

REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
MONDAY JANUARY 14, 2013 5:35 PM.

Mayor John Holbrook called the regular meeting of the Lake Placid Town Council to order on Monday January 14, 2013 at 5:35 PM at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present.

ROLL CALL:

Mayor John Holbrook  
Council Member Ray Royce  
Council Member Debra Worley  
Council Member Mike Waldron  
Council Member Steve Bastardi

Town Clerk Arlene Tuck  
Town Attorney Bert Harris  
Town Utility Director Gary Freeman  
Town Police Chief Phil Williams

ABSENT:

Town Public Works Director John Komasa

CONSENT AGENDA:

- A. Approval of Agenda
- B. Approval of Minutes
- C. Approval of monthly reports
- D. Approval of monthly bills, excluding bills to Royce Supply
- E. Approval of monthly bills to Royce Supply
- F. Accountability Statements
- G. Recreation – Interlocal Agreement with County
- H. Approval of Amended and Restated Resolution for Park User Fees
- I. Approval of LP Arts and Crafts Country Fair Association – Use of DeVane Park

Council Member Royce made a motion to approve Consent Agenda Items A, B, D, F and I, that Consent Agenda Item H is removed, it's not up for consideration tonight, and that we move Item G to the action agenda for further discussion; motion seconded by Council Member Bastardi. On roll call, Council Member Royce, Council Member Bastardi and Council Member Waldron voted yes; Council Member Worley voted no. Motion carried 3 to 1.

Council Member Royce questioned why the Town spent \$26,000.00 for scanned copies of all the documents involved in the Tomoka Heights and Highway Park transfer from the County and why it has been placed under Operating Supplies in the water and sewer accounts. Atty. Harris stated the County's Attorney stated, because of the Government in the Sunshine, the County had to keep copies of the documents. So the County scanned all the records. He said the placement of the bill is up to the Town. Council Member Royce stated he felt the bill should be noted under capital improvement. Mr. Freeman stated it could be changed.

Council Member Royce stated he felt there should be a transfer out of the savings account to reimburse the water and sewer funds \$22,000.00 and \$9,000.00 respectively.

Council Member Worley questioned why we had to pay for them and why it was not the Town that scanned them. Mr. Freeman stated the Town received all the originals. Council Member Worley made a motion that we request an electronic version of the documents we received that were scanned and, if there is a cost, we address it at the next meeting; motion seconded by Council Member Waldron. On roll call, motion carried unanimously.

Council Member Royce made a motion to approve Consent Agenda Item C; motion seconded by Council Member Waldron. On roll call, Council Member Royce, Council Member Waldron and Council Member Bastardi voted yes; Council Member Worley voted no. Motion carried 3 to 1.

Council Member Waldron made a motion to approve Consent Agenda Item E; motion seconded by Council Member Bastardi. On roll call, Council Member Waldron, Council Member Bastardi and Council Member Worley voted yes; Council Member Royce abstained from voting due to a conflict of interest. Motion carried 3 to 0.

#### PRESENTATION:

- A. IDA EDC – Paul McGahee, Chairman of the Highlands County Industrial Development Authority Economic Development Commission presented Stephen Weeks, the new Executive Director. Mr. Weeks introduced himself and stated the Commission will be requesting resumes from individuals for positions on the Commission. Council Member Royce asked Mr. Weeks to send Mrs. Tuck a copy of the notice.
- B. Keep Lake Placid Beautiful – Mr. Bill Brantley and Mr. Mike Eisenhart, of KLPB was present and gave an update on the KLPB projects which have been happening. They showed some pictures of one of the Town employees up in the Town's new tow behind lift, which Mr. Eisenhart was instrumental in obtaining for the Town through a forestry grant. Mr. Eisenhart stated many trees have been pruned and they will continue working on them. Mr. Eisenhart did state he is having lots of problems with irrigation. He stated if there was anything the Town needs it is someone with irrigation experience. Mr. Eisenhart stated he has worked with Jim Westcott, Public Works Department Foreman, over the years and Mr. Westcott is very experienced with the Town's irrigation. He stated

he hoped he could continue working with Mr. Westcott until the Town could afford to hire someone with irrigation experience. Mr. Brantley stated he understood one of the pumps at Lake June Ball Fields was not working for 3-6 months. He stated he hopes it is now working because the fields were looking very poorly. Council asked that the Mayor discuss these matters with Mr. Komasa.

Mr. Eisenhart stated the Sheriff's Department allows him to use inmates every Friday. He stated they are excellent workers and that the next couple of Fridays they will be working in DeVane Park getting it ready for the Country Fair the first of February.

Council thanked Mr. Eisenhart for the update and asked that he do the same type of report every so often.

#### DEPARTMENT HEADS/MAYOR/COUNCIL MEMBERS:

##### A. Public Works Director:

1. Recreation – Interlocal Agreement with County for Recreation Funds – Council Member Royce stated he had one problem with the Interlocal Agreement and that was on paragraph 4, the third sentence that states: “The Town and the County understand and agree that reimbursement of funds by the County shall be for goods and services received by the Town for operation and maintenance of those recreation facilities during FY 2012-2013 pursuant to Exhibits “A” and “B” net of any revenues received by the Town from fees or other sources. Council Member Royce stated this was actually defending us collecting user fees. He stated the way he understands it is that we have to deduct user fees or any fees from the \$110,000.00 promised to us and then what is left is what we get. Council Member Worley made a motion to approve the Interlocal Agreement absent the next to the last sentence in Paragraph 4 that states: “The TOWN and the COUNTY understand and agree that reimbursement of funds by the COUNTY shall be for goods and services received by the TOWN for operation and maintenance of these recreation facilities during FY 2012-2013 pursuant to Exhibits “A” and “B” net of any revenues received by the TOWN from fees or other sources.”; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

##### B. Police Chief:

1. Discussion on Misdemeanor Charges – Chief Williams stated he would the Town has about six places in our Code where it calls for misdemeanor charges. He stated he has reservations if the Town has the authority to do that. He stated all of our violations should be civil and come before the Town Special Magistrate. Council Member Royce made a motion to authorize Atty. Harris and Chief Williams to solve the misdemeanor/violation situation; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

C. Utility Director:

1. Discussion on funds for Pre-Mitigation (FEMA) Grant – Mr. Freeman stated he and Mrs. Tuck has broken down the funds that will be needed for the Pre-Mitigation Grant, which is a 75%/25% funding. The Town will be responsible for the 25%. Mr. Freeman stated the numbers come out to be that Sewer will be responsible for \$95,528.00 and General Fund will be responsible for \$71,947.00. Mr. Freeman stated being as Sewer does not have sufficient funds, he would like to borrow \$68,953.54 from the Water capital fund to be added to the \$26,574.46 that is in Sewer to make up the total due. Mrs. Tuck stated she would like to take \$44,047.00 from the Infrastructure Account for the shutters, doors, windows and roof work which does qualify for the use of Infrastructure funds and \$27,900.00 from the General Fund Reserve Account.

