

**REGULAR MEETING**  
**TOWN OF LAKE PLACID TOWN COUNCIL**  
**MAY 10, 2010 5:30 P.M.**

Mayor John Holbrook called the regular meeting of the Town of Lake Placid Town Council to order on Monday May 10, 2010 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. The invocation was given by Rev. Drew Severance of the First Presbyterian Church of Lake Placid. The Pledge of Allegiance with led by Hannah Waller of the Lake Placid Christian School.

**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 Planner Sue BuChans  
Town Utility Director Gary Freeman  
Town Police Chief Phil Williams  
Town Public Works Director Jim Fulton

**CONSENT AGENDA:**

- A. Approval of Agenda
- B. Approval of Monthly Reports and Payment of Monthly Bills
- C. Approval of monthly meeting and special meeting minutes
- D. Approval of Maintenance Agreement for Tangerine Drive Sidewalks – with FDOT
- E. Approval of Maintenance Agreement for DeVane Park – with FDOT

Council Member Bastardi made a motion items A through C of the Consent Agenda be approved and that items D and E be moved under the Public Works Director; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

**PRESENTATION:**

- A. Drinking Water Poster Contest – Jackie Haynes, coordinator of the Drinking Water Poster Contest and Gary Freeman, Utility Director, presented this year’s winners of the drinking water poster contest the Utility Department holds each year. Posters were received from students from Grades 1 through 12. The first place winners were given a Savings Bond, compliments of Seacoast National Bank. All winners, first and second place winners were given a back pack with certifications, pencils, pens, and other novelties.
- B. Approval of Bid on Civic Center/Hurricane Shelter – Architect – Mrs. Tuck advised the Council the Mayor had appointed a Committee of John Komasa, Joy Eberhart, Arlene Tuck, and himself to short list the applications received. Mrs. Tuck stated we had received 12 applications and they were short listed to five. She asked that the Council members review the applications and be ready to rank them at the next meeting. They will then be called in for interviews.

DEPARTMENT HEADS/MAYOR/COUNCIL MEMBERS:

A. Town Planner:

1. Member and Alternate for LPA – Mrs. Tuck stated she had not received any applications for members for the LPA. She stated she would like to readvertise. Council Member Royce made a motion we readvertise for a permanent member and an alternate member for the LPA; motion seconded by Council Member Worley. On roll call, motion carried unanimously.
2. Lake Sirena Development – Water/Wastewater Agreement – Mr. John McClure, representing the Town of Lake Placid (because Atty. Harris had a conflict with this matter) stated he had read the Agreement and felt it was appropriate for the Town to sign it. He stated the only change that had been made from what the Council agreement on was in paragraph 2.1, the Owner would use its “best efforts” to keep the consumptive use permit valid with the water management district. Council Member Royce made a motion the Town of Lake Placid approve the Water and Wastewater Use Agreement By and Between the Town of Lake Placid and Heartland National Bank with one change to 4.5 (B) that specifically precludes Heartland National Bank from providing the letter of credit; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.
3. Town initiated zoning/land use amendments to update omissions in the map and consistency – Mrs. BuChans stated the Town’s Planning Staff had identified eight lots within the Town’s limits that carry the County’s zoning and future land use designations. This occurs when lots are annexed into the Town. Until the Town procedurally submits a formal application to change the zoning designation and future land use designation of these lots, the County’s zoning and land use designations will remain in effect. She further stated the Town Planning staff had identified several lots within the Town’s limits whose zoning designation is inconsistent with its future land use designation. She stated further Council direction should be given to the Town’s Planning staff with respect to rezoning and/or amending the future land use of the properties. Council Member Worley made a motion to approve Planning Staff’s recommended zoning designations and future land use designations and move to direct the Staff to initiate the zoning map changes and/or Future Land Use Map changes for the aforementioned lots/tracts; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

B. Public Works Director:

1. Maintenance Agreement for Tangerine Drive Sidewalk – with FDOT – Council Member Royce stated the reason for the maintenance agreement is that FDOT is going to build us a sidewalk from West Interlake Boulevard to Heartland Boulevard with stimulus money in an approximate amount of \$180,000.00. They want to make sure someone will maintain them. Council Member Royce made a motion we approve the Project Maintenance Agreement between Florida Department of Transportation and Town of Lake Placid, FPID # 428381 1 52/62 01 which speaks to the maintenance of the sidewalk that they are going to build; motion seconded by Council Member Worley. On roll call, motion carried unanimously.
2. Maintenance Agreement for DeVane Park – Council Member Royce made a motion that the Town approve the Transportation Post Project Maintenance Agreement Between Florida Department of Transportation and Town of Lake Placid, FPID # 409096 1 32/52/62 01, with one minor correction on Exhibit A number 6 that we strike the words “See attached concept plan for clarification”; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

3. Mr. Fulton informed the Council the new well at the cemetery was in and they hoped to try it out tomorrow.

C. Recreation Director:

1. Recreation Report – In Mr. Komasa’s absence, Mrs. Tuck stated Mr. Komasa had asked her to inform the Council that he had developed a proposal, (by power point) for the County on how the Council could help fund the recreation for the municipalities. He stated he would like Council’s permission to present the program first to the Town Council and then to the Highlands County Commissioners. Mrs. Tuck stated Mr. Komasa would like to present the program to the Town Council at their special meeting on May 24, 2010. Council Member Worley made a motion that Mr. Komasa present his proposal to the Council at their special meeting on May 24, 2010 and that the members of the Recreation Committee be invited; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

D. Police Chief:

1. Chief Williams talked about his budget and stated it looked as if it was going to be under in overtime pay. Council asked that Chief Williams continue to monitor his budget.

