

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA
REGULAR MEETING
MAY 23, 2011 – 7:00 P.M.
CITY HALL COMMISSION CHAMBER

The City Commission of the City of Wildwood, Florida met in Regular session, May 23, 2011, at 7:00 p.m.

Present were: Mayor Wolf, Commissioners Bivins, Clark, Allen and Strickland. Also present were: City Manager Smith, City Clerk Jacobs, City Attorney Blair, Assistant City Clerk Roberts, Police Chief Reeser, AVT Law, Public Works Director Kornegay, Human Resource Coordinator Cox, Parks & Recreation Coordinator Hargrove and Senior 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

None

2. REPORTS AND PUBLIC INPUT

SPECIAL PRESENTATIONS:

(First) – Health Care Benefit Package Presentation (Deanna Cox, HR) (Attachments)

(Second) – Health Care Benefits Comparison & Cost Presentation (Robert Smith, City Manager) (Attachments)

HRC Cox provided a Power Point presentation of the Health Insurance proposed rates for current plans and proposed plans (3 options) that were selected from nine from Preferred Risk Management group. PRM is a pool of approximately 5000 people. It was indicated that the health plans are in Blue Cross Blue Shield. BCBS being the largest insurance company in this area of Florida and they are nationwide. PRM plans include Employee Assistant Program. Noted that one plan the City would pay 100% of the premium for the employees and the other two would be buy up plans. Noted that the coverage of the proposed City paid plan was such that most employees would probably not want to buy up. Reviewed eight year history with Brown & Brown/BCBS, change of plans to keep cost down to City with decreases in coverage and benefits for employees.

CM Smith – by no means a consideration to change to PRM is not a bad reflection on Brown & Brown, because they have to deal with the trend and the small pool the City has. With PRM there will be a pool of over 5000. Reported that Brown & Brown was given the opportunity to meet the PRM rates with the better plans or at least better the rates they had proposed and they indicated they could not because of the size of the pool. Noted that budget impact with the 12% higher PRM plan would be approximately \$52,000. Remaining with Brown & Brown budget impact would be approximately \$22,000, but with the harsh plan for the employees.

Mayor Wolf indicated that the Commission has set a cap at \$500 per employee for health insurance, and expressed concern that many taxpayers are without jobs and health insurance. Does not want to see happen what occurred a few years back where the City could have been paying upwards of \$7,000 per employee. Expressed concern that the second year with a new agency would increase substantially.

Richard Schell of PRM noted that the second year rates will be no more than the pool average.

CM Smith asked for direction from the Commission on how to proceed: Whether to work with Brown & Brown at 5% or proceed with PRM pool. Currently considering only one plan, the 3559, because it is a good plan and do not see the need for a buy up plan. No dependent coverage is being paid by the City. It was eliminated to save costs.

Commissioner Strickland asked whether PRM could provide costs for the same plans the City has with Brown & Brown. CM Smith asked Mr. Schell whether they offered those two plans or plans with similar coverage for costs comparison. Mr. Schell indicated he would have to review the plans PRM offers against the two the City currently has. CM Smith noted the nine plans and their costs could be reviewed and brought back to the Commission if the Commission approves to move forward with PRM. CM Smith indicated that if the City to with PRM, the City would become a voting member on the board.

Commissioner Allen expressed concern that if the claims were to be high, the pool would vote the City out. Mr. Schell indicated there has been one entity to leave the PRM pool in 14 years, but no one has ever been voted out.

Commissioner Strickland requested that the Commission be able to review the nine plans that PRM has available before making a final decision.

Motion by Commissioner Strickland, second by Commissioner Bivins to proceed with negotiation with PRM and that all nine plans be provided to the Commission for review before plan decision is made. Motion carried by unanimous vote.

a. City Manager

- 1) FYI – Projects meeting notes from KHA (Attachments on file) – if Commission has questions feel free to ask the City Manager.
- 2) FYI – Legislative Updates – (attachments on file) there is a webinar planned from FLC, which would be available for viewing later.
- 3) FYI – April Budget Analysis Report (Attachments on file) – General fund revenues are up and expenditures are staying to the good. Enterprise fund revenues are going up and expenditures are beginning to level off and moneys being received from the insurance to cover the claims.
- 4) FYI – E911 State Grant Application (SCBOCC) – Wildwood Community Center (Attachments on file) – would like consent from the Commission. The County can submit for an E911 State Grant to enhance the 911 system. No expenses to the City.

