

**REGULAR MEETING
TOWN OF LAKE PLACID TOWN COUNCIL
JULY 11, 2005 5:30 P.M.**

Mayor John M. Holbrook called the regular meeting of the Town of Lake Placid Town Council to order at 5:30 P.M. on Monday, July 11, 2005 at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. Rev. Richard Norris, of the Trinity Lutheran Church led in the invocation and pledge of allegiance to the Flag.

ROLL CALL:

Mayor John M. Holbrook
Council Member Charles Wilson
Council Member Debra Worley
Council Member Jim Waller
Council Member Bill Brantley

Town Clerk Arlene Tuck
Town Attorney Bert Harris
Town Public Works Director Jim Fulton
Town Utility Director Gary Freeman
Town Police Chief Phil Williams
Town Zoning & Planning Director Jim LaRue

PRESENTATIONS:

- A. Department of Environmental Protection – Mayor John Holbrook presented two checks from the Department of Environmental Protection in the amount of \$200,000.00 each. He informed the Council the Town received two FRDAP grants for recreation. He stated Fred Fox Enterprises, Inc. had applied for the grants for the Town. Once the Town and the DEP properly sign the agreements, we can proceed with using the funds.
- B. Public Risk Management Award – Mayor Holbrook read an award, which was presented to Mrs. Tuck at the PRM Conference. The award was presented for no vehicle accidents during the 2004 year.
- C. Growth Management Committee – Hoz Compton, Chairman of the Lake Placid Growth Management Committee gave an update on what the Growth Management Committee had been working on for the past several weeks, programs that had been presented to them by County Commissioner Bob Bullard on impact fees, Michael Conrad of Department of Community Affairs and a representative of the engineering firm of Kimbly-Horn. Mr. Compton stated at the last meeting on July 7, 2005 the following motion was made:

Motion by Bert J. Harris, III, seconded by Steve Bastardi as follows:

The Town of Lake Placid Growth Management Committee appointed by Mayor John M. Holbrook respectfully recommends that the Lake Placid Town Council:

1. Ask the Florida Department of Community Affairs for all reasonable assistance in planning and visioning in complying with Chapter 163 and the Florida Growth Management Act of 2005, and visioning process, all as recommended by Michael F. Conrad in his correspondence dated July 7, 2005.
2. That the Town of Lake Placid moves forward with the visioning process.
3. That the Town of Lake Placid seek the expanded assistance of Jim LaRue through the visioning process and vision of the Town Land Development Regulations (particularly the subdivision regulations).
4. That the Town of Lake Placid immediately become involved with the Urban Service Area being established by the Highlands County Commission.
5. That the Town of Lake Placid support, join and endorse the Highlands County Commission effort to study and adopt countywide impact fees.
6. That the Town of Lake Placid adopts an ordinance establishing a pass through fee system for its land development process, administration, and legislation.
7. That the Town of Lake Placid, in view of the impending residential and commercial development, that the Town Council immediately review and suggest needed changes in the Highlands County Long Range Transportation Plan.
8. That the Town of Lake Placid determines whether and to what extent the Growth Management Committee should participate in the foregoing or other growth management issues.

Council Member Brantley made a motion the Council endorse the committees recommendations, that the Committee continue as a Committee and that they report back to the Town Council; motion seconded by Council Member Worley. On roll call, Council Member Wilson, Council Member Brantley and Council Member Worley voted yes; Council Member Waller had not arrived at the meeting. Motion carried 3 to 0.

Council Member Waller arrived at the meeting right after this vote was taken.

APPROVAL OF AGENDA:

Mayor Holbrook asked if the agenda was agreeable with all Council Members. No one objected to the agenda, so Mayor Holbrook stated they would proceed with it as it is.

CONSENT AGENDA:

- A. Approval of Monthly Reports and Payment of Bills
- B. Approval of Minutes for June 13, 2005 and Special Meeting June 27, 2005

Council Member Brantley made a motion the consent agenda be approved as presented; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

PUBLIC HEARINGS:

