

REGULAR MEETING
TOWN OF LAKE PLACID TOWN COUNCIL
APRIL 25, 2011 5:35 P.M.

Mayor John Holbrook introduced Rev. Fred Ball, of the Memorial United Methodist Church of Lake Placid, Florida who gave the invocation and led in the Pledge of Allegiance to the Flag at 5:30 P.M.

Mayor John Holbrook called the regular meeting of the Town of Lake Placid Town Council to order at 5:35 P.M. on Monday April 25, 2011 at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present.

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

CONSENT AGENDA:

- A. Approval of Agenda
- B. Approval of Monthly Reports
- C. Approval of Resolution of the Lake Placid Town Council Regarding DeVane Park

Council Member Bastardi stated he would like to talk about the monthly reports; therefore, he made a motion to accept the consent agenda, excluding B; motion seconded by Council Member Davis. On roll call, motion carried unanimously.

Council Member Bastardi stated the Council had made a motion to start charging the leagues using the Lake June Ball fields a fee for the lights. He stated he was very upset not to see any fees collected for the month of March. Mr. Komasa stated the Council had approved the start of fees as of January 21, 2011. Therefore, the leagues started with their fees for the month of February 2011. The checks were processed and sent to the Town in March 2011. Mr. Komasa stated the checks were received by the Town in April 2011 and would show up on the next monthly report given to the Council. Council Member Royce stated with noting Council Member Bastardi's comments he would make a motion to accept the financial reports as part of the Consent Agenda; 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 10-608 – Fence Ordinance (1st hearing) – Mayor Holbrook read the title of the Ordinance. Mrs. BuChans stated the following provisions within Chapter 154 of the Town Land

Development Code have been amended to include the following Sections: General Requirements, Agricultural District, Residential District, C-1 and C-2 District, C-3 District, Specialty Fences, Materials, Maintenance and Nonconforming.

She stated the Ordinance had been before the Town of Lake Placid Local Planning Agency several times and they were recommending the Town Council approve Ordinance No. 10-608 Amending and Restating Sections 154-5, 154-11 and 154-12 of the Land Development Code Lake Placid; Providing for Severability and Providing for an Effective Date.

Council had several questions and comments concerning the Ordinance. Council Member Royce made a motion that Council ask Staff to revisit the Lake Placid Fence Ordinance and that they define what normal fencing may be done without permit and what fencing options require a special fencing permit through the Town of Lake Placid, meaning what fences will be deemed to require a special exception permit; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

Council Member Royce stated in support of his motion he thinks the Ordinance should be carved down to about 4-5 pages and make it simpler and bring it back to Council to take up. Council Member Royce stated he motion was to ask Mrs. BuChans and Atty. Harris, in particular, to come up with the appropriate, simplified language and bring us back a whole new package to consider. Council Member Royce stated he felt it would be three permits: 1) you simply come in and get a permit to put a standard 4' fence around a backyard; 2) a special permit to do something different; and the 3) is a commercial site that needs a very, very special permit. Council Member Royce stated he just wants Staff to bring something back short and simple.

DEPARTMENT HEADS/MAYOR/COUNCIL MEMBERS:

A. Town Planner – No comments

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

1. Town Right-of-Ways – Mr. Komasa stated he wanted to inquire about Council's position on the Town having to mow right-of-ways in front of private residents and commercial buildings. Mr. Komasa stated recently a case was heard by the Town's Special Magistrate that involved the Defendant not mowing his vacant lot. When he received the notice from the Code Enforcement Officer, he hired an attorney who challenged the Town due to the Town not mowing their right-of-ways in front of properties. Council Member Bastardi made a motion that the Public Works Director take an inventory and come up with a plan to take care of the right-of-ways and alleyways; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

C. TOWN UTILITY DIRECTOR:

1. South Sewer System – Polston Task Order Proposal (Consent Order) – Mr. Freeman presented Council with a proposal from Polston Engineering addressing five items on the list that require Engineering design and permitting from the Consent Order. Mr. Freeman stated the total cost would be \$18,640.00. He stated he was asking Council to approve the expenditure of \$18,640.00 out of the utility reserve fund so that he may proceed forward with these engineering items in order to stay on schedule. Council Member Royce made a motion the Town approve the expenditure of \$18,640.00 out of the Utility Reserve Fund so that we may proceed forward with these engineering items in regard to construction numbers: 14, 26, 19, and 21; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

2. Approval of Envisors Engineering Task Order – Park Ave. Water Main Extension – Mr. Freeman stated he had requested and received a task order from Envisors Engineers describing the scope of services to design, permit and provide limited technical services during construction of the Town’s proposed Park Avenue Water Main Extension. He stated the fee would be \$3,900.00. Council Member Royce made a motion that we approve the contract with Envisors for Job No. 73102000, with the deletion of the last line on 4.1.2 (Due to information source and project timing limitations, there is no assurance that all existing utilities and proposed future utility line locations will be accurately defined in their depth and extent within the vicinity of the Project within the Town’s ambitious project schedule.) to not exceed \$3,900.00; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

3. Bill for Regional Utility Commission – Mr. Freeman informed the Council due to the extra expenses incurred by the formation of the Regional Utility Commission some of his budgeted items are over budget. He stated Legal Fees for one is way over. He stated he just wanted Council to know he would have to do a budget amendment to correct the budget.

D. Town Police Chief:

1. Chief Williams stated he is toying with the idea of getting his department certified. He stated he was looking into it and would keep the Council informed.

E. Town Attorney:

1. Adoption of Ordinance 2011-633 – Lake Placid Regional Utility System – Atty. Harris reminded the Council that they had already held two public hearings on Ordinance 2011-633 and the only matter left was to adopt. Council Member Royce made a motion that Ordinance 2011-633 be adopted; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

2. Adoption of Ordinance 2011-632 – Burial Rights – Atty. Harris reminded the Council that they had already held two public hearings on Ordinance 2011-633 and the only matter left was to adopt. Council discussed Section 2 (103-2) (6) *Burial Rights*. Council Member Royce was concerned someone might want to place some personal items in the casket with the body and the paragraph would prevent it. Atty. Harris suggested changing the wording to: “Burial Rights. The right to bury a ~~properly embalmed~~ human body (or the remains thereof), within a casket and vault within a specific parcel of land under at least two (2) feet of soil. The casket or vault may contain personal effects.

Council Member Worley made a motion that we adopt Ordinance 2011-632 with the changes; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

F. Town Clerk – No Comments

G. Mayor & Council Members:

1. Council Member Royce asked Mr. Komasa if he would look into the signs at the cemetery. He stated some of them look faded and outdated.

2. Council Member Royce also stated Hoz Compton had contacted him and stated he purchased some property on South Main Avenue. He stated Mr. Compton told him the property would remain vacant, but he would like to plant some trees along the right-of-way if the Town could maintain them. Council asked Mr. Komasa to check on this matter as to whether there is any irrigation in the area and see what it would take to maintain the trees.

3. Mayor Holbrook stated he was setting May 16, 2011 at 6:00 P.M. as the date for our Special Meeting to discuss the future of the Town.

4. Mayor Holbrook also told the Council the Chamber of Commerce was working on a dedication for DeVane Park to be held on May 21, 2011 at 11:00 A.M. and he would like to have all the Council Members present.

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 8:30 P.M.