

**REGULAR MEETING**  
**TOWN OF LAKE PLACID TOWN COUNCIL**  
**MONDAY NOVEMBER 22, 2010 5:30 P.M.**

Mayor John Holbrook called the regular meeting of the Lake Placid Town Council to order on Monday November 22, 2010 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. Invocation was given by Attorney Bert Harris. The Pledge of Allegiance was led by Mayor Holbrook.

**ROLL CALL:**

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

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

**ABSENT:**

Town Police Chief Phil Williams  
Town Recreation Director John Komasa

**CONSENT AGENDA:**

A. Approval of Agenda – Council Member Royce made a motion the consent agenda be approved as presented; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

**PUBLIC HEARINGS:**

A. Ordinance 10-611 – Rezoning – W. Interlake Blvd. Properties (2<sup>nd</sup> hearing) Mrs. BuChans read the title of the Ordinance in its entirety. Mrs. BuChans then stated the Town Planning Staff had identified several lots within the Town’s limits whose zoning designation was inconsistent with its future land use designation. There are seventeen along W. Interlake Boulevard to be exact. She stated the parcels have been designated A-1 zoning district on the Lake Placid Zoning Map for quite some time. This A-1 zoning designation is inconsistent with the RO (Residential Office) land use designation on the Comprehensive Plan Future Land Use Map. The Applicant’s intent is to amend the A-1 (Agricultural) zoning district to C-2 (Limited Commercial) zoning district bringing the Town’s Zoning Map and Land Development Regulations into conformity with its most recently adopted Comprehensive Plan. Council Member Royce made a motion to approve and adopt by Ordinance No. 10-611, amending the Town Zoning Map from A-1, Agricultural District to C-2, Limited Commercial District for 5.301 acres; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

B. Ordinance 10-624 – Amending 2010-2011 Water/Sewer Budget (1<sup>st</sup> hearing) – Mayor Holbrook read the title of the Ordinance in its entirety. Council Member Bastardi made a motion Ordinance 10-624 be approved on first hearing by reading of title only; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

## PRESENTATIONS:

A. Ajax Company – Update on DeVane Park Renovation – Several individuals from the Ajax Company (Company who got the bid from FDOT to renovate DeVane Park), the engineering firm and landscape consultant who are also working on the renovation of DeVane Park and FDOT were present to give the Town Council an update on their progress. They felt that the project could be started shortly after the first of the year and be completed by the first of August. The Council asked that the Ajax Company please forward the approved costs estimates to Atty. Harris for his review. Council was concerned about the well and stated they would like to see a new well placed in DeVane Park. Mike Morgan, with the Ajax Company stated what they were reviewing with the Council was approximately 30%-40% complete. They would be back with a more 80%-90% completion packet.

B. Farm Week Proclamation – Mike Waldron read a Proclamation proclaiming the week of November 21, 2010 through November 27, 2010 as National Farm Week. Council Member Royce made a motion the Council approve the Proclamation; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

## DEPARTMENT HEADS/MAYOR/COUNCIL MEMBERS:

### A. Town Public Works Director:

1. Public Works Director Position – Mayor Holbrook stated Mrs. Tuck, Mr. Fulton and he had met as requested by the Town Council (upon learning of Mr. Fulton's retirement on December 31, 2010) to discuss the combining of the Recreation Department with Public Works. Mayor Holbrook stated staff was recommending that John Komasa be interim Public Works Director and that Jim Westcott remain as Public Works foreman. He further stated their recommendations for the four employees presently employed for the Recreation Department be used as follows:

1. S. Valdez – full time at Lake June Ball Fields
2. S. Oliva – part time at Cemetery and part time at Lake June Ball Fields
3. G. Fritz – full time in Transportation
4. A. Keefer – to become Public Works Technician I (floating handyman)

Council Member Worley stated she would like to see the Town advertise for the Public Works Director position and maybe look towards an engineer. Council Member Royce made a motion that the Council approve the new Town organizational chart to be effective on or about January 1, 2011; motion seconded by Council Member Worley. On roll call, motion carried unanimously. Council Member Royce stated the Council's intention is that Mr. Komasa start as Interim Public Works Director December 1, 2010 and that Mr. Fulton would work under Mr. Komasa's supervision for thirty days or so until he retires.

2. Lake Placid Recreation Committee – Jon Million, Chairman of the Lake Placid Recreation Committee, stated the Recreation Committee has had several meetings since being told they were going to be made responsible for the cost of the lights at the ball fields. Mr. Million stated they had been told to come up with a plan on how to reduce cost at the fields. Mr. Million stated the Lake Placid Recreation Committee had come up with the following plan:

1. Pursue the active users to reduce their electrical costs by 25% and they feel this can be accomplished by rescheduling games and practices at night. Mr. Million stated they feel they can drop the cost of the electric down by \$7,500.00.

