

**REGULAR MEETING
TOWN OF LAKE PLACID TOWN COUNCIL
JANUARY 10, 2011 5:30**

Mayor John Holbrook called the Lake Placid Town Council Meeting to order on Monday January 10, 2011 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. Rev. Drew Severance, of the First Presbyterian Church of Lake Placid gave the invocation and Mayor Holbrook led in the Pledge of Allegiance to the American Flag.

ROLL CALL:

Mayor John Holbrook
Council Member Ray Royce
Council Member Debra Worley
Council Member Cheryl Davis
Council Member Steve Bastardi

Town Clerk Arlene Tuck
Town Attorney Bert Harris
Town Utility Director Gary Freeman
Interim Town Public Works Director John Komasa
Town Planner Sue BuChans
Town Police Chief Phil Williams

CONSENT AGENDA:

- A. Approval of Agenda
- B. Approval of Minutes
- C. Approval of monthly reports and payment of monthly bills

Council Member Bastardi made a motion the consent agenda be approved with item C being pulled for further discussion; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

CONSENT AGENDA:

C. Approval of monthly reports and payment of monthly bills – Council Member Bastardi stated he was still having problems understanding the monthly reports. He stated he still did not feel he was getting the accountability he felt he should be getting and therefore, could not vote for the financial reports. Council Member Royce made a motion item C Approval of monthly reports and payment of monthly bills be approved; motion seconded by Council Member Worley. On roll call, Council Member Royce, Council Member Worley and Council Member Davis voted yes; Council Member Bastardi voted no. Motion carried 3 to 1.

PUBLIC HEARINGS:

A. Ordinance 10-625 – Local Preference (1st hearing) Mayor Holbrook read the title of Ordinance 10-625. Council Member Royce stated he would like to change Section 4-5.3 **Preference in Bidding**, line three where it says “authorized purchasing authority of the Town ~~will~~” change to may. Mrs. Tuck stated she would like a paragraph added that preference will be given to drug-free workplace businesses. She stated it was in the Florida Statutes.

Council Member Royce made a motion that we approve Ordinance 10-625 by reading of title only on first hearing, with one change in 4-5.3 **Preference in Bidding** on Page 3 on the third

line, the third line will now read “authorized purchasing authority of the Town may”, we are going to exclude the word “will” and insert the word may, give a preference to local businesses in making such purchases; my motion will also include Mrs. BuChans correction under 4-5.6 **Local Business Definition** (1) line two that “greater” be struck and also I will amend my motion to strike all of (2) in Section 4-5.6 referring to business license; my motion will also include the Town Attorney taking a quick look at the Ordinance; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

B. Final Plat Review – Racetrac Petroleum, Inc. – Mrs. BuChans stated applicant, Racetrac Petroleum, Inc., was asking for a final plat review of a 1.78 acre parcel located at the southeast corner of US 27 and south Lakeview Road. The final plat review is being conducted by the County Engineering Department. Mrs. BuChans stated the following had reviewed the final plat and/or title work and find the final plat to be in order:

- Town Attorney
- County Surveyor
- Lake Placid Recreation Director
- Lake Placid Utility Director
- Lake Placid Street Director
- Lake Placid Sanitation Director

Mrs. BuChans stated the final plat had been before the Town of Lake Placid Local Planning Agency and their motion was to move to recommend the Town Council approve the final plat for Racetrac.

Mrs. BuChans stated Tom Sullivan, attorney for Racetrac was present if Council had any questions. Council Member Royce made a motion Council adopt the final plat for Racetrac; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

C. Ordinance 10-623 – Cemetery Ordinance (1st hearing) – Mayor Holbrook read the title of Ordinance 10-623. After reviewing and discussing the Ordinance presented by Atty. Harris, Council made the following motions:

1. Council Member Royce made a motion to approve as amended on first hearing Section 2 of Ordinance 10-623, which includes adding Standard Engraving to subsection 2. (d) of Section 2 and Bronze Vases in subsection 2. (e) of Section 2, and changing the rates under subsection 1. (a) to \$1,200.00 for outside residents of Lake Placid, and \$1,000.00 for inside residents of Lake Placid; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

2. Council Member Royce made a motion that Town Staff be directed to come back to us no later than the second week of February with a set of rules for consideration; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

3. Council Member Royce made a motion that we approve on first hearing Section 6 of Ordinance 10-623 as presented with the modification in the lettering of items (a) through (i) and changing may to will in item (i), line two, to read: “The Loan will be repaid upon such terms as the Town Council by resolution establishes.”; motion seconded by Council Member Davis. On roll call, motion carried unanimously.