Council had many questions about when we could get our money, is it a reimbursement account or do we have to pay upfront, are there any strings attached, such as do we have to keep the property for so many years. Council Member Royce made a motion to move forward with accepting the grant for these projects conditioned upon Staff and legal counsel being satisfied to the terms of the grant and appropriate contracts associated with it for the project and that the appropriate funds be moved as outlined by Mr. Freeman and Mrs. Tuck and that we obligation ourselves to the non-federal share in the appropriate departments; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

Council Member Royce stated the intent of his motion was that the Mayor and Staff have a very clear understanding of how we are going to get paid and how we are going to allocate funds from the appropriate accounts and loans. I want to make sure as we go in that we understand how we are going to work this financial overture. Council Member Royce asked that Guardian be asked the questions Council has brought up and that it be put into writing.

2. Tomoka Heights Water Tower – Mr. Freeman stated when the Town received the utilities from Highlands County, they also received funds that had been being set aside for a new water tower at Tomoka Heights. When the funds were received, they were all put into the Town’s operating fund. Mr. Freeman stated he would like Council to approve the transfer of \$400,000.00 from the Town’s operating fund to the Water/Sewer Capital Fund and entitle it “Tomoka Water Tank (Proposed)”. Mr. Freeman stated this matter has been brought before the Lake Placid Regional Utility Advisory Commission and they made a motion to recommend to the Town Council they approve this action. Council Member Royce made a motion to transfer \$400,000.00 from the Town’s Water Operating fund to the Town’s Water Capital Improvement Fund and categorize it as “Tomoka Heights Water Tank (Proposed)”; motion

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

D. Town Clerk:

1. Report on Town Administrator/Clerk position – Mayor Holbrook stated all the Council Members should have received copies of all the applications received for the position of Town Administrator and Town Clerk. Mayor Holbrook asked how the Council would like to proceed with the process. Council discussed the matter for quite a while and decided to try a Town Administrator and divide the Clerk's work up among the ladies in the office. Council Member Bastardi made a motion to ask the Mayor to use his discretion with whatever he needs to come up with a new organizational chart that takes best advantage of our extending resources and to take the current job description of the Clerk and show us how the tasks would be reassigned with the internal resources and then to show us some financial representation on how he sees compensation adjustments after the tasks are to redone; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

E. Mayor/Council Members:

1. Council Member Waldron asked if any progress had been made on repaving Tangerine Drive. The Mayor stated he had not been aware of any progress. Council Member Royce stated he knew the County did not have it in their CIP. Council Member Bastardi made a motion that we have legal counsel prepare a Resolution to the County asking for their help in redoing Tangerine and that they also contact a traffic court; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

Council Member Waldron made a motion the meeting adjourn; motion seconded by Council Member Royce. Mayor Holbrook, hearing no objections, declared the meeting adjourned at 9:00 pm.

SPECIAL MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
AND  
TOWN OF LAKE PLACID LOCAL PLANNING AGENCY/BOARD OF ADJUSTMENT  
MONDAY JANUARY 14, 2013 5:00 PM

Mayor John Holbrook called the joint special meeting to order on Monday January 14, 2013 at 5:00 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum of the Town Council (Council) and the Local Planning Agency/Board of Adjustment (LPA) was present.

ROLL CALL:

Mayor John Holbrook  
Council Member Ray Royce  
Council Member Debra Worley  
Council Member Mike Waldron  
Council Member Steve Bastardi

Chairman Hoz Compton  
Commissioner Jack Edgemon  
Commissioner James Oser  
Commissioner Ken LeBlanc

Town Clerk Arlene Tuck  
Town Police Chief Phil Williams  
Town Utility Director Gary Freeman  
Town Planner Kandi Harper  
Town Attorney Bert Harris

ABSENT:

Town Public Works Director John Komasa

NEW BUSINESS:

- A. Comprehensive Plan Update (EAR-Based Amendments) Mrs. Jennifer Codo-Salisbury, Director of Planning, with Central Florida Regional Planning Council, informed the Council the EAR (Evaluation and Appraisal Report) for the Town had been sent to Tallahassee for review and there were only two issues raised. Mrs. Salisbury stated the issues were minor and she would like to quickly review the issues with the Council and LPA. After the review, a few questions were asked and answered.

**LPA Action:**

Commissioner LeBlanc made a motion that the Town of Lake Placid LPA forward Ordinance 2012-648 to the Council with a recommendation of approval; motion seconded by Commissioner Edgemon. On roll call, motion carried unanimously.

**Council Action:**

Council Member Royce made a motion the Council approve the adoption of Ordinance 2012-648; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

Mayor Holbrook stated this was a special meeting called just for the EAR-based amendments update and not further action could be taken, therefore he adjourned the meeting at 5:25 P.M.

SPECIAL MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
MONDAY FEBRUARY 4, 2013 5:30 P.M.

Mayor John Holbrook called the special meeting of the Lake Placid Town Council to order on Monday February 4, 2013 at 5:30 PM at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. The meeting was called to discuss the restructuring of the Lake Placid Town Government.

ROLL CALL:

Mayor John Holbrook  
Council Member Steve Bastardi  
Council Member Ray Royce  
Council Member Debra Worley  
Council Member Mike Waldron

CONSENT AGENDA:

- A. Approval of agenda
- B. Approval of Resolution supporting the efforts of Highlands County for TPO

Council Member Waldron made a motion to approve the agenda; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

Council Member Royce stated the Resolution supporting the efforts of Highlands County to form a regional Transportation Planning Ordinance (TPO) actually does not affect Lake Placid as much as it would Avon Park and Sebring. Council Member Royce stated because of the results of the 2010 Census, a metropolitan planning organization (MPO) must be designated for the newly urbanized Sebring-Avon Park area. The County wants to start a new area consisting of DeSoto, Glades, Hardee, Hendry, Highlands and Okeechobee Counties, which all share common economic, environmental and cultural ties. The Resolution just states the Town of Lake Placid is in support of forming the proposed regional TPO with the affected units of local government in the newly designated urbanized area and other governments in the six county regions.

Council Member Worley made a motion to approve the Resolution supporting the efforts of Highlands County and units of local government in the newly designated Sebring-Avon Park urbanized area to create a regional transportation planning organization (TPO); motion seconded by Council Member Royce. On roll call, motion carried unanimously.

OLD BUSINESS:

- A. Report of restructure of Town Government – Mayor Holbrook reminded the Council at the last meeting of Council, he was given instructions, along with Chief Williams, to

come back to Council with a proposal of restructuring the Town's government by adding a Town Administrator. Mayor Holbrook stated during this time the Chief, Atty. Harris and he have worked on the issues. Mayor Holbrook stated they did find out the Charter states the Town must have a Town Clerk; and the State law states there can be no dual office holding, meaning Chief Williams cannot serve as Chief of Police and Town Administrator.

