

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA
REGULAR MEETING
JULY 25, 2011 – 7:00 P.M.
CITY HALL COMMISSION CHAMBER

(meeting taped)

The City Commission of the City of Wildwood, Florida met in Regular session, July 25, 2011 at 7 p.m.

Present were: Mayor Wolf, Commissioners 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, Development Services Coordinator McHugh, and Water Director Allen.

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 Resolution No. R2011-08, a resolution of the City Of Wildwood, Florida providing for vacation of the Gardendale plat of Millennium Park (Attachments – Staff Recommends Approval)

DSD Peavy noted this is property that the City now owns as the Millennium Park, however, the plat is still on the County records. This will clear the records.

Opened for Public Hearing. No comments received.

Motion by Commissioner Strickland, second by Commissioner Clark that Resolution No. R2011-08: A Resolution Of The City Of Wildwood, Florida Providing For Vacation Of The Gardendale Plat Of Millennium Park; Providing For An Effective Date: is adopted. Motion carried by unanimous vote.

(b) *PUBLIC HEARING – 2nd FINAL READING Ordinance No. O2011-07, an ordinance providing changes and updates to the City of Wildwood – LDR's (Attachments – Staff Recommends Approval)

Opened for Public Hearing. O2011-07 read by title only.

DSD Peavy noted the LDR rewrite has been in process for over a year to bring in compliance with the 2035 Comp Plan. It required input from City engineers, staff, and department heads. A public workshop was held for public input and received input from some of the DRI's. All information was drafted and presented to the Planning & Zoning Board who recommended approval. First reading by the Commission was two weeks ago with the final reading tonight. Noted the changes recommended by the Special Magistrate at the Planning and Zoning Board meeting, which were presented to the Commission at the First reading. The hand outs reflect those changes and need to be inserted in the books.

Chuck Piper, representing Landstone. Have been working with City staff on the LDR and some of Landstone's suggestions have been included in the LDR's. One suggestion regarding a PUD was not included and City staff has made some suggestions that may satisfy the requests, but would still like to see the following or similar language in the LDR – "Within the PUD zoning classification the conditions and requirements of the Land Development Regulations can be modified and/or waived. If specific conditions are not included in the PUD zoning ordinance replacing or waiving the conditions and requirements of the Land Development Regulations, the terms and conditions of the Land Development Regulations in effect at the time the PUD was adopted shall prevail." Mr. Piper noted they feel having this language in the LDR's is important as well as having the same language in anyone's PUD. Suggested that City staff provide their suggestions. Requested that Landstone's suggested language be considered and that the LDR not be adopted tonight. Noted that without this language in the LDR and without fully understanding how these suggestions will make it into the PUD, it is hard to understand what the impact will be to their project.

CM Smith – have met with various developers and engineers and took their comments and concerns into consideration when formulating the LDR. Everyone cannot be made happy. The document in front of the Commission is a document that staff supports fully. There are some other options that can alleviate some of the concerns of Landstone. Those were presented to Landstone and they still have some questions as far as what the PD document is going to incorporate. There are issues that can be worked through at a future date, but staff is not going to deviate from the recommendation that they had on the first reading and they are not going to deviate from document that is before the Commission tonight. Believe the City Attorney will agree that the language in the LDR is sufficient and is not inconsistent with other cities. Appreciate Mr. Piper's concerns, but believe it is something that can be alleviated in a future document if it is even something that is huge concern that may create problems in the future.

Mr. Piper – we understand some of the suggestions from City staff but do not know what the next steps are with those suggestions. Our project has a development order and we are in the process of submitting the PUD, there may be certain aspects in our PUD that are not consistent with the LDR, and if the PUD is approved then that language would prevail. The language quoted is not in the LDR as presented for approval.

CM Smith, Chuck Piper, Cecilia Bonifay, Jason McHugh were sworn as to what had been stated and what would be stated.