4. Council Member Worley made a motion to approve Section 7 of Ordinance 10-623 on first hearing with amending (c) to read “At the end of each fiscal year, a portion of the funds remaining in the Oak Hill Cemetery Operation Account (as determined by Resolution of Town Council) shall may be carried forward in the operating account; and the balance transferred into the Cemetery Trust Fund”; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

5. Council asked that more detail concerning Section 8 be returned to them before they make any decisions on the Section.

6. Council Member Royce made a motion to approve Section 5 of Ordinance 10-623 on first hearing; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

7. Council Member Worley made a motion to approve Section 4 with the changes of adding to CEMETERY USE as discussed and HISTORIC NOTE, using Plat Book and Page to indicate the north east and north west corners of the cemetery at the time of 1928 burial; motion seconded by Council Member Davis. On roll call, motion carried unanimously.

8. Council Member Royce made a motion that we approve the deletion of Section 3 of Ordinance 10-623 on first hearing; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

9. Council Member Royce made a motion that there be two separate Ordinances for the Cemetery: One for the pricing structure for both property and services provided to be a whole separate Ordinance and the other for the referencing of the rules for the Cemetery; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

DEPARTMENT HEADS/MAYOR/COUNCIL MEMBERS:

A. Town Public Works Director (Streets, Sanitation, Recreation, Cemetery)

1. Mr. Komasa gave an update on some of the changes they are planning on doing this coming month.

2. Bill Brantley – Keep Lake Placid Beautiful – DeVane Park Renovation – Mr. Brantley stated he was present to ask Council to approve a modification to the DeVane Park Renovation plans. He stated there was a pump house to be built at the southeast corner of DeVane Park. The building would be 7’ x’ 7’ by 10’ tall. He stated the Committee felt this would take away from the look of the park and the Committee was asking that the pump house be removed and be replaced with fencing and shrubby. He also stated he had reached a compromise with Ajax (contractors) to place 8’ sidewalks around the exterior. He also stated Toby the Clown Foundation had asked for the old metal benches that are placed in DeVane Park. Mr. Brantley stated the recycled benches would stay, but the metal ones would be removed.

Council Member Royce made a motion we approve the change deleting the pump house and placing fencing and shrubby around the pump house and that the sidewalks around the exterior of the park to increased to 8’ instead of 6’ and thank Mr. Brantley for all his hard work on the project and look forward to getting started in the next few days; also that we have determined that the metal benches have no value and that we allow the Town to surplus the metal benches to Toby the Clown Foundation with the understanding they will remove the benches and follow all applicable rules and codes as to the use of those benches; and that Mr. Brantley try to negotiate with Ajax to see if he can get them to donate some replacement benches; motion seconded by

Council Member Bastardi. On roll call, Council Member Davis, Council Member Royce and Council Member Bastardi voted yes; Council Member Worley voted no. Motion carried 3 to 1.

3. Council Member Bastardi – Public Works Director Job Description and position Advertisement – Council Member Bastardi stated he would like to see the Town come up with some new job descriptions for the employees of the Town. He stated he does not feel the job descriptions the Town now has, is sufficient. He stated he would also like to see the Town advertise for the Public Works Director position. Council Member Bastardi made a motion that the Mayor and the Clerk establish a new job description format from the job descriptions that Clerk furnished the Council at the last meeting and once those are acceptable in the Mayor’s discretion that new job descriptions be done by all department heads for all employees in each department; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

Council Member Royce made a motion that the Mayor and Staff will come up with the job description for the four department heads within ninety (90) days; motion seconded by Council Member Worley. Motion carried unanimously.