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

b. City Attorney - None

c. City Clerk - None

d. Commission Members - None

e. Public Forum (10 minute time limit)

- 1) Benny Strickland – explained that he recently leased property to a company to sell granite, with no fabrication at the site. The company contacted Development Services and were told they didn't see a problem, but they did not tell the company it was approved. The company signed a

lease with Mr. Strickland and installed a fence as required by the insurance company. Mr. Strickland called Development Services because he knew he would have to have a second water meter installed. He was told at that time that the granite sells with outdoor display was not a permitted use. Came in and talked with Melanie Peavy, DSD, then asked to see the City Manager. DSD Peavy indicated it wouldn't do any good because he cannot override her decision. Mr. Strickland talked with Mr. Rutter, who talked with the City Manager who agreed with Ms. Peavy. DSD Peavy advised Mr. Strickland he could file for an appeal with the Special Magistrate. Mr. Lowry's statement at the end of hearing the case was that this should never have come before him that the two sides should have been able to work it out, but because the weight of the law falls on the City's side, I am ruling with the City. After the meeting Mr. Strickland was involved in a discussion with DSD Peavy and CA Blair, during which a two year temporary use permit was offered. He called Development Services the next day to get the pertinent information but never received a response. He came to see DSD Peavy after no response for a couple of days, and was told she couldn't do that and that the City Manager had overridden her decision. Could not see how her decision could be overridden this time, but her decision couldn't be overridden a few weeks earlier.

Mr. Strickland indicated he couldn't see the difference in an auto or a piece of granite being outside.

CM Smith – the renters went to Development Services, stated that it was for retail services but not specific to what they were doing, and they were provided the LDR. Once it was known what they were doing it was realized that it didn't meet the LDR and violated City Ordinance. Staff notified them it didn't conform with current Codes and Ordinances and that is why you are in violation. They disagreed with that finding. The way for them to appeal was through Mr. Lowry. The intermediary reviewed and at the end of the hearing the intermediary made the decision and agreed with staff's recommendation. What DSD Peavy came up with was contrary to what Mr. Lowry decided for the City and that is why he could not support the continuation of a violation for the term of a lease that was originally entered into that violated our codes and that is why he went against DSD Peavy's recommendation as far as going forward even after Mr. Lowry chose for the City. He could not agree to the settlement agreement that continued a violation.

CA Blair – it would have to be the Commission to make that decision.

Mayor Wolf – can the Commission make that decision without changing the LDR. It has gone to the Special Magistrate. It was the intent to keep the Commission out of things like this. CA Blair – it would have to be called a settlement agreement and the Special Magistrate cannot be overruled. The next step for Mr. Strickland would be to take it to the Circuit Court. She noted that DSD Peavy did not make an offer, the settlement agreement came up as a possibility.

CA Blair – the LDR is fuzzy and since it is, case law says you would go with the City's interpretation. The interpretation of the person in charge of enforcing the ordinance for the City.

CM Smith – the issue is the outside storage of the granite. If he stored all of it inside there would be no issue. It is based upon staff's interpretation and would have to refer to what was submitted at the hearing.

CA Blair – Mr. Lowry approved the staff interpretation, but at this point there is an on-going right to appeal to the Circuit Court, and that is the only way the City Commission could become involved, if the Commission decided they wanted the Attorney to come back and talk about this at an in-camera meeting or in an off-the-record meeting, and go through the process that you have to go through to do that.

CM Smith – or you amend the LDR and Ordinances that allow this type of use and staff would probably not recommend that because you would be opening the door for all type of outside storage stuff. The process would be to appeal to the Circuit Court or if the City Commission changes the Ordinance or LDR to allow this type of use. CA Blair – since it is still in the process of going to the Circuit Court the Commission could decide to settle and enter into a settlement agreement that provided for something different because of the risk of liability a law suit would bring. If you want to let it go to the Circuit Court and let it be decided it will not cost the City a lot of money. CM Smith – you might be setting precedent by entering into a settlement agreement, after it was deemed to be a non-conforming use.

Mr. Strickland – should have come to an agreement according to Mr. Lowry. Why wouldn't you discuss a settlement instead of saying you have to go to the Magistrate.

CM Smith – we try to work within the guidelines that are passed by the City Commission. Our interpretation of the ordinance and the LDR does not allow for this type of use.

Mr. Strickland – I disagree because it is not stated in the Code. I feel it is not spelled out.

Commissioner Clark – would like to see the City work with Mr. Strickland.