Cecilia Bonifay, of Akerman Senterfit, Land Use Attorney for Landstone. The question is more of procedure. She and City staff have had dialogue. Noted that the Stated Development Order puts additional requirements on Landstone as opposed to a new development, that if there were portions of that or something included that, it might be at odds or in variance with the LDR, which the City is doing to bring into conformance with the Comprehensive Plan Amendment that we all had to go through as a result of the DCA settlement. Our thoughts were that if there were some caveat in the LDR, the City could vary or modify the LDR, but only when doing a Planned Development. Believe the route the City staff is taking is saying that we will recognize that in each individual PD. Our concern is that there is nothing on the record. This is a long term project and we all may be gone, so are we sure that thought process will be carried out over time.

Received from DSD Peavy today a copy of the Model PD agreement that does contain language in it that speaks to the issue and says that in fact you could modify the LDR if that language is agreed upon and contained in a PD. The Planned Development ordinance or zoning is for modification of the straight zoning ordinance. That is the reason you do a PD. If you are doing mixed use, it will take parts of different portions of the zoning code and you might vary what happens in it as opposed to someone wanting straight commercial or straight residential subdivision. The Model PD was not introduced tonight with the LDR and if in fact this Model agreement is going to be included as a part of the motion, if so that us toward where we need to be. But if adopting the LDR without reference to the Model agreement or as an exhibit, then we still have the same concern because we have a very specific development order pursuant to negotiations with DCA. We would like some language to at least recognize that ability to modify those in a PD.

CA Blair in response to question from City Manager indicated that if the LDR is adopted, and then the agreement is adopted by ordinance and it does have the appropriate language in it, the LDR which is less specific do say that the agreement will be the governing document. CM Smith – the LDR is a living, breathing document which can be amended when issues arise, but believe there is an out for Landstone through the PD document. I assume they will want to negotiate soon, which means this same Commission which is hearing their testimony tonight will still be intact. Ms. Bonifay – then my understanding is that if the Commission moves forward with the LDR tonight, you would come back with a separate ordinance that would be the Model PD agreement or will it a PD ordinance by PD ordinance. CA Blair – believes the intent is to be one by one. CM Smith – we feel that the language is somewhat unnecessary and can be alleviated through future agreements. Ms. Bonifay – her opinion to Landstone has been that without some proviso language in the LDR that says when they can be specifically modified away, you do not have the right to do that. If however she understands the City is saying they want to move forward and LDR's are necessary to implement the Comp Plan, and people are probably waiting to move forward and need those, then with the understanding that as the Landstone PD is negotiated and if we run up against this problem wherein the DO or something else is clearly inconsistent or not in compliance with the LDR, that that will be addressed as we go through the PD process.

Mayor Wolf asked if City staff is on the same page with the Model agreement. DSC McHugh – have been working with Landstone. Staff is confident that language in the LDR allows for Planned Development agreements to be adopted by Ordinance, which is this Model Ordinance before the Commission, but is not being included into the LDR but simply that was to essentially handle Planned Developments consistent with other municipalities. In working outside the City, this language is typical of most PD ordinances and agreements. Staff's interpretation is that it is more of an ordinance than and LDR language. We understand that Landstone is a large development and will not mesh with everything in the document before the Commission today and that is why you have Planned Developments. If there are any variations from the provisions in the LDR then they would be put in the PD Agreement that would come before the Commission for adoption.

Mayor Wolf - wants Landstone to know that we have been in the fight together for many years and doesn't believe the City is going to mess up Landstone's plans. From what he

has heard tonight, staff has assured him that any problems we have can be taken care of through an additional ordinance.

Mr. Piper – appreciate the City providing the Model agreement, although they have not had time to review all but did review the highlighted sections that speaks to the issue he is here to talk about. The language seems appropriate for their PUD but they wanted to suggest that language be included in the LDR as well.

DSD Peavy – the Model is a model to guide the City in how the ordinances are set up for each individual project. The PUD's are zoning categories that are going to be in compliance with their development order and Land use policies in the Comp plan, so each individual PD will be negotiated for each project and that will become an ordinance. The PD Model is not going to become an ordinance. If we need language that is more tailored toward the Landstone project that alleviates their concerns, we can negotiate that at PD.