Mayor Holbrook stated Chief Williams, Atty. Harris and he have come up with Phil Williams being the Town Administrator, Lt. James Fansler being promoted to Deputy Police Chief and Vickie Bollinger, who presently works for the Town as a Accounts Payable Clerk to be the Deputy Clerk.

Mrs. Tuck stated the budget has been amended allocating all departments with the salaries Staff recommended. The Ordinance is prepared for public hearing on February 11, 2013 and March 11, 2013.

Atty. Harris presented a Resolution showing the authorizations of the Mayor and Town Administrator. The Resolution also stated the Town Administrator's scope of work and salary. Council suggested some changes and Atty. Harris stated he would revise the Resolution to list the changes suggested.

Council Member Royce made a motion that we approve and adopt the agreement entitled Mayor John Holbrook's appointment and the Lake Placid Town Council's concurring Resolution for the appointment of Phil Williams as Town Administrator with the modification as suggested by Council in Section 4 A. and Section 5; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

Council Member Waldron made a motion the meeting adjourn; motion seconded by Council Member Bastardi. Mayor Holbrook, determining that all matters advertised for this meeting had been discussed and voted on, declared the meeting adjourned at 7:00 PM.

REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
MONDAY FEBRUARY 11, 2013 5:35 pm

Mayor John Holbrook called the regular meeting of the Lake Placid Town Council to order on Monday February 11, 2013 at 5:35 PM at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present.

ROLL CALL:

Mayor John Holbrook  
Council Member Ray Royce  
Council Member Debra Worley  
Council Member Mike Waldron  
Council Member Steve Bastardi

Town Clerk Arlene Tuck  
Town Administrator Phil Williams  
Town Utility Director Gary Freeman  
Town Public Works Director John Komasa  
Town Interim Police Chief James Fansler

ABSENT:

Town Attorney Bert Harris

CONSENT AGENDA:

- A. Approval of Agenda
- B. Approval of Minutes
- C. Approval of monthly reports
- D. Approval of monthly bill, excluding bills to Royce Supply
- E. Approval of monthly bills to Royce Supply
- F. Accountability Statements
- G. Approval of Resolution concerning Tangerine Drive

Council Member Royce made a motion to approve Consent Agenda items A, B, C, and D; motion seconded by Council Member Bastardi. On roll call, Council Member Royce, Council Member Bastardi and Council Member Waldron voted yes; Council Member Worley voted no. Motion carried 3 to 1.

Council Member Royce stated he saw on Item G. Approval of Resolution concerning Tangerine Drive that there was a blank on Section 3 of the Resolution. He stated we needed to put in a percentage of the population of students who attend the Lake Placid Schools that live outside the

Town limits. Council Member Royce made a motion to approve Consent Agenda items F and G with the stipulation that Staff fill in the appropriate blank in that regard when they it has been determined by the School Board; motion seconded by Council Member Waldron. On roll call, Council Member Royce, Council Member Waldron and Council Member Bastardi voted yes; Council Member Worley voted no. Motion carried 3 to 1.

Council Member Bastardi made a motion to approve Consent Agenda Item E; motion seconded by Council Member Waldron. On roll call, Council Member Bastardi and Council Member Waldron voted yes; Council Member Worley voted no and Council Member Royce abstained from voting due to a conflict of interest. (Council Member Royce turned in a Form 8B to the Town Clerk). On roll call, motion carried 2 to 1.

#### PRESENTATIONS:

- A. Florida League of Cities – Kathy Till, representing the Florida League of Cities gave the Council an update on some of the upcoming bills that will be presented to the House and Senate this term. She stated the session begins again on March 4, 2013. Ms. Till explained some of the bills and gave Council the Florida League of Cities position on the bills.
- B. Bud Warren – Bluebird Sanctuary – Mr. Warren and members of the Audubon Society approached the Town Council with a proposed Proclamation asking the Council to accept the Town of Lake Placid as a Bluebird Sanctuary. Mr. Warren’s wife stated the Lake Placid High School Shop Class had agreed to build the required bird houses for the Bluebirds and that the Boy Scouts and Cub Scouts have agreed to check/clean the houses. Council Member Worley stated she had pulled up information on the Eastern Bluebird (which is the bird considered) and it did not state it as a Florida bird. Council Member Worley stated she would prefer that it was the Florida Bluebird. Mrs. Warren stated the Eastern Bluebird is a bird of Florida and that is the bird they are trying to have come to the birdhouses.

Council Member Worley made a motion to approve the Proclamation presented and read by the Warrens with the changes of the Eastern Bluebird to the Florida Bluebird; motion seconded by Council Member Waldron. On roll call, Council Member Worley voted yes, Council Member Waldron voted no, Council Member Bastardi voted no and Council Member Royce voted no. Motion failed 3 to 1.

Council Member Waldron made a motion to approve the Proclamation as presented; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

#### NEW BUSINESS:

- A. Appointment of James Fansler as Interim Police Chief for the Lake Placid Police Department – Council Member Royce made a motion that the Council approve the

appointment of James Fansler as Interim Police Chief of the Lake Placid Police Department; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

- B. Mayor Holbrook read a resignation letter from Chief Phil Williams resigning as Police Chief of the Lake Placid Police Department.
- C. Appointment of Vickie Bollinger as Deputy Clerk of the Town of Lake Placid – Council Member Worley made a motion Council appoint Vickie Bollinger as Deputy Clerk of the Town of Lake Placid; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

**SWEARING IN:**

- A. Town Administrator
- B. Deputy Clerk
- C. Interim Police Chief

Mrs. Tuck swore in Phil Williams, as Town Administrator, Vickie Bollinger, as Deputy Clerk and James Fansler, as Interim Police Chief for the Town of Lake Placid.

**PUBLIC HEARING:**

- A. Ordinance 2013-655 – Amending 2012-2013 Budget – Mrs. Tuck stated this Ordinance was being presented to amend the 2012-2013 budget to allow for the allocation of salaries and benefits for the new Town Administrator, Deputy Clerk and Interim Police Chief. Council Member Waldron made a motion to approve Ordinance 2013-655 on first hearing by reading of title only; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

**DEPARTMENT HEADS/MAYOR COUNCIL MEMBERS:**

- A. Town Administrator – No reports
- B. Utility Director –
  - 1. Approval of CDBG Award – Mr. Bill Gearing, with Guardian, the Town’s administrator of our CDBG grant was present and asked Council to consider approving the award packet with the State. Council Member Worley made a motion the appropriate individuals sign the award packet contract subject to it being reviewed by the Town Attorney prior to its execution; motion seconded by Council Member Royce. On roll call, motion carried unanimously.
  - 2. Approval to amend the Town Budget to include the CDBG award – Council Member Worley made a motion to amend the Town Budget to include the CDBG award, subject to the award packet contract being reviewed by the Town Attorney prior to its

execution; motion seconded by Council Member Waldron. On roll call, motion carried unanimously.