2. Actively encouraging the members at the fields to pursue the County Commissioners to get onto their agenda concerning the distribution model agreement to see what we can come up with so that we can figure up what the Town is actually going to receive from the County Commissioners.

3. Bill Brantley was able to get with Progress Energy to come up with an idea of costs for the lights, so we feel that is something now we can pursue to the users at the fields as to what it will cost them to run night games.

4. As to a long-term solution to our recreation funding we believe the Town should pursue with the County the implementation of a non-ad valorem tax on residential units within our impact zone and that that money can be used strictly for recreational purposes within the Lake Placid area.

Council Member Royce stated the non-ad valorem tax can be done on residential units or residential lots.

Mr. Million stated he did have one more question of the Council. He stated in the meeting some members were asking why they did not have an opportunity to review the budget. Mr. Million said others were under the impression the Committee was not to be involved in the budget review. Atty. Harris stated he was not sure how the Ordinance read, but that it could be found on the Town's webpage under Muni Code. He stated he would email Mr. Million a copy.

Council Member Royce stated he heard the Recreation Committee was not for charging user fees. Mr. Million stated that was correct. Council Member Royce stated it has been relayed to him that the folks who are building the recreation model are going to consider it very important for municipalities to have some type level of user fees in place. Mr. Million stated the Recreation Committee feels in-kind service by all using Lake June Park should count towards user fees. Council Member Royce suggested the Recreation Committee invite Vickie Pontius, Highlands County Recreation Director, to their next meeting. Council Member Royce stated Mrs. Pontius is chairing the Committee that is building the model for the County and she would have some input concerning user fees.

3. Miracle League – Council Member Bastardi stated it had been brought to his attention that the County has not paid us the \$30,000.00 they owe us for the annual payment on the rubberized field at the Miracle League. Council Member Bastardi stated he would like to know why we had not received our money. Mrs. Tuck stated she had requested the \$30,000.00 from the County. She stated she then received a note from Bernis Gainer, OMB Director for the County requesting more information. The requested information was forwarded to Mr. Gainer. She stated she has sent two notes asking about the funds and to date she still has not received the funds. Council Member Royce stated Mr. Gainer has been on medical leave for the past month or so and that could be the reason we have not received it. Council Member Royce made a motion the Mayor authorize the Town Attorney to contact County Staff and determine what issues need to be resolved in regards to the Miracle League payment schedule; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

4. Advertisement and interview process for newly combined Public Works/Recreation position – Council Member Bastardi and Council Member Worley stated they would like to have a workshop and discuss what the qualifications of the Public Works/Recreation position should be. Council asked that the Mayor collect information concerning job descriptions for the Public Works Director and that then a workshop be scheduled.

5. Cemetery Gates – Council Member Royce – stated he had received an email from a member of the Sottlie family. They stated they had gone to the cemetery to visit a loved one and the gates were closed. This was on a Sunday around 10:00 A.M. They then went back around 2:00 P.M. and the gates were still locked. Council Member Royce stated he felt the gates should be open and not locked. He stated if anyone wanted to get into the cemetery all they had to do was go around the back. Council Member Bastardi stated the Cemetery Committee suggested locking the gates for security purpose. However, he stated he does not remember any incidents at the Cemetery that warrant the gates to be locked. Council Member Worley made a motion the gates be unlocked; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

#### **B. Town Planner:**

1. Lake Placid Merchants – Local Preference on Purchases – Robert Brown of the Lake Placid Merchants Association was present and stated his committee had worked on the local preference document he had presented to the Council. He stated the intent and purpose of the document is to establish a written policy that allows the authorized purchasing authority of the Town to give preference to local businesses. He stated this would give the Town the opportunity to select a Town business if that business puts in a bid that is only 5% above the low bid. Council Member Bastardi and Council Member Royce felt the preference should be given to only businesses within the Town limits. Council Member Royce made a motion that we go to public hearing on the addition of this subsection and that we ask Mr. Brown to come back and amend Section 4-5.3 to follow this schedule and add language to say that the preference will first be given businesses within the Town of Lake Placid, if not then businesses within the Greater Lake Placid Area and that if neither of those is available then businesses within Highlands County will be entitled to ½ of the local preference; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

Council Member Royce also stated we needed to define the Greater Lake Placid Area. Council Member Royce suggested the County's Transportation Benefit District or the County's Recreation Impact Fee District, which is usually Lake Josephine south.

