

REGULAR MEETING
TOWN OF LAKE PLACID TOWN COUNCIL
JUNE 14, 2010 5:30 P.M.

Mayor John Holbrook called the regular meeting of the Lake Placid Town Council to order on Monday June 14, 2010 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. Rev. Mike Ford of the First Baptist Church led in the invocation and pledge of allegiance to the American Flag.

ROLL CALL:

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

Town Clerk Arlene Tuck
Town Attorney Bert Harris
Town Planner Sue BuChans
Town Public Works Director Jim Fulton
Town Utility Director Gary Freeman
Town Recreation Director John Komosa

CONSENT AGENDA:

- A. Approval of Agenda
- B. Approval of Monthly Reports and Payment of Monthly Bills
- C. Approval of Monthly Meetings and special meeting minutes
- D. Approval of Florida Water Professionals Week
- E. Approval of Engagement Letter with Wicks, Brown, Williams for SRF Loan Audit

Council Member Royce made a motion to adopt the consent agenda with the correction as noted by Council Member Bastardi of the minutes of May 13, 2010, with item E being pulled for further discussion at a later time; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

Council Member Royce made motion public hearings be moved to #1 and that we add Consent Agenda Item E to the Town Clerk Item I and I move that we set the action agenda with those modifications; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

PUBLIC HEARINGS:

- A. Highlands Cove PD Amendment (2nd hearing) Mrs. BuChans informed the Council the request is for a development project to be called Highlands Cove Phase I and consists of approximately 12.89+/- acres. It 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 that was approved for one hundred twenty-eight (128) multiple-family residential dwelling units. 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. The R-2/PD Zoning District will remain R-2/PD with its designated future land use category of Medium Density Residential (MDR).

Mrs. BuChans stated the LPA's recommended motion was as follows: Move to recommend to the Town Council that the Ordinance Amendment to the Highlands Cove Development R-2/PD Planned Development Zoning District be approved, subject to the following changes:

Section 160.2.3 General Conditions, Restrictions and Limitations:

1. Neighborhood Park to be completed by time third building is built (24 units)
2. Multi-Use Path and sidewalk – leave sidewalk during construction. Dale Polston to figure out what the amount will be for the multi-use path and that amount to be escrowed with the Town. Paths to be 15' wide.
3. Southbound turn lane and entrance on Hillcrest Street to be 60' long with 120 ft. taper, all serving the entrance to the development by construction of third building (24 units).
4. Change I. COMPLETION DATES AND REZONING: to “date of this amendment Ordinance”
5. *Section 160-2.4. (D)*:
 1. Delete Town Homes, Condominium units, Villas.
6. F. EXTERIOR BUFFERING. Six foot hedge will be installed on the outside of a black vinyl fencing on the north and south sides 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.
7. 160-2.6 ENVIRONMENT AND NATURAL RESOURCES. (B) will read: “Florida Friendly landscaping and water conservation irrigation techniques shall be used within the Development. There will be no requirements to connect to the Town’s reuse water for irrigation, and irrigation shall be provided by one or more onsite irrigation wells.”
8. *Section 160-2.7* TRANSPORTATION:
 - D. Should be westerly 30 feet of the Development
 - F. Should be 15 foot wide multi-use path
9. Section 160-2.8 MINIMUM MAINTENANCE STANDARDS: Delete line that reads: All such minimum maintenance standard shall be subject to the final approval of Florida Housing Finance Corporation and the investor limited partner.
10. Section 160-2.8 MINIMUM MAINTENANCE STANDARDS:
 - A. Delete “but specifically excluding the external community park.
 - D. Change owners to tenants.
11. SECTION 160-2.9 UTILITIES. (All utilities are to be underground)
12. Section 160-2.11. 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.