C. Public Works Director:

1. Sanitation Truck – Mr. Komasa stated they had a sanitation truck go down. Mr. Komasa stated because they were now down to two trucks, he was asking Council to consider the repair an emergency and forego the bidding process so we can get the truck repaired, which he has already been told will be over \$5,000.00. Council Member Royce made a motion that due to the nature of the emergency in regards to Town equipment we waive the required purchasing policy and declare that Big John's Garage is the sole provider of this type of repair and give approval to the Public Works Director to get the necessary work done; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

Council Member Waldron made a motion the meeting adjourn; motion seconded by Council Member Bastardi. Mayor Holbrook, hearing no objection, declared the meeting adjourned at 7:30 PM.

REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
MARCH 11, 2013 5:35 PM

Mayor John Holbrook called the regular meeting of the Lake Placid Town Council to order on Monday March 11, 2013 at 5:35 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present.

ROLL CALL:

Mayor John Holbrook  
Council Member Ray Royce  
Council Member Mike Waldron  
Council Member Steve Bastardi

Town Clerk Arlene Tuck  
Town Attorney Bert Harris  
Town Administrator Phil Williams  
Town Utility Director Gary Freeman  
Town Public Works Director John Komasa  
Town Deputy Police Chief James Fansler  
Town Planner Sue BuChans

ABSENT:

Council Member Debra Worley

SPECIAL CEREMONY:

Mayor Holbrook asked that Town Clerk Arlene Tuck rise. The Mayor read a Resolution to Mrs. Tuck as this was her last meeting she would be attending prior to retirement on March 31, 21013. Mrs. Tuck was given a standing ovation and thanked for her 25 years of service as Town Clerk. Council Member Royce made a motion to approve the Resolution; motion seconded by Council Member Waldron. On roll call, motion carried unanimously.

Okeechobee City Clerk, Lane Gamiotea, representing the Florida Association of City Clerks, read a Proclamation commenting Mrs. Tuck on her 25 years of service to the Town and the FACC and then presented Mrs. Tuck with a framed copy of the Proclamation. Mrs. Tuck thanked Mrs. Gamiotea and the FACC for the presentation.

Mrs. Tuck thanked the Council for allowing her to serve as Town Clerk and stated she would not be a stranger. That she expected to be involved in the near future.

CONSENT AGENDA:

- A. Approval of Agenda
- B. Approval of Minutes
- C. Approval of monthly reports
- D. Approval of monthly bills, excluding bills to Royce Supply
- E. Approval of monthly bills to Royce Supply
- F. Accountability Statements
- G. Approval of Water Conservation Month Proclamation
- H. Approval of resignation from Lynn Resendiz on Recreation Committee
- I. Approval of Cassandra Grassman to Recreation Committee
- J. Proclamation for Child Abuse

Council Member Royce made a motion to approve Consent Agenda items A, B, C, D, F, G, H, and I and include an item J for the Proclamation for Child Abuse; motion seconded by Council Member Waldron. On roll call, motion carried unanimously.

Council Member Waldron made a motion to approve Consent Agenda Item E; motion seconded by Council Member Bastardi. On roll call, Council Member Waldron and Council Member Bastardi voted yes; Council Member Royce abstained from voting due to a conflict of interest. Motion carried 2 to 0.

#### PRESENTATION:

Brian Haas, with Vistalogix, was present and introduced a software program his company sells that allows an organization to define all activities necessary to its operations and monitor the costs to perform those activities. Council Member Royce stated he was at a meeting and met Mr. Haas. He thought Mr. Haas's program could benefit the Town and asked that Mr. Haas make his presentation. Council asked that Mr. Williams, Town Administrator and the Mayor, discuss the software program further and see if they felt it would be beneficial to the Town.

#### PUBLIC HEARINGS:

- A. Ordinance 2013-655 – Amending 2012-2013 Budget (2<sup>nd</sup> hearing). Mayor Holbrook read the title to Ordinance 2013-655. It was stated the Ordinance was to amend the 2012-2013 budget to allow salary amendment for the new position of Town Administrator, Deputy Police Chief and Deputy Clerk. Council Member Bastardi made a motion to approve Ordinance 2013-655 on second hearing by reading of title only and adopt; motion seconded by Council Member Waldron. On roll call, motion carried unanimously.

#### DEPARTMENT HEADS/MAYOR/COUNCILMEMBERS:

- A. Town Administrator:

1. Urban and Community Forestry Grant Resolution – Mike Eisenhart, with Keep Lake Placid Beautiful stated there was another Forestry Grant available and the consensus from Keep Lake Placid Beautiful and the Town Staff was to apply for a chipper. Mr. Eisenhart stated the Council can opt out of the Grant if they receive it. Mr. Eisenhart presented the Resolution requesting that the Council approve it. Council Member Royce made a motion to approve the Urban and Community Forestry Grant Resolution 04-48; motion seconded by Council Member Waldron. On roll call, motion carried unanimously.
2. Letter from IDA-EDC for \$500.00 membership fee – Council Member Royce made a motion we not give \$500.00 membership fee to the IDA-EDC and that we ask Mr. Steven Weeks (Executive Director) if he would like to submit another request for consideration by the Council for the 2013-2014 budget cycle; motion seconded by Council Member Waldron. On roll call, motion carried unanimously.
3. Lake Placid Triathlon – Town Administrator Williams stated he had talked further with Dan Andrews, the support of the Lake Placid Triathlon. Mr. Andrews stated because of some obstacles he will not be able to hold the Lake Placid Triathlon in its entirety, but he would be holding the children's part of the Triathlon. Council Member Waldron made a motion that the Triathlon be cancelled if we have not received payment, after it is determined, and that by the 13<sup>th</sup> day of March 2013 the statement be given to Mr. Andrews with the payment designated and that we give him a grace period until the 18<sup>th</sup> day of March 2013 in which to submit full payment; motion seconded by Council Member Royce. On roll call, motion carried unanimously.
4. Waiver of Impact Fees, setting charge, deposit and connect fee for Highway Park – Council Member Royce made a motion this matter be tabled until the next regularly scheduled Town Council Meeting; motion seconded by Council Member Waldron. On roll call, motion carried unanimously.
5. Recreation Committee: Randy Harris, with Lake Placid Youth Baseball, was present requesting permission to request funds from RPAC to add an addition to the batting cages at Lake June Complex. Mr. Harris stated the Lake Placid Recreation Committee voted to recommend the Council approve the request. He Harris stated the cost would be approximately \$20,606.00, but that he does have some donations of \$2,323.00, which would leave the total cost of the addition and request to RPAC of \$18,283.00. Mr. Harris stated he would like to approach RPAC and see if they would be willing to put up 50% of the cost. He stated Lake Placid Youth Baseball has the other 50% which they would be putting up. Council Member Royce made a motion that the Council support this organizations request to approach RPAC for funding for up to \$20,000.00 for this project and that we should encourage our RPAC representatives to push for this project; motion seconded by Council Member Waldron. On roll call, motion carried unanimously.