Motion by Commissioner Allen, second by Commissioner Clark that City Manager, City Attorney, Development Service Director and Mr. Strickland meet and come back to the Commission with a settlement agreement. Motion carried. Yea – Allen, Clark, Bivins, Wolf. Nay – Strickland.

- 2) Sam Saleem of the Wildwood Community Development Center. Block Party was held on Jackson. Expressed appreciation to the long-time residents of the community – Johnnie Mae Hall, Dorothy Harrison, Rev. Hayward Sesler. Also expressed thanks to the City Manager, Parks &

Recreation Coordinator and City Commission for that was done to get the process approved. Special thanks to the City Manager for having a dumpster provided to clean up an area. Mayor Wolf expressed appreciation to Mr. Saleem for "walking the walk".

- 3) Donald Van Beck, Executive Director of the Veterans Memorial and Fountain Park. Provided handout. Explained the Veterans Memorial and Fountain Park is located behind City Hall in Leesburg. It was begun by Veterans of the Korean War Chapter 169 and 149 in Leesburg about three years ago. It has grown and has now been established as a 501, 3, c organization. All the money collected goes into the project. No one is being paid. Names will be engraved directly into the brick. The cost when first started was approximately \$500,000 and the amount still needed is \$170,000. Construction has begun with three phases completed. There has been a lot of Pro Bono work, including the engineering and design. Home Depot paid for the utility building to house the electrical and security equipment. A Boy Scout raised the money for the flag pole.

All veterans of Lake, Sumter, Marion Counties and the Villages can be on the wall. The cost is \$15.00 for the engraving. There will be a touch screen computer where visitors can view the veterans' information and where they are located on the wall. Expected completion date is November 13, 2011. The City can help by alerting all the veterans to provide their information for the wall and by donations. Tavares, Eustis, Fruitland Park, Mt. Verde, Mount Dora, and Groveland have donated \$1000 each. Lake County has donated \$7,500. Requested \$1000 for the veterans of Wildwood.

Mayor Wolf – may have to have time to raise the money, because don't feel taxpayers money can be spent for this. Count on \$1000 from the City of Wildwood. CM Smith – if he had known about this earlier he would have informed Mr. Van Beck of the policy. City will advertise on the City website.

3. NEW BUSINESS – ACTION REQUIRED

a. MINUTES

- 1) Motion by Commissioner Allen, second by Commissioner Bivins to approve the Minutes of Regular Meeting held on May 9, 2011. Motion carried by unanimous vote.

(Attachments on file – Staff Recommends Approval)

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

- 1) None

c. RESOLUTIONS FOR APPROVAL:

- 1) None

d. APPOINTMENTS

- 1) None

e. CONTRACTS AND AGREEMENTS

1) SECO Franchise Agreement (Attachments – Board Option)

CA Blair – contract is similar to contracts provided to other cities and is a good contract. CM Smith – same 6% that Progress Energy contract has.

Motion by Commissioner Bivins, second by Commissioner Clark to approve the SECO Franchise Agreement as presented. Motion carried by unanimous vote.

2) Review/approval requested of the FDOT State Highway Lighting, Maintenance, and Compensation Agreement Work Order for FY2011-12 (Attachments – Staff Recommends Approval)

CM Smith – 3% increase above last year.

Motion by Commissioner Allen, second by Commissioner Bivins to approve the FDOT State Highway Lighting, Maintenance, and Compensation Agreement Work Order for FY2011-12. Motion carried by unanimous vote.

f. FINANCIAL

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

Motion by Commissioner Clark, second by Commissioner Bivins to approve payment of the bills. Motion carried by unanimous vote.

2) Review/approval for a 2011 Ford E-350 Van, with additions, for Public Works Department (Prison Van) (Attachments – Board Option)

CM Smith – General fund is coming into the black so that Capital enhancements can be released, and payment made in cash without any loans to encumber future budgets.

Motion by Commissioner Allen, second by Commissioner Clark to approve purchase of van. Motion carried by unanimous vote.

Mayor Wolf commented on the upkeep of 466A by the County, noting they have killed the grass in just a month. Needs to be mentioned to the County.

3) Review/approval requested for tractor in Public Works Department (Attachments – Staff Recommends Approval)

Mayor Wolf asked if this size tractor would be overkill. PWD Kornegay indicated it is what is needed.

Motion by Commissioner Allen, second by Commissioner Clark to approve purchase of tractor. Motion carried by unanimous vote.

- 4) Review/approval requested for lawn mowers in Public Works Department (Attachments – Staff Recommends Approval)

Motion by Commissioner Clark, second by Commissioner Allen to approve purchase of lawn mowers. Motion carried by unanimous vote.