3. Florida Department of Transportation – Acceptance of Highway Maintenance Agreement - Mrs. Tuck informed Council she had written a letter, by request of the Mayor, asking for assistance from the State for the caretaking of the U.S. Highway 27 property within the Town limits. He stated we received an agreement from the State saying they are willing to pay the Town \$18,226.21 for maintaining U.S. Highway 27 from Lake June Road south to McCoy Street. Council Member Royce made a motion that we approve the contract with the State of Florida in regards to the Maintenance Agreement BDR01 and that the appropriate individuals execute the Agreement and return to the Florida Department of Transportation; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

4. County Interlocal Agreement for Recreation for the Fiscal Year 2010-2011 – Council Member Royce stated he would like to go ahead and proceed with making a determination on the Agreement. Mrs. Tuck stated she had already sent the request for the first payment. Council Member Royce stated the County will need the Interlocal Agreement signed before they will furnish any funds. Council Member Royce made a motion to approve the Interlocal Agreement for Fiscal Year 2010-2011 with the Board of County Commissioners; motion seconded by Council Member Worley. On roll call, Council Member Royce, Council Member Worley and Council Member Davis voted yes; Council Member Bastardi voted no. Motion carried 3 to 1.

B. Town Planner – No reports

C. Town Utility Director:

1. Discuss whose name the Utility Account should be in – Council discussed the problem of having water in a renter’s name or in the owner’s name. Council Member Worley stated she would like to work on this matter. Council Member Royce made a motion that we ask Council Member Worley to work with Mr. Freeman to bring back to the Council a recommended change to the policies and procedures or ordinances necessary to address this situation; motion seconded by Council Member Davis. On roll call, motion carried unanimously.

D. Town Police Chief:

1. Security System at Town Barn – Chief Williams stated the Mayor had asked him to look into a security system for the Town Barn and the Town Hall. He said he ordered one that he does not feel would work for the Town Barn. Therefore, he would like to order another

system and pay for it out of his Forfeiture Fund because he feels it was his decision to order the system he does not feel would work. Mr. Freeman stated he felt all departments involved at the Town Barn should pitch in with the cost. Council Member Royce made a motion that Chief Williams be allowed to use the Forfeiture Fund for the amount he requested and that Staff come up with a proposed budgetary amendment to allow for additional security for the Town Hall Building; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

2. Chief Williams stated there was another bad accident at the corner of East Interlake Boulevard and Walgreens. He stated he would like permission to make the east side of South Eucalyptus (coming out of Walgreens) a right turn only. After much discussion, Council Member Royce made a motion that we have the Town take the three easterly parking spaces on the south side of East Interlake Boulevard and designate them as a no parking zone and that we ask the Chief to follow that for the next 90 days and see if that dramatically changes the accident rate; motion seconded by Council Member Davis. On roll call, motion carried unanimously.

E. Town Attorney:

1. Miracle League – County Donation Report – Atty. Harris stated he had met with Staff to discuss this matter. He stated after reviewing the Interlocal Agreement some differences were noted concerning the amounts to be refunded to the Town by the County. He stated he would have a full report at the next meeting.

F. Town Clerk:

1. Audit Services – Mrs. Tuck stated at the last meeting we had two audit firms send in applications for the Town's Proposal to Provide Independent Auditing Services. The Town stated they wanted to review the applications a little longer and that Atty. Harris was to come up with a ranking sheet. Mrs. Tuck further stated on December 20, 2010 she received a letter from Julie Fowler of The NCT Group (one of the applicants) asking that their application be withdrawn. Mrs. Tuck stated the Mayor had contacted Mrs. Fowler to inquire if they were interested in still being an applicant. Mrs. Tuck stated she received a call from Mrs. Fowler on Monday January 10, 2011 stating her company would consider resubmitting their application if the Council wanted to consider it.

Council stated they felt both companies could do a very good job for the Town and would like to have both companies working for the Town. Council Member Royce made a motion that we extend Wicks, Brown, Williams & Co.'s contract or enter into a new contract for one year, same terms, both being subject to legal review; motion seconded by Council Member Worley. On roll call, Council Member Worley and Council Member Royce voted yes; Council Member Davis abstained from voting due to a conflict of interest; and Council Member Bastardi had left the meeting. Motion carried 2 to 0.

Council Member Royce made a motion that we ask the Mayor and Clerk to develop a potential scenario to seek additional accounting consulting services or assistance; motion seconded by Council Member Worley. On roll call, Council Member Royce, Council Member Worley and Council Member Davis voted yes; Council Member Bastardi was not present. Motion carried 3 to 0.

Council Member Davis made a motion the meeting adjourn; motion seconded by Council Member Royce. Mayor Holbrook hearing no objections declared the meeting adjourned at 10:20 P.M.