6. Police Department – Radios – Mr. Williams stated the Police Department needs to upgrade their radios to 800 megahertz to stay in compliance with the Sheriff’s Department. Otherwise, they will not be able to do dispatching for us. Deputy Police Chief Fansler stated the cost would be \$18,500.00. He stated the Police Department would like to use the confiscated funds, however for them to use the funds they need Council’s approval. The total cost would then be \$13,500.00, which would be paid by the Town out of the Capital Improvement Account. Council Member Bastardi made a motion to authorize the Town Administrator to use the \$5,000.00 in the forfeiture fund, with other Town funds, to buy these particular radios for a price of up to \$18,500.00; motion seconded by Council Member Waldron. On roll call, motion carried unanimously.

**B. MAYOR/COUNCIL MEMBERS:**

1. Town Council Liaisons – Mayor Holbrook stated as of this date he was dismissing all Town Council Liaisons due to the fact that we now have a Town Administrator. He stated he did not feel the Liaisons were necessary.
2. Capital Financial Strategy – Highlands County – The Council discussed, in length, possible infrastructure projects to submit to Highlands County for their future Capital Improvement Fund. The projects were as follows: 1) Reconstruct Green Dragon; 2) Reconstruct Interlake Boulevard from DeVane Park to U.S. Highway 27; and 3) Intersection Improvements at Heartland Boulevard and Tangerine Drive. Council asked that the Mayor and Town Administrator, in concurrence with other Staff member develop a list of projects for inclusion into the Highlands County’s CFS.
3. Baseball Field Entrance – Council asked that the Mayor write to the Highlands County School Board and ask that they look into reconstructing the entrance off of Interlake Boulevard into the baseball field. Council Member Waldron stated he is very concerned about the drive into the baseball field from Interlake Boulevard. He stated it definitely needs paving. The Mayor stated he would take care of this matter.

Council Member Royce made a motion the meeting adjourn; motion seconded by Council Member Waldron. Mayor Holbrook, hearing no objections, declared the meeting adjourned at 8:45 PM.

REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
APRIL 8, 2013 5:35 PM

Mayor John Holbrook called the regular meeting of the Lake Placid Town Council to order on Monday April 8, 2013 at 5:35 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present.

ROLL CALL:

Mayor John Holbrook  
Council Member Ray Royce  
Council Member Mike Waldron  
Council Member Steve Bastardi  
Council Member Debra Worley

Deputy Town Clerk Vickie Bollinger  
Town Attorney Bert Harris  
Town Administrator Phil Williams  
Town Utility Director Gary Freeman  
Town Public Works Director John Komasa  
Town Deputy Police Chief James Fansler

CONSENT AGENDA:

- A. Approval of Agenda
- B. Approval of Minutes
- C. Approval of monthly reports
- D. Approval of monthly bills, excluding bills to Royce Supply
- E. Approval of monthly bills to Royce Supply
- F. Accountability Statements

Council Member Royce made a motion to approve Consent Agenda items A, B, C, D, and F; motion seconded by Council Member Waldron. On roll call, Council Members Royce, Waldron and Bastardi voted yes; Council Member Worley voted no. Motion carried 3 to 1.

Council Member Waldron made a motion to approve Consent Agenda Item E; motion seconded by Council Member Worley. On roll call, Council Members Waldron, Worley and Bastardi voted yes. Council Member Royce abstained from voting due to a conflict of interest. Motion carried unanimously.

Mayor Holbrook stated the Elks Lodge had presented their Community Service Awards for this year. He congratulated Utility Director Gary Freeman for being named Employee of the Year and Police Officer Stuart Troutman for being named Police Officer of the Year. He expressed appreciation for their work and service to the Town.

**PRESENTATION:**

**A. 4-H Clovers – Pumpkin Patch and use of Stuart Park**

Paula Sapp, Leader of the 4-H Clovers asked for a fee waiver for use of Stuart Park for the Pumpkin Patch fund raiser. The funds are used to help people in our community. Council Member Royce asked if the Council has the authority to waive these fees. It was determined more information is needed before any waiver could be granted. Council Member Bastardi said his company would be pleased to sponsor the 4-H Clovers and gave them a check to cover the park fees. Ms. Sapp and club members thanked Mr. Bastardi for his generosity and announced the Pumpkin Patch will be held October 19 from 9 am to 1 pm. Council Member Waldron recognized Ms. Sapp for her years of leadership of the 4-H Club here in Lake Placid.

**B. Lake Placid Jaycees**

Lyle Wilson stated the agenda was incorrect in that the Jaycees did not want to sell alcohol at the 4<sup>th</sup> of July fireworks, but the club was asking for support to have the fireworks show again this year. Public Works Director John Komasa stated there is no fee for this and that \$5,000 was budgeted to support the fireworks. It was determined no further action was needed by Town Council. Donald Clark stated the Jaycees would like to sell alcohol at the Caladium Festival this year. Per town code, the Mayor or the Council is authorized to approve this. However, the Chamber of Commerce and the Caladium Festival Committee sponsor this event and rent the park from the town. Council requested that the Chamber and Caladium Festival Committee indicate their support and submit the request to the town for the sale of alcohol at this event. Council directed Administrator Phil Williams to work with the organizations and town staff to plan the details for this event, and bring it back to the Council at the next meeting.

**C. Floodplain Ordinance**

Highlands County and Lake Placid Building Official Sol Mosley reported that the state now requires the building code to include a floodplain ordinance. He stated current building regulations require buildings to be constructed above the base floodplain elevation (BFE). The county requires buildings to be two feet above BFE; the Town currently requires one foot above BFE. The Council can choose to keep the one-foot or change to match the county two-foot regulation. Council and Mr. Mosley discussed: value of consistency within county for building codes; effects on owners who wished to

renovate or add onto their homes; the possibility of grandfathering existing structures; a two-foot regulation would provide discounted premiums from the National Flood Insurance Program; floodplain maps; and deadline to appeal for changes the floodplain map is next month.

Council Member Worley made a motion to accept option two and adopt a new floodplain ordinance with a regulation requiring a two-foot base floodplain elevation and to amend the building code; motion seconded by Council Member Bastardi, On roll call, Council Member Worley voted yes; Council Members Royce, Waldron and Bastardi voted no. Motion failed 1 to 3. Council requested more information be provided about possibly grandfathering existing properties to meet the one-foot rule and about the 50% rule for modifications to existing structures.

Joedene Thayer, Lake Placid Planner, stated as part of the new floodplain ordinance, the Town must appoint a Floodplain Administrator who will administer and enforce the floodplain ordinance. She stated currently the Town's Floodplain Administrator is Utility Director Freeman. If the Town does not adopt the new ordinances, property owners will not be eligible for flood insurance. Council and Ms. Thayer discussed who should fill this role and the responsibilities of that person.