E. Utility Director:

1. Mr. Freeman presented some of his budget matters and was asked to monitor his budgets.

F. Town Attorney:

1. County Impact Fee Ordinance – Council Member Royce stated that according to a subsection in the Interlocal Agreement between Highlands County, Florida and the Town of Lake Placid, Florida, relating to impact fees, it requires the County provide at least sixty (60) days notice to the City prior to any amendment to Ordinance 05-06-44, which has been codified as Chapter 13 of the Code of Ordinances, Highlands County, Florida. During that period, the City may provide comments and input regarding the proposed amendment. Council Member Royce stated he felt the changes in the Ordinance will be much better for the businesses. Council Member Royce made a motion that we thank the County for their notification and that we waive our right to comment on the Impact Fee Ordinance; motion seconded by Council Member Worley. On roll call, motion carried unanimously.
2. Miracle League Agreement with Glades Electric – Atty. Harris stated Glades Electric was not comfortable with the Ordinance in that it allowed the Town to borrow the money contributed to the Miracle League. Their attorney stated Glades wanted that taken out. There was also a change to be made to their name. Council Member Royce made a motion to set Ordinance 09-599 for public hearing in order to delete Section 5-37; motion seconded by Council Member Worley. On roll call, motion carried unanimously.
3. Update on legal obligations to County and/or grants for recreational facilities – Atty. Harris stated he has not received any information from the County, as he requested.

G. Town Clerk: No comments

H. Mayor/Town Council Members:

1. Council Member Bastardi:

- a. Department Head Budget Accountability – Council Member Bastardi stated he would like to recommend a change in procedure with regards to how the town’s bills are paid. He stated he would like to see each department head be required to sign all bills before they are processed by the Clerk and her staff. Any bill that requires cost allocation between departments must be signed by all departments involved. In short absolutely nothing should be billed to a department’s budget unless it is signed for first. Where cost allocation is involved the clerk would prepare a document showing the proposed allocation. If a department head feels the allocation is not fair they would escalate to the Mayor who would make the final decision. Each month the department heads should be required to complete and sign a one page report that would disclose budget variances for the month as well as year to date. The Clerk should function as a safety in the event a department head fails to report their budget issue. Council Member Royce made a motion that we ask the Town Clerk review the proposed policy amendments as outlined by Council Member Bastardi and bring back to the Town Council within 45 days any recommended policy changes; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.
- b. Lake June Park Financial Plan – Council Member Bastardi stated he was concerned that he was not aware of the budget shortfall we were to receive from the County last year during budget time. He stated he would like to request a review of the records to determine how we started the budget workshop last year on July 20, 2010 with a proposed budget reflecting \$197,220.50 contribution from the county and ended with an approved budget with only \$114,310.00. He stated he was particularly interested in audio records where this was discussed or disclosed. He stated his position is that Lake June Park is a financial train wreck for the Town and that we should not continue to expend money just because it’s in the budget. He further stated we should immediately identify ways to reduce or eliminate expense, impose user fees, or secure additional funding from the County. He stated one example would be to begin charging for lighting as soon as possible. He stated this Council should clearly establish expectation for next year and task John Komasa with establishing a plan to get us there.

#### PUBLIC HEARINGS:

- A. Highlands Cove PD Amendment (1<sup>st</sup> hearing) – Mrs. BuChans stated the development project is called Highlands Cove Phase 1. It consists of approximately 12.89+/- acres of land is located at 755 Hillcrest Street, Lake Placid, Florida. The applicant is requesting an Ordinance Amendment to its Highlands Cove Development R-2/PD Planned Development Zoning District (Planned Development (PD) Ordinance) that was approved for one hundred twenty-eight (128) multiple-family residential dwelling units (town homes, condominium units, and villas). The R-2/PD Zoning District will remain R-2/PD with its designated future land use category of Medium Density Residential (MDR). The applicant’s intent for this parcel is to develop up to, but not more than, sixty four (64) multi-family residential dwelling units, parking facilities that are ancillary to the residential units, a community center and associated parking, a community mail center, a playground area and open green space area.

Mrs. BuChans stated this matter had been to the Town of Lake Placid Planning Agency and they have spent several hours on reviewing and making changes to the project.

Council Member Bastardi made a motion to reject the applicants request; motion seconded by Council Member Worley. On roll call, Council Member Bastardi and Council Member Worley voted yes, Council Member Royce and Council Member Davis voted no. Mayor Holbrook voted no to break the tie. Motion failed 3 to 2.