- A. Ordinance 05-458 – Parking on Public Road (2nd hearing) Council Member Brantley made a motion Ordinance 05-458 be approved on second hearing by reading of title and adopted; motion seconded by Council Member Waller. On roll call, Council Member Brantley, Council Member Waller and Council Member Wilson voted yes; Council Member Worley voted no. Motion carried 3 to 1.
- B. Ordinance 05-459 – Dumpster Locations (2nd hearing) Council Member Waller made a motion Ordinance 05-459 be approved on second hearing by reading of title only and adopted; motion seconded by Council Member Brantley. On roll call, motion carried unanimously.
- C. Ordinance 05-460 – Smoak Property Annexation (2nd hearing) Council Member Waller made a motion Ordinance 05-460 be approved on second hearing by reading of title only and adopted; motion seconded by Council Member Worley. On roll call, motion carried unanimously.
- D. Ordinance 05-431 – Big Box (2nd hearing) Council Member Worley made a motion Ordinance 05-431 be tabled until the August 8, 2005 Council Meeting; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.
- E. Ordinance 05-463 – Design Standards (2nd hearing) Council Member Worley made a motion Ordinance 05-463 be tabled until the August 8, 2005 Council Meeting; motion seconded by Council Member Waller. On roll call, motion carried unanimously.
- F. Ordinance 05-465 – Renumbering Chapter 1 to Chapter 151 (2nd hearing) Council Member Brantley made a motion Ordinance 05-465 (renumbering Chapter 1 to Chapter 151), Ordinance 05-466 (amending and renumbering Chapter 2 to Chapter 152), Ordinance 05-467 (Amending and renumbering Chapter 3 to Chapter 153), Ordinance 05-468 (Amending & Renumbering Section 4.8 Chapter 161) and Ordinance 05-469 (Renumbering Section 4.13 to Chapter 162) to approved on second hearing by reading of title only and adopted; motion seconded by Council Member Waller. On roll call, Council Member Waller, Council Member Brantley and Council Member Wilson voted yes; Council Member Worley voted no. Motion carried 3 to 1.
- G. Ordinance 05-464 – R-2 Multifamily Dwelling & R-2A Two Family Dwelling – (1st hearing) Council Member Worley made a motion Ordinance 05-464 be approved on first hearing by reading of title only subject to suggested changes being made; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.
- H. Ordinance 05-472 – C-2 Limited Commercial District & C-2A Two-Family Residential (1st hearing) Council Member Brantley made a motion Ordinance C-2 Limited Commercial District & C-2A Two-Family Residential be approved on first hearing by reading of title only, subject to side setbacks changed from ten feet to five feet; motion seconded by Council Member Waller. On roll call, Council Member Brantley, Council Member Waller and Council Member Wilson voted yes; Council Member Worley voted no. Motion carried 3 to 1.
- I. Ordinance 05-461 – Comp. Plan Amendment – Mark Losa – (Lots 3, 4, 5 and 6, Block 2, J.M. Andrews Subdivision) Mr. LaRue informed the Council the

applicant was requesting a Small Scale Amendment to the Future Land Use Map from Low Density Residential to Commercial-General. This request is to allow a drive-thru pharmacy and professional offices. Based on the size of this property (0.62 acres), this application qualifies under Chapter 163, F.S., as a Small Scale Amendment to Comprehensive Plan. Mr. LaRue further informed the Council his staff recommended denial of applicant's request to the Local Planning Agency. The Local Planning Agency however voted to recommend approve to the Town Council. Council Member Worley made a motion Ordinance 05-461 be approved on first and final hearing by reading of title only and adopted; motion seconded by Council Member Waller. On roll call, motion carried unanimously.

- J. Ordinance 05-462 – Rezoning – Mark Losa – (Lots 3, 4, 5 and 6, Block 2, J.M. Andrews Subdivision) Mr. LaRue informed the Council the applicant was requesting that the zoning for the subject property be changed from R-1A to C-2 to allow a commercial building, which will consist of a pharmacy with a drive through window and professional offices. Mr. LaRue informed the Council his staff, based upon the zoning criteria not being met, recommended denial to the Local Planning Agency, as it was inconsistent with the existing Comprehensive Plan. Mr. LaRue. Mr. LaRue stated the Local Planning Agency decided against staff's recommendation and was recommending approval to the Town Council. Council. However, the Local Planning Agency stated the recommendation for approval was based on the rezoning being C-2A. Council Member Worley made a motion Ordinance 05-462 be approved as C-2A; motion seconded by Council Member Brantley. On roll call, motion carried unanimously.
- K. Ordinance 05-471 – Rezoning – Amada Acosta – (Lot1, Lot 2, Lot 3 and Lot 4, Block A, Serenity Subdivision, Less a portion of Lots 3 & 4) Mr. LaRue informed the Council Mrs. Acosta was requesting a rezoning from R-2 Multi-Family to C-2 Limited Commercial. Mr. LaRue stated his staff recommended denial of the request to allow rezoning from R-2 to C-2, but recommended approval for a C-2A zoning district from this property. Mr. LaRue stated the Local Planning Agency was recommending denial of a zoning change from R-2 to C-2. Mr. LaRue stated the applicant was not present at the Council Meeting. Council Member Worley made a motion this matter be tabled until the August 8, 2005 Town Council Meeting to give Mr. LaRue a chance to discuss with Mrs. Acosta if she would accept a C-2A zoning; motion seconded by Council Member Waller. On roll call, motion carried unanimously.