Motion by Commissioner Strickland, second by Commissioner Allen that Ordinance No. O2011-07: An Ordinance Of The City Of Wildwood, Florida; Repealing In Its Entirety The City Of Wildwood Land Development Regulations In Effect Prior To The Effective Date Of This Ordinance Consisting Of Chapters 1 Through 12 And Ordinance Numbers 267, 286, 287, 292, 302, 314, 317, 326, 327, 329, 330, 372, 376, 373, 383, 389, 406, 414, 422, 423, 428, 429, 430, 431, 437, 439, 443, 444, 448, 449, 452, 464, 498, 553, 594, 619, And 2011-05; Providing For The Adoption Of Land Development Regulations Of The City Of Wildwood In The Form Attached Hereto As Exhibit "A" Consisting Of Chapter 1, General Provisions; Chapter 2, Definitions; Chapter 3, Zoning; Chapter 4, Site Plan Requirements; Chapter 5, Subdivision Regulations; Chapter 6, Technical Standards; Chapter 7, Concurrency Management; Chapter 8, Planned Developments; And Fee Schedule; Providing For Codification Of The Newly Adopted Land Development Regulations In The Form Attached As Exhibit "A"; Providing For New Zoning Maps; And Providing For An Effective Date: is adopted on 2nd final reading. Motion carried by unanimous vote.

(c) *PUBLIC HEARING – 2nd FINAL READING Ordinance No. O2011-08, an ordinance proposing a small scale land use amendment for Oxford Retirement Residence (Maricamp, LLC) a portion of Parcel D08=005 containing 7.03 acres ± (Attachments – Staff Recommends Approval)

Ordinance No. O2011-08 read by title only. Opened for Public Hearing. No comments received.

Motion by Commissioner Allen, second by Commissioner Clark that Ordinance No. O2011-08: An Ordinance Of The City Of Wildwood Florida; Proposing A Small Scale Land Use Amendment To The Adopted Local Comprehensive Plan And Future Land Use Map In Accordance With The Community Planning Act Of 2011, As Amended; Providing For Codification; Providing For Conflict; And Providing For An Effective Date: is adopted on 2nd final reading. Motion carried by unanimous vote.

*(quasi judicial)

2. REPORTS AND PUBLIC INPUT

▪ SPECIAL PRESENTATION: None at this time

a. City Manager

- 1) FYI – Letter to FDLE regarding the Edward Byrne Memorial JAG (Justice Assistance Grant) distribution (Attachment)
- 2) FYI – Letter and copy of check sent to Veterans Memorial At Fountain Park, Inc. in response to their request for private contributions (Attachments)
- 3) FYI – Thank you letter from Veterans Memorial at Fountain Park, Inc. for private contribution received (Attachment)
- 4) FYI – Memo from Jason Hargrove regarding the Adult Basketball League update (Attachment)

CM Smith noted that the league failed due to no interest. The \$2500 will not be dedicated toward the Adult Basketball league. Asking BFA if the \$500 they donated can be used for some other recreational program.

CM Smith noted they have found a health, dental, vision and life that would fit under the \$485 cap.

b. City Attorney - none

c. City Clerk - none

d. Commission Members - none

e. Public Forum (10 minute time limit)

- 1) Chris Maggio representing Woodlane Meadows. Presented a petition from residents of Woodlane Meadows, and requested the City consider street lights along Broken Oak as the area is dark and creating some suspicious activities. CM Smith noted he had spoke with Police Chief and asked residents to have one spokes person in the meeting. Noted the petition.

Motion by Commissioner Clark, second by Commissioner Strickland to refer Woodlane Meadows issue to the City Manager to work with Public Works and review for solution. Motion carried by unanimous vote.

CM Smith – will have information back to Commission by August 8.

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

3. NEW BUSINESS – ACTION REQUIRED

a. MINUTES

- 1) Minutes of Regular Meeting held on June 27, 2011 (Attachments –Staff recommends approval)
- 2) Minutes of Regular Meeting held on July 11, 2011 (Attachments –Staff recommends approval)

Motion by Commissioner Allen, second by Commissioner Strickland to approve the minutes of June 27 and July 11, 2011 as typed. Motion carried by unanimous vote.