Council Member Royce made a motion to have Administrator Williams negotiate with the county to modify the existing Interlocal Agreement for planning services to include Development Director Mark Hill serve as the Town's Floodplain Administrator; motion seconded by Council Member Waldron. On roll call, motion carried unanimously.

#### PUBLIC HEARINGS:

- A. Ordinance 2013-656 – Amending 2012-2013 Budget (1<sup>st</sup> hearing). Mayor Holbrook read the title to Ordinance 2013-656. It was stated the Ordinance was to amend the 2012-2013 budget to allow purchase of police radios. Council Member Royce made a motion to approve Ordinance 2013-656 on first hearing by reading of title only; motion seconded by Council Member Worley. On roll call, motion carried unanimously.

#### DEPARTMENT HEADS/MAYOR/COUNCILMEMBERS:

- A. Town Administrator:
  1. Administrator's Report – Administrator Williams provided updates on several issues. He stated he had a candidate to fill the Clerk position. Council and Mr. Williams discussed changing the qualifications, re-advertising the position, and salary level. Mayor Holbrook said he met with the candidate and she had a CPA and other skills which would benefit the Town. Council directed Administrator Williams to revise the job description and qualifications to fit the position as he thought best. He also reported the triathlon is on and plans are in place; the post office sidewalk is complete; the grant was submitted to purchase the chipper and the Town can be the owner and our liability insurance will cover all users; and the School Board is looking

- at options for the RCMA parking lot. Also, the Capitol Financial Strategy was submitted to the County. Council Member Worley reminded everyone that the Town donated land along Lake June to the county for the developer to build part of Tangerine Road.
2. Waiver of Impact fees, setting charge, deposit and connect fee for Highway Park – Attorney Harris stated there had been a delay and asked that this be tabled until next month. Council agreed.
  3. Holiday Garbage Pick-up – Administrator Williams acknowledged there was no notice about the change to garbage pick-up on Good Friday. Council discussed ways to improve notifying residents and possibly picking-up trash on most holidays.
  4. Development of Water Line North of Lake Placid for Annexation Purposes – Council, Attorney Harris and Administrator Williams discussed: annexation of properties north of town limits; water line infrastructure should not be free just because of annexation; utility infrastructure development is paid from utility funds not ad valorem taxes; possible availability of economic development in the area; use of grants to promote economic development; working with CRA; need to get annexation consent from property owners; and that annexation will require ordinances to complete. The Council agreed a long term view is important and there is a need for Council and staff to stay involved in the processes.
  5. Town Clerk – addressed in Item A.1. above.
  6. PSC Regulation of Municipal Utility Systems (LPRUAC) – The committee asked that the Council be informed that legislation had been proposed to allow the PSC to regulate municipal utilities. Administrator Williams stated he had contacted Florida League of Cities and they said this legislation was no longer scheduled to be heard and they did not expect any action this legislative season.
  7. Sludge Processing Facility (LPRUAC) – The committee asked that the Council be provided information with cost estimates for this project and for the Council to provide direction to the committee as to any further action. Council and Utility Director Freeman discussed: estimated costs; the need for a processing facility; the size of the facility; current facilities lack the capacity for this process; a new site is required; this should be a business decision based on profitability; possible competitive reaction by other providers; need to minimize any risk involved; and possibility of grants to help with costs. Council agreed they would like to continue gathering information about this project and encouraged the committee to talk to engineers, review costs, look for grants, and discuss possible commitments from local companies who would use this facility.

**B. MAYOR/COUNCIL MEMBERS:**

1. Council Member Worley announced that citizens are encouraged to bring any expired, unused, or unwanted medications to the Police Station on April 27 from 10 am to 2 pm for safe disposal.

2. Council Member Waldron asked for an update on the recreation leagues and the levels of participation in each sport. He asked that Bicentennial Park by Dal Hall Blvd be considered for improvements. Director Komasa will follow-up.
3. Council Member Bastardi asked that ownership of the right-of-way be considered as part of any sidewalk development project. Council acknowledged there are few projects specifically for sidewalk development and that the Town Administration needs to network and stay involved as projects are planned by the County.
4. Mayor Holbrook mentioned that a TV was used for the County presentation. He suggested that the Town could purchase one or more TVs to display the Council Agenda or for other presentations. The audience and those watching at home could better follow the meeting. Council agreed and directed Administrator Williams to purchase and install the TVs.

#### CITIZENS NOT ON THE AGENDA

Clerk read one letter from Dianne M. Kelly, 927 Lake Drive East, asking for a computer screen to be placed so those watching at home can follow the meetings, similar to what is done at the County meetings.

Mayor Holbrook, hearing no objections, declared the meeting adjourned at 8:15 PM.

REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
MAY 13, 2013 5:35 PM

Mayor John Holbrook called the regular meeting of the Lake Placid Town Council to order on Monday May 13, 2013 at 5:35 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present.

ROLL CALL:

Mayor John Holbrook  
Council Member Ray Royce  
Council Member Mike Waldron  
Council Member Steve Bastardi  
Council Member Debra Worley

Town Attorney Bert Harris  
Town Administrator Phil Williams  
Town Utility Director Gary Freeman  
Town Public Works Director John Komasa  
Town Interim Police Chief James Fansler  
Deputy Town Clerk Vickie Bollinger  
Town Clerk Appointee McQueen Small

CONSENT AGENDA:

- A. Approval of Agenda
- B. Approval of Minutes of the regular meeting of the Lake Placid Town Council on April 8, 2013
- C. Approval of Minutes of the regular meeting of the Lake Placid Recreation Committee on April 10, 2013
- D. Approval of Minutes of the regular meeting of the Lake Placid Regional Utility Advisory Commission on April 23, 2013
- E. Approval of Departmental Budgetary Accountability Statements for the month of April 2013
- F. Approval of Departmental Financial Reports for the month of April, 2013
- G. Approval of all duly authorized monthly bills
- H. Approval of all duly authorized prior monthly bills received after the last Council Meeting
- I. Approval of all bills with voting conflicts
- J. Approval of appointment of Edgar Vazquez to Recreation Committee

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, to approve Consent Agenda items A, B, C, D, E, F, I and J (not G & H). Roll Call Vote: Unanimous approval.

Council Member Royce said he misstated the Consent Agenda items he wished to approve. There was some discussion on which bills had voting conflicts and the revised agenda items.

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, to rescind the above vote to approve Consent Agenda items A, B, C, D, E, F, I and J. Roll Call Vote: Unanimous approval.

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, to approve Consent Agenda items A through J, with the exceptions of Item I and the payment to The Hometown Network. Roll Call Vote: Unanimous approval.

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, to approve the payment to The Hometown Network. Roll Call Vote: Yes – Royce, Waldron, Worley; Abstain – Bastardi; Motion carried.