Mrs. BuChans stated planning staff's comments were as follows: attached is the proposed Amended Ordinance meeting LPA's recommended motion. The proposed Amended Ordinance

has been prepared and reviewed by Staff, in collaboration with the Town Attorney and the Applicant's Attorney. Staff recommends approval of the proposed Amended Ordinance.

Attorney Harris informed the Council if they wanted to proceed with this Ordinance their motion should be: that the Town Council of the Town of Lake Placid (1) that Ordinance 2010-602 be deemed adopted upon filing with the Town Clerk the following: (a) A consent which is a written representation of the landowners (the buyers and the sellers) representing that Highlands Cove, Phase One, LLC acquired the subject property and that the owner consents to the adoption of the Ordinance, as amended, a copy of the amended Ordinance approved tonight on second reading shall be attached to the minutes (b) Terminated Utility Agreement. A fully executed agreement with Lake Partners LLC terminating the 2006 Utility Agreement and reconveying the utility capacity to the Town of Lake Placid (128 units), (c) Executed Utility Agreement. A fully executed replacement utility agreement in the Town's usual form for the 64 residential units and one commercial unit (clubhouse), receipt of the Warranty Deed to the southerly 2.94 acres of the subject property; (2) Upon receipt of the aforementioned items, regarding the note, mortgage and forbearance agreement the Town would accept the offer to convey the southerly 2.94 acres of the project to the Town in full satisfaction of the outstanding note and mortgage made by Lake Partners LLC to the Town dated 11 December 2006 in the original principle sum of \$563,200.00 secured by that certain mortgage of even date and recorded in O.B. Book 2040, Page 337-340, instrument number 1435908 of the Public Records of Highlands County, Florida; said note and mortgage shall be satisfied by the Clerk and Mayor but only upon complete performance and conditions mentioned above as evidenced by adoption of Ordinance No. 10-602 and upon receipt of good and marketable title to 2.94 acres in the southerly portion of the development; (3) this action by the Town Council would be void unless all conditions set out in the above are fully met and performed on or before 14 December 2010; (4) Termination. A termination of the forbearance agreement; and (5) Confirmation of Closing between Highlands Cove, Phase One, LLC and Lake Partners LLC (6) Highlands Cove, Phase One, LLC will furnish the Town a utility easement in the event the sewer line is not within the southerly 2.94 acres.

Council Member Bastardi made a motion to continue this matter to the next regularly scheduled Council Meeting; 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 carried 3 to 2.

Council Member Royce moved to approve the motion as represented by Attorney Harris, including the PD in the amendment language offered by Attorney Harris; and that applicant escrow the amounts to build the improvements on Hillcrest with the Town; motion seconded by Council Member Davis. On roll call, Council Member Royce, Council Member Davis and Council Member Bastardi voted yes; Council Member Worley voted no. Motion carried 3 to 1.

- B. Ordinance No. 605 – Amending Ordinance 95-221 Sign Ordinance (1st hearing)
Attorney Harris read the title only to Ordinance No. 10-605. After much discussion and several changes to the draft submitted by Atty. Harris, Council Member Royce made a motion to approve Ordinance No. 10-605 restating Section 154-15 of the Code of the Town of Lake Placid Entitled Signs and Providing for an Effective Date; as amended; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

DEPARTMENT HEADS/MAYOR/COUNCIL MEMBERS:

A. Town Planner:

1. Amending Fee Schedule Ordinance – Mrs. BuChans stated Staff was trying to clean up some of our Code. She stated when the “Bullard Ordinance” was adopted, it was adopted with the County’s fee schedule for rezoning, comprehensive plans, etc. She stated our Code Book still has our old fee schedule and now the County’s fee schedule. The Ordinance she is presenting eliminates the Town’s fee schedule and continues with the County’s fee schedule. Council Member Royce made a motion the Clerk advertise the Ordinance for public hearing at our next regularly scheduled meeting; motion seconded by Council Member Worley. On roll call, motion carried unanimously.
2. Member and Alternate for LPA – Council was asked to continue to see if they could find someone wanting to serve on the Town of Lake Placid Local Planning Agency/Board of Adjustment. Mrs. Tuck reminded them we only have three members at this time and we are suppose to have five plus an alternate.
3. Variance for Sign at SFCC – Randy Paepflow – was not present.
4. Youth Football – Signs – Kim Sapp – was not present.