- b. ORDINANCES FIRST READING ONLY (READ ONLY – NO VOTE)
 - 1) Ordinance No. O2011-04, an ordinance amending sections of the City's Charter and providing for Elections Procedures (Attachments – Staff Recommends Approval)

Ordinance No. O2011-04 introduced and read by title only by Mayor Wolf.

CA Blair explained this was to bring the Code in line with the changes the City made to the election procedures.

- c. RESOLUTIONS FOR APPROVAL:
 - 1) Resolution No. R2011-011 declaring certain property as surplus (Attachment –Staff Recommends Approval)

Motion by Commissioner Clark, second by Commissioner Allen that Resolution No. R2011-11: 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.

CM Smith noted he received an offer of \$40 for the trailer and asked for direction.

Motion by Commissioner Allen, second by Commissioner Strickland to accept the offer of \$40 for the trailer. Motion carried by unanimous vote.

- d. APPOINTMENTS
 - 1) None
- e. CONTRACTS AND AGREEMENTS
 - 1) None
- f. FINANCIAL
 - 1) Bills for Approval (Attachments – Staff Recommends Approval)

Motion by Commissioner Clark, second by Commissioner Allen that the bills are approved for payment. Motion carried by unanimous vote.

- g. GENERAL ITEMS FOR CONSIDERATION
 - 1) Request approval for forfeiture of property seized as evidence to the Wildwood Police Department by deposit into the Law Enforcement Trust Fund under Section 705.105, Florida Statutes (Attachments – Staff Recommends Approval)

Motion by Commissioner Allen, second by Commissioner Clark to approve request for forfeiture property seized as evidence by the Wildwood Police Department be deposited into the Law Enforcement Trust Fund. Motion carried by unanimous vote.

- 2) Request from Chief Reeser to amend the LETF to add unanticipated revenue in the amount of \$250.00 (Attachment – Staff Recommends Approval)

Motion by Commissioner Clark, second by Commissioner Strickland that request to amend the LETF to add unanticipated revenue in the amount of \$250.00 is approved. Motion carried by unanimous vote.

- 3) Request approval of LE Officer Anthony Tucker's request to execute a Tuition & Repayment Agreement for continuing education via the City's Personnel Policies & Procedures (Attachments – Staff Recommends Approval)

CM Smith – currently do not have in the policy that the school must be accredited by the Gold Standard Accreditation. Some school credits cannot be transferred to major schools. Would like to review for change to policy for future requests.

Motion by Commissioner Allen, second by Commissioner Strickland to approve request to execute a Tuition & Repayment Agreement for continuing education for Officer Anthony Tucker. Motion carried by unanimous vote.

- 4) Request from Ron Allen, Water Director to utilize the City's vacant Public Library building on Palmer Street as a temporary location for water department offices until permanent offices are constructed at the Coleman Water Plant facility (Attachments – Board Option)

CM Smith – City has received from FRDAP a release from the requirement to use the facility solely as a library. We currently do not have the staff to use as a community center. In the future the best location for the water department office will be at the CR 501 facility.

Motion by Commissioner Allen, second by Commissioner Strickland to grant the request to utilize the vacant Public Library building on Palmer as temporary offices for water department and Parks & Recreation. Motion carried by unanimous vote.

- 5) Request for approval to submit request for re-designation as a REDI community for FY2011-2012 from the State of Florida which allows the city to gain points on grant applications and to request waiver of the local match requirement for FRDAP grants. Current designation expires July 20, 2011 (Attachments – Staff Recommends Approval)

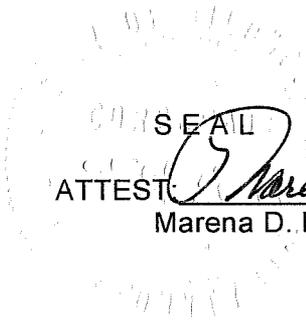
Motion by Commissioner Clark, second by Commissioner Strickland to approve request to submit request for re-designation as a REDI community for FY2011-2012 from the State of Florida which allows the city to gain points on grant applications and to request waiver of the local match requirement for FRDAP grants. Motion carried by unanimous vote.

4. ADJOURN:

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

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

ATTEST:



Marena Roberts

Marena D. Roberts, Assistant City Clerk

Ed Wolf

Ed Wolf, Mayor