**Motion** – Moved by Council Member Waldron, seconded by Council Member Worley, to approve Consent Agenda Item I for the payments to Royce Supply. Roll Call Vote: Yes – Worley, Waldron, Bastardi; Abstain – Royce; Motion carried.

PRESENTATION:

A. Highlands County Planning & School Board - Small Scale Comprehensive Plan Amendment CPA-11-529SS

Kandi Harper, Highlands County Planner, stated that this Small Scale Comprehensive Plan Amendment and the next Agenda Item for Rezoning are to rezone areas along Green Dragon Drive and Tangerine as part of a project to improve traffic flow. The Highlands County School Board is requesting that a school bus compound be located on 5 acres within a 33 acre parcel along County Road 621. Access to the site will be granted by an easement from the County from CR 621. She said this parcel is in the Greater Lake Placid Planned Vision Overlay Area.

Council Member Royce reminded everyone that the current bus parking area includes Town right-of-way. Any future plan for the current parking area by the School Board needs to accommodate that right-of-way.

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, that the Town have no comment on the proposed Small Scale Comprehensive Plan Amendment. Roll Call Vote: Unanimous approval.

B. Highlands County Planning & School Board - Rezoning P&Z Hearing #2005

Ms. Harper stated that this item is for the rezoning of the same 5 acres discussed for the Small Scale Comprehensive Plan Amendment in Item A above. The zoning designation will change from Agriculture to Public.

**Motion** – Moved by Council Member Royce, seconded by Council Member Worley, that the Town have no comment on the proposed rezoning from Agriculture to Public for the 5 acre site for school bus parking. Roll Call Vote: Unanimous approval.

C. Grant Administrator Bill Gearing – Timeline for DEO-CDGB Grant N-19

Bill Gearing, Grant Administrator from Guardian Community Resource Management Inc., reviewed the DEO-CDBG grant events and timeline. He reported tasks are being completed and progress is on schedule. In response to questions, he said the grant must be completed

by March 2015; there is 5-6 months built into the timeline for any delays; and if the work is not done, the Town may apply for an extension.

**D. Grant Administrator Bill Gearing – Bid results for BID #UT003-2013**

Mr. Gearing reported the bid results for the FEMA grant including the recommendations of Polston Engineering. He requested that Council award the bids to the recommended contractors, and that the Mayor be authorized to sign the contracts. After that the contracts will be sent to FEMA for approval.

Council Members expressed disappointment that more bids were not received from local contractors. The project was divided into 4 parts. One part received two bids and the other three parts received one bid each.

Council Member Waldron stated his nephew worked for one of the recommended contractors, but was unsure of his involvement with the bid process. Upon advice from Attorney Harris, Mr. Waldron stated he will abstain from voting.

**Motion** – Moved by Council Member Bastardi, seconded by Council Member Royce, to award the bids to the recommended contractors for the FEMA grant project and authorize the mayor to sign the contracts; with the award being subject to approval of the contracts by FEMA. Roll Call Vote: Yes – Bastardi, Royce, Worley; Abstain – Waldron; Motion carried.

Council Members discussed the number of engineers the Town has contracts with and when this issue was last decided by Council. Utilities Director Freeman stated the Town has three engineers on contract and that those three were chosen 11 years ago. The Council directed Town Administrator Williams to review this process and report back to the Council at the next meeting.

**E. Rachel Osborne, Accountant - Half year budget analysis report.**

Ms. Osborne reported that: for most funds revenues were greater than budgeted and expenses were less than budgeted, resulting in very positive financial results for the Town for the first half of the fiscal year; total bank balances were more than one million dollars greater than last year, largely due to the addition of the county utilities; and the audit should be completed by the end of this month. Council expressed appreciation for the information and requested monthly updates in the future.

**NEW BUSINESS**

Appointment of L. McQueen Small as Town Clerk

**Motion** – Moved by Council Member Waldron, seconded by Council Member Worley, to appoint L. McQueen Small as Town Clerk. Roll Call Vote: Unanimous approval.

Deputy Clerk swore in Ms. Small as Town Clerk.

**PUBLIC HEARINGS:**

**A. Ordinance 2013-656 – To Amend 2012-2013 Budget to allow for the necessary upgrade of the Police Department radios due to a change in the communication system of highlands county Sheriff's Department. (2<sup>nd</sup> hearing)**

Mayor Holbrook read by title only Ordinance 2013-656.

**Motion** – Moved by Council Member Royce, seconded by Council Member Worley, to approve and adopt Ordinance 2013-656 on second hearing. Roll Call Vote: Unanimous approval.

DEPARTMENT HEADS/MAYOR/COUNCILMEMBERS:

A. Town Administrator:

1. Town Administrator's Report

a. Update Floodplain Ordinance – Highlands County Planning

Administrator Williams stated that Mark Hill, Highlands County Development Services Director, will serve as the Town's floodplain manager under the current agreement and language will be added to next fiscal year's agreement regarding this issue.

b. Update Mid-Year Budget – completed in Agenda Item: Presentations, Section E

c. Update Town Staff – Administrator Williams reported that Ms. McQueen was sworn in earlier in the meeting and the office areas have been rearranged.

d. Administrative Budget Report – Administrator Williams reported the Town administrative account is in good financial condition.

2. Highway Park Neighborhood Assoc – Request for waiver of water service impact fee.

Attorney Harris stated this organization is requesting that impact fees be waived, but they would pay the monthly usage fees. He said the Town code states that there would be no free service, but some government entities are receiving free services. Attorney Harris said the Highway Park Neighborhood Association may be a quasi-governmental entity as they operate through the county.

Council Members expressed support for this organization and its efforts to beautify the Highway Park community. Council and Attorney Harris discussed: possible code changes to allow some organizations to receive free service; precedent set by granting free service to any organization; this organization is outside the Town limits, but is served by the regional utility; the regional utility commission should provide input on this issue; and that organizations making requests of Town Council should appear before them to make their requests and discuss the issues.

**Motion** – Moved by Council Member Royce, seconded by Council Member Bastardi, to have the Mayor, Town Administrator, Utilities Director and Attorney Harris meet to discuss this issue; that Mr. Harris should be involved for no more than 3 hours; to request a recommendation from the Lake Placid Regional Utilities Advisory Commission; and then report back to the Town Council. Roll Call Vote: Unanimous approval.

3. Recreation League Participation – Public Works Director Komasa stated that not all rosters had been submitted, but for those he had, participation is higher than last year.

Council Member Waldron complimented Mr. Komasa on the condition of the parks and fields and was pleased that the new user fees had not decreased participation. Mr.

Komasa was directed to review the park leases in preparation for renewal of the leases.

4. Safe Routes to School Grant Project – Phase 2 should be completed this summer.

5. West Interlake Blvd expansion project – This item is information only. Mr. Williams stated the Town will be contacting and working with local business that will be impacted by this project. Attorney Harris stated the Nazarene Church is considering giving the Town 10 feet of right-of-way in order to complete the improvements. In exchange, the Church is asking the Town to always include this area when calculating square footage to

meet future improvement to Church property. The right-of-way is needed to move the sidewalk to add a turn lane along South Tangerine.