DEPARTMENT HEADS/MAYOR/COUNCIL MEMBERS

- A. Zoning Director – No further comments
- B. Town Attorney –
 - 1. Lake Rachard Drive Right-of-Way – Mr. Rick Whidden was present representing Lake Rachard Estates, Ltd. Mr. Whidden stated his client would like to request a public hearing to vacate a portion of Lake Rachard Drive right-of-way. Council Member Waller made a motion a public hearing be advertised for this matter at the Council's August 8, 2005 meeting; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

2. Dasher Property Annexation – asked that this matter be on next month’s agenda.
 3. Settlement Agreement with Highlands Utilities – will be presented next month.
- C. Police Chief – Chief Williams stated he had done a study of the streets around the schools (which by State Law must be done once a year). The streets are in bad need of re-stripes.

Chief Williams also stated he was working on a renter’s ordinance with Atty. Harris and hoped to have it completed in the very near future.

Mrs. Tuck informed the Council Chief Williams and she had attended a meeting with the Police Chief from Avon Park and Sebring, plus Sheriff Benton and County Administrator Carl Cool. At this meeting, a County-wide Communications System for 9-1-1 was discussed. This would put all dispatching into the hands of the Sheriff’s office. Chief Williams stated the Town has always done this. Mrs. Tuck stated Sheriff Benton wanted each city to advise if they were receptive to the idea of a County Wide Communications System. Council Member Worley made a motion Mrs. Tuck inform Sheriff Benton the Lake Placid Town Council is in agreement with a County Wide System; motion seconded by Council Member Waller. On roll call, motion carried unanimously.

D. Utility Director

1. Overdue Bills – Mr. Freeman informed the Council during the recent audit the auditors advised that we could write off overdue bills from water customers, which have been turned over to the debt collection. Mr. Freeman stated the bills presented to the Council have been turned over and the water department is asking that they be written off. Council Member Worley made a motion the overdue bills presented to the Council be written off by the water department; motion seconded by Council Member Waller. On roll call, motion carried unanimously.
2. Phase 1A – Gravity and Low Pressure Sewer Collection – Bid Tabulation – Mr. Freeman presented the Council with the Bid Tabulation for the Gravity and Low Pressure Sewer Collection. He stated all bids were over the bid limit. He stated the lowest bid was R. Roese Contracting Co., Inc. He said he has reduced the price of the project by deleting some of the improvements. Council Member Brantley made a motion the low bid be approved and Mr. Freeman negotiate with the low bidder to come to the budget amount; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

E. Public Works Director

1. Council Member Brantley made a motion Atty. Harris prepare a Resolution asking the County to repave South Main Avenue and pave the shoulders along South Main Avenue; motion seconded by Council Member Waller. On roll call, motion carried unanimously.

E. Town Clerk

1. Ad Valorem – Mrs. Tuck presented the Certification of Taxable Value to the Council. She stated she was presenting the Certification with 6.0000 but expected to leave the tax at 5.0000. She stated the form needs to be in to the Property Appraiser's office before August 1, 2005. Council Member Waller made a motion the Clerk's recommendation be approved and the appropriate individuals sign the form to be returned to the Highlands County Property Appraiser's office; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

DISCUSSION AND DELIBERATIONS:

- A. Lake Placid Merchants Association – Lisa Jones, President of the Lake Placid Merchants Association, stated they were going to be holding another "Red Hat Ladies Days" in Lake Placid and she asked for permission to place directional signs around town. She also asked for permission for the businesses to place fall decorations on the sidewalks. She stated the event would be held October 14, 2005. The Council asked her to contact Chief Williams about the directional signs and closing of any streets. They felt decorations would be no problem.

Council Member Waller made a motion the meeting adjourn; motion seconded by Council Member Brantley. Mayor Holbrook hearing no objections declared the meeting adjourned at 9:30 P.M.