#### **C. Town Utility Director:**

1. Mr. Freeman stated Florida Rural Water representative will be in Lake Placid to address the Town Council in January.

2. Mayor Holbrook stated a situation has come up and he needed Council to make a decision. He stated back in October 11, 2010 Mr. Freeman had asked for Mr. Darrell Pugh, who is an operator at the sewer plant, to be allowed to take home the Town vehicle and be furnished a cell phone, because Mr. Pugh was on call. He stated Mr. Pugh would not be paid any over time unless he was called out for a break or emergency. Mayor Holbrook stated he noticed on Mr. Pugh's pay slip that he is being paid overtime to check pumps on Saturday. Mayor Holbrook stated the minutes reflect Mr. Pugh is not suppose to be paid over time for checking pumps, just in case of breaks or emergencies. Council Member Royce stated he hated to think an employee would automatically think he was getting over time for doing his job. Mr. Freeman was instructed to advise Mr. Pugh his work week would be 40 hours, whatever way he wanted to work the 3 hours into the 40 hours was fine. If he wanted to leave early or work one day just one half day. Mr. Freeman stated he would work it out with Mr. Pugh.

#### **D. Town Clerk:**

1. Christmas Parade – Mrs. Tuck stated her recording device was not working properly during the last meeting and she was not able to hear some of the discussions. One of the

discussions was concerning the Christmas Parade. She stated the Christmas Parade Committee had requested the following:

1. All vendors register with the Lake Placid Police Department
2. All vendors be a non-profit organization within the Greater Lake Placid Area
3. All vendors be stationed at Stuart Park.
4. No vending to be allowed at any time on the parade staging area.
5. No vending to be allowed on the public right-of-way once the parade starts.

She stated the Masons had contacted her and wanted to be stationed at the Boys Scouts Hut. She said they told her they sell advanced tickets and will only be delivering meals they have sold to individuals who are in the parade. This would mean they would be allowed to deliver along the parade staging area. Mrs. Tuck also stated, and Lee Henderson who was present at the meeting, also stated, the Masons would have a cart, pulling it with their food deliveries.

Mr. Henderson stated they would be selling food items at the Masonic Lodge, but not at the Boy Scout Hut. They will just be making deliveries from the Hut.

Council Member Royce made a motion in regards to the Lake Placid Christmas Parade as follows:

1. All vendors must register with the Lake Placid Police Department
2. All vendors share be non-profit organizations within the Greater Lake Placid Area
3. All vendors will be stationed only at Stuart Park, unless they are housed in a permanent structure owned or operated by the vendor.
4. No vending other then the delivery of items previously purchased prior to 6:00 P.M. will be allowed at anytime on the parade staging route
5. No vending other then delivery of items purchased prior to 6:00 P.M. will be allowed on the public right-of-way once the parade starts.

Motion seconded by Council Member Worley. On roll call, motion carried unanimously.

2. RFP for Audit Services – Mrs. Tuck stated she and Rachel Osborne, Utility Bookkeeper, worked on the RFP for the audit services. She stated it is cutting if really close for the audit work to be done. With advertising this week, having the RFPs returned before the next meeting, having Council review the RFPs and negotiating for a contract the first week of January, it only leaves 53 days for the audit to be completed. She stated she would like to see Council go ahead and engage Wicks, Brown, Williams & Co. for this year and put the RFP out for next year. Council Member Worley stated she did not see any realize 53 days would not be enough for the audit. She stated she had always had a problem with the lateness that it is returned. Council Member Royce suggested we go ahead and place the advertisement. If we only receive one proposal and it is from Wicks, Brown, Williams & Co., we can go ahead and sign the engagement letter which has already been presented to us by them.

#### **E. Mayor/Council Members:**

1. Mayor Holbrook stated “Big Al” Pelski, with Toby the Clown Foundation had a request. Big Al was present and stated Toby the Clown Foundation would like to remove and keep the railing around the gazebo once the work is started on the renovation of DeVane Park. Council Member Worley made a motion the Town donate the railings around the gazebo at

DeVane Park to Toby the Clown Foundation, as long as they take responsibility for removing them; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

2. Atty. Harris informed Council he would be reviewing the Bond on RaceTrac tomorrow to see if there is a possibility of issuing a temporary certificate of occupancy. Council stated they were all in favor of going ahead with allowing the opening especially during the holiday season. Atty. Harris stated he would work on it tomorrow.

Council Member Royce made a motion the meeting adjourn; motion seconded by Council Member Bastardi. Mayor Holbrook hearing no objections declared the meeting adjourned at 9:40 P.M.