motion by Commissioner Clark, second by Commissioner Bivins to approve execution of Quit Claim Deed. Motion carried by unanimous vote.

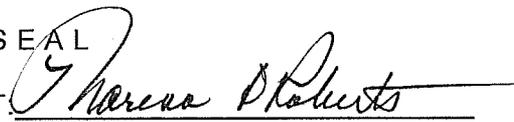
4. ADJOURN:

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

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST


Marena D. Roberts, Assistant City Clerk


Ed Wolf, Mayor