- 5) Contract Change Order No. 2 – Hamlet Construction Co. for the CR521 water main extension project (Dave Grimm to address) (Attachments – Staff Recommends Approval)

SP Grimm noted this is a decrease in the amount of the project. A credit for sod that was not needed.

Motion by Commissioner Allen, second by Commissioner Bivins to approve Change Order No. 2 for Hamlet Construction Co. Motion carried by unanimous vote.

- 6) Review/approval requested from Jason Hargrove, PRC, to replace ground light fixtures at city hall and the community center (Attachments – Staff Recommends Approval)

Motion by Commissioner Clark, second by Commissioner Strickland to approve the low quote from Coy Thomas for the ground light fixture replacements. Motion carried by unanimous vote.

g. GENERAL ITEMS FOR CONSIDERATION

- 1) Discussion relative to Barnes, Ferland & Associates Environmental engineering Services Contract (Attachments – Board Option)

CM Smith – Have nothing against BFA, but would like to consolidate services into one engineering firm. At time of RFQ two years ago, Kimley-Horn was selected for civil engineering, BFA was selected for environmental engineering and Kimley-Horn was selected number two in that category. One of the deciding factors in remaining with BFA was Ron Ferland's expertise and involvement in prior City projects and the statement that he would be involved in projects from that point on. Mr. Ferland has since been bought out and retired. He is no longer an active participant in at least two of the projects we are involved in. On a monthly or weekly basis we are working with Kimley-Horn on utility projects. While BFA is working on the Champagne Farms Well and Wastewater projects Kimley-Horn is working on the interconnections such as the lines for the Champagne Farms project, and the lines from point A to point B as far as connecting developments. Kimley-Horn has the knowledge of the developments that are on-going, the size of the lines being constructed. while BFA is not privy to that information because they are not in our office on a weekly basis. They are not our reviewer as far as many of the developments. I would be too costly to have both at the meetings, and have both communicating with each other to give each other support. Would rather have one firm to negotiate and talk with. BFA contract is up

in February 2012, same as Kimley-Horn. Not looking to do another RFP or RFQ, believe the easiest would be to consolidate the environmental engineering into the Kimley-Horn contract at the same rates they are currently charging.

Pat Barnes of BFA – BFA started in 1994 and the City of Wildwood was first client of BFA. The City took a chance with them as a small minority firm. Ron Ferland, co-founder of BFA has been the City's project manager until he recently retired. Was dismayed when he learned the City was planning to consolidate the services into the Kimley-Horn contract. Noted there are benefits in having two firms, and these two do not overlap completely in their services. Expressed thanks to the Commission for the opportunity to serve Wildwood. Hopes there is a chance to stay on and if not that there will be another opportunity to work with the City.

CM Smith – the time to act is now, because the City is currently negotiating a utility agreement, which involves utility master plans with Landstone. It is time to consolidate to have one engineering firm that does this work.

Commissioner Strickland – sees the advantage of consolidating services, but would like numbers to compare rates, because he doesn't see a clear advantage to choosing one firm over the other. CM Smith – will provide at next meeting. The expertise on the City of Wildwood went with Ron Ferland. All are aware of what happened at the Champagne Farms and we have current issues including the Utility Master Plan that are being worked through as well. Believe the cause to be the lack of background that Ron had.

Mayor Wolf – if the Commission decides to consolidate he would like to see a letter go to BFA giving the reasons and expressing gratitude. A letter that could be used as a reference. It was noted that there are some outstanding projects with BFA, which they would complete such as the TIE fee study and updating WWTP permit.

Motion by Commissioner Strickland, second by Commissioner Clark that City Manager provide rates of both firms to compare at next meeting. Motion carried by unanimous vote.

- 2) Update and discussion relative to summer recreation (camp) (Jason Hargrove, PRC) (Attachment)

CM Smith – the interest in the Summer Camp has been lack luster, and recommend not having it.

Commissioner Allen wants the public to know that the City Manager and Commission did everything to get this program going, but the interest was not shown.

Motion by Commissioner Bivins, second by Commissioner Strickland that the City not have a Summer Camp. Motion carried by unanimous vote.

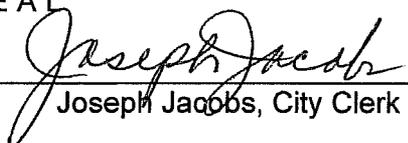
4. ADJOURN:

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

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST:



Joseph Jacobs, City Clerk



Ed Wolf, Mayor