B. Public Works Director: Mr. Fulton informed the Council the Cemetery Account did not have any monies in it and we needed to transfer some monies from General Fund to continue running the cemetery. Mr. Fulton stated there were several variables this year that caused the deficiencies. One being the allocation of salaries, benefits, and other costs. Because of the allocations, the cemetery fund balance was reduced to zero. Council Member Bastardi made a motion to charge Mr. Fulton with figuring up how the cemetery account ran off the track; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

C. Recreation Director: Mr. Komasa stated he has recently had individuals using metal detectors digging in our parks. He said he is concerned some of them might hit an electrical wire or irrigation and cause damage to Town property, especially at the ball fields. Chief Williams stated he just wanted to be sure the Code (107-14) allows us to stop it. Atty. Harris stated the Code allows it to be a Second Class Violation. Council asked that Mr. Komasa continue doing as he has been doing and calling the Police Department when he notices anyone damaging or defacing Town property.

D. Police Chief: No action

E. Utility Director: Mr. Freeman presented an agreement that requests that our Legislative Appropriations fund be designated from Water to Sewer so that the remaining \$450,000.00 can be used for the purchase of Highlands Utilities Company. Council Member Royce made a motion that we authorize the Mayor of the Town of Lake Placid to sign the document at the appropriate time and return it to the folks of the Department of Environmental Protection; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

F. Town Attorney:

1. Atty. Harris asked Council for their permission to hold a meeting with the County concerning Town issues, such as recreation and the Growth Management Plan. Mrs. Tuck was asked to advertise for a special meeting on June 21, 2010 for the following:
 - a. Recreation for the Town of Lake Placid
 - b. Cemetery Account deficiencies
 - c. Annexation, utilities, Growth Management Comprehensive Plan Amendment
 - d. Growth Management Comprehensive Plan Amendment through Town EAR

- e. Employment of professional for Town EAR
- f. Interlocal Agreement with Highlands County
- g. Land Development Regulations
- h. Other issues related to the Growth Management Report
- i. Adoption on Charter Amendment – Town Manager form of Government
- j. Purchase of Highlands Utilities Company

And

Special meeting on June 22, 2010:

- a. Review of 2008-2009 Audit
 - b. Discussion on single audit for Town of Lake Placid Grants
 - c. Interviews with possible architects for Community Center/Hurricane Shelter
2. Ordinance No. 10-604 – Charter Amendment – Adoption only – Atty. Harris asked that this matter be postponed until the next meeting to give him some time to research some of the questions asked by Council.

G. Town Clerk:

1. Acceptance of bid on Community Center – Mrs. Tuck stated she needed for Council to rank the Engineers Proposals which were given to them at the last meeting (after the Committee had short listed them) so we can call them for interviews. Council Member Royce stated he had a discussion with the County concerning the building that was recently build at Firemen’s Field. He stated the project manager told him they had worked with LIS (a firm that was not selected by the Committee) and they were very pleased. Council Member Royce stated he would like to add them to the list. Council Member Royce stated he would suggest that LIS, Furr & Wegman and Chastain & Skillman be rank as the top three and that they be asked to come in for interviews; motion seconded by Council Member Davis. On roll call, motion carried unanimously.
2. Miracle League Ordinance – Mrs. Tuck asked for permission to advertise for a public hearing for Ordinance 10-609, amending the Miracle League Ordinance. Council Member Worley made the motion; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

Council Member Davis made a motion the meeting adjourn; motion seconded by Council Member Bastardi. Mayor Holbrook hearing no objections declared the meeting adjourned at 11:10 P.M.