Council Member Royce made a motion pursuant to the LPA recommendation move that the Ordinance Amendment to the Highlands Cove Development R-2/PD Planned Development Zoning District for 12.89 acres be approved subject to the following conditions:

*Section 160.2.3* as codified in *Section 154-27.3. (2) General Conditions, Restrictions and Limitations: (4)(c)* beginning on page 6 of 9.

1. Neighborhood Park to be completed by time third building is built (24 units).

2. (6)(f) beginning on page 7 of 9

Multi-Use Path and sidewalk: leave the sidewalk during construction to prevent damage to the multi-use path. The applicants will construct a 10' wide multi-use path to Town standards.

3. (6)(b) beginning on page 7 of 9

The southbound turn lane and entrance on Hillcrest Street will be constructed by the applicant meeting Town standards.

4. (2)(i) beginning on page 4 of 9

Change (i) COMPLETION DATES AND REZONING: to "date of this amendment Ordinance"

5. *Section 160-2.4 (D):* as codified in *Section 154-27.3. (3)(d)*

Located on page 5 of 9

1. Delete Condominium, Condominium units or Villas.

6. (4)(f) beginning on page 6 of 9

(f) EXTERIOR BUFFERING. A six foot (6') hedge will be installed on the outside of a black vinyl fencing on the south side of the property. A six foot (6') hedge will be installed on the inside of the existing chain link fence on the northern boundary of the property. Oak trees will be planted on the inside of the vinyl fencing around the property. A decorative fence will be placed on the west side of the property. A galvanized fence with landscaping on the inside will be placed along the east boundary of the property.

7. (5)(b) beginning on page 6 of 9

*Section 160-2.6* as codified in *Section 154-27.3(5) ENVIRONMENT AND NATURAL RESOURCES. (5)(b)* will read: "Florida Friendly landscaping and water conservation irrigation techniques shall be used within the Development. There will be no requirement to connect to the Town's reuse water for irrigation, and irrigation shall be provided by one or more outside irrigation wells."

8. (6)(d)(f) beginning on page 7 of 9

*Section 160-2.7* as codified in *Section 154-27.3(6) TRANSPORTATION:*

D. Should be westerly 30 feet of the Development

F. Should be 10 foot wide multi-use path

9. (7) beginning on page 8 of 9

*Section 160-2.8* as codified in *Section 154-27.3.(7) MINIMUM MAINTENANCE*

STANDARDS: Delete line that reads: All such minimum maintenance standards shall be subject to the final approval of Florida Housing Finance Corporation and the investor limited partner.

10. (7)(a)(d) beginning on page 8 of 9

*Section 160-2.8* as codified in *Section 154-27.3.(7) MINIMUM MAINTENANCE*

STANDARDS:

A. Delete "but specifically excluding the external community park.

- D. Change owners to tenants
11. *Section 160-2.9* as codified in *Section 154-27.3.(8)* UTILITIES. (All utilities are to be underground.
  12. *Section 160-2-11.* as codified in *Section 154-27.3.(10)* EFFECTIVE DATE. Delete all after The Amendment to this Ordinance shall take effect upon adoption by the Town Council following the second reading of this Ordinance.
  13. Move buildings back from Hillcrest.
  14. All buildings to have gutters.
  15. Roof to be at least 4/12 pitch
  16. Exterior of buildings to be Hardie Siding material.
  17. Applicants need to furnish a Power of Attorney at the Council meeting.
  18. Ordinance should also state “property cannot be subdivided or conveyed into Condominiums.
  19. No boat or RV parking within the compound.

The Applicant has provided for landscape buffering six (6) feet in height upon maturity on the inside of the northern existing fence and on the southern side of the new black vinyl fencing , on the inside the western boundary galvanized fencing, and along the western side of the east boundary decorative fencing. Trees are to be located along the entire boundary as appropriate to create a canopy upon maturity. Additionally, the Applicant has provided for a 200 foot taper lane for the southbound left turn lane serving the entrance to the Development. Finally, the Applicant has provided for a ten (10) foot wide multi-use path within the easterly fifteen (15) feet of the Hillcrest Street right-of-way, and the three (3) acre green space depicted on Exhibit “B” shall be planted in grass, irrigated, fertilized and mowed so to be usable for recreational and leisure purposes; and also that Atty. Harris bring his recommendations to the next reading; motion seconded by Council Member Davis. On roll call, Council Member Royce and Council Member Davis voted yes; Council Member Bastardi and Council Member Worley voted no. Mayor Holbrook voted yes to break the tie. Motion carried 3 to 2.

B. Ordinance No. 10-604 – Amending Charter – Town Manager (1<sup>st</sup> hearing) Atty. Harris read the title of the Ordinance which provides for approval by a majority of the electors of the Town of Lake Placid, Florida to go to a Town Manager form of government. The Ordinance calls for July 27, 2010 election. Council Member Bastardi made a motion to approve Ordinance 10-604 on first hearing by reading of title only; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

Council Member Bastardi made a motion the meeting adjourn; motion seconded by Council Member Royce. Mayor Holbrook hearing no objections declared the meeting adjourned at 10:35 P.M.