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, to enter into an agreement with the Southern Florida District Church of the Nazarene that allows the gifted square footage to be included as if it were still owned by the Church for future development purposes and to accept their gift of 10 feet of right-of-way on the west boundary of their property on Tangerine. Roll Call Vote: Unanimous approval.

6. Change Traffic Right-of-Way on Interlake Circle – (taken after #8 below)

Mr. Williams stated the County proposes to change traffic flow around the circle as part of the Interlake Expansion project. Vehicles traveling around the circle will have the right-of-way which is opposite of what it is now which is that vehicles entering the circle have the right-of-way. Council Members discussed: change will make the circle comply with current DOT standards; safety concerns for traffic back-ups at the railroad tracks and leaving the school; and the need for lots of signage to alert drivers to the change.

**Motion** – Moved by Council Member Worley, seconded by Council Member Royce, to change the right-of-way around Interlake Circle in conjunction with the widening project. Roll Call Vote: Yes – Worley, Royce, Waldron; No – Bastardi. Motion carried.

7. Parking issues on Tangerine Blvd. at recreation fields during events.

a. Recreational events

Council Member Waldron expressed concern about the parking difficulties at the parks during sporting events. He suggested the Council research adding more parking facilities to alleviate the problem and illegal parking. Council, Chief Fansler and Director Komasa discussed the situation. Council directed Administrator Williams and Director Komasa to work with the Recreation Commission to find options to improve parking at the event fields.

Administrator Williams encouraged everyone to put their events on the Recreation Calendar on the Town website to help alleviate scheduling so many events at the same time.

b. Approval of traditional waiver of parking enforcement for July 4<sup>th</sup> event.

**Motion** – Moved by Council Member Worley, seconded by Council Member Royce, to waive parking enforcement along Tangerine for the July 4 event. Roll Call Vote: Unanimous approval.

8. Jaycees and Chamber of Commerce – Discussion of sale of alcoholic beverages during Caladium Festival – (taken after #5 above)

Administrator Williams said that he and Mr. Clark, representing the Jaycees, wrote some rules for the sale of alcohol at the Caladium Festival to ensure it would be a safe event. Council Member Waldron stated he is a member of the Jaycees and will abstain from voting.

**Motion** – Moved by Council Member Royce, seconded by Council Member Worley, to grant the Jaycees request for alcohol sales during the Caladium Festival on July 26, 27 and 28, and if rescheduled, the alternate dates are also approved.

**Amended Motion** – Moved by Council Member Royce, seconded by Council Member Worley, to grant the Jaycees request for alcohol sales during the Caladium Festival on July 26, 27 and 28, and if rescheduled, the alternate dates are also approved; and subject to the letter signed by Town Administrator Williams and Mr. Clark for the Jaycees. Roll Call Vote: Yes – Royce, Worley, Bastardi; Abstain – Waldron.

9. HCBOCC – Waiver of 60 day notice provision of the Interlocal Agreement for Proposed amendment of Chapter 13 providing for impact fees – (taken after #7 above)  
Attorney Harris stated that the county waived impact fees during the recent economic downturn. The Interlocal agreement states the Town will be given 60 days notice before amending Chapter 13 and the county is asking the Council to waive the 60 days in order to extend the waiver before the deadline of June 30, 2013.  
**Motion** – Moved by Council Member Royce, seconded by Council Member Worley, to waive the 60 notice and comment period for the county’s proposed extension of Chapter 13. Roll Call Vote – Unanimously approved.
10. Recreation Committee – Town Legal Department to develop criteria for fingerprinting. Council, Administrator Williams, Director Komasa and the public discussed: possible guidelines for background checks, reviewing other organization’s guidelines, responsibility of the sports leagues, and the role of the Recreation Commission. Council directed that Administrator Williams, Director Komasa and Mayor Holbrook research and discuss this issue and report back to the Council.
11. Convenience Fees for Credit Card Use by Public  
Administrator Williams stated that soon citizens will be able to pay their utility bills with a credit card from the website. Council expressed concern about the process used to establish this convenience. Administrator Williams stated that this process started before he became the administrator and he continues to get involved. The Council discussed the merchant account and fees charged to process credit card payments. They generally agreed that the town should not offer this convenience if there would be any cost to the town. The Deputy Clerk stated that a fee will be charged to the customer in addition to the amount of their utility bill. Provided enough citizens use their credit card, the fees collected will offset the cost of the merchant account and may be a source of revenue to the utility fund. Mayor Holbrook said he and Administrator Williams will research this and report back to the Council.

**B. MAYOR/COUNCIL MEMBERS:**

Mayor Holbrook stated he had just received a letter from the DEP reporting the results of an inspection of all water plants. The Town had a perfect report; no discrepancies were found at any plant. The Mayor thanked Director Freeman for his efforts and congratulated him on the results of the inspections.

Chief Fansler announced that traffic in the downtown area will be heavier than usual this weekend due to the Chamber 5-10K run and training by the Highlands County Sheriff’s office at the high school.

Mayor Holbrook commended Chief Fansler and the police force for their response to a recent break-in.

CITIZENS NOT ON THE AGENDA - None

Mayor Holbrook, hearing no objections, declared the meeting adjourned at 7:50 PM.

**REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
June 10, 2013 5:35 PM**

Mayor John Holbrook called the regular meeting of the Lake Placid Town Council to order on Monday, June 10, 2013 at 5:35 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. Pastor Johnny Bryant of First Assembly of God, Lake Placid gave the invocation. A quorum was present.

**ROLL CALL:**

Mayor John Holbrook  
Council Member Ray Royce  
Council Member Mike Waldron  
Council Member Steve Bastardi  
Council Member Debra Worley

Town Attorney Bert Harris  
Town Administrator Phil Williams  
Town Utility Director Gary Freeman  
Town Public Works Director John Komasa  
Town Interim Police Officer Heather Mulligan  
Town Clerk L McQueen Small  
Deputy Town Clerk Vickie Bollinger  
Town Accountant Rachel Osborne

**CONSENT AGENDA**

- A. Approval of Agenda
- B. Approval of Minutes of the regular meeting of the Lake Placid Town Council on May 13, 2013.
- C. Approval of Minutes of the regular meeting of the Lake Placid Regional Utility Advisory Commission on May 28, 2013
- D. Approval of Departmental Budgetary Accountability Statements for the month of May 2013.
- E. Approval of Departmental Financial Reports for the month of May, 2013.
- F. Approval of all duly authorized monthly bills, less Royce Supplies and Hometown Network.
- G. Approval of all duly authorized prior monthly bills received after the last Council Meeting, less Royce Supplies and Hometown Network.
- H. Approval of all bills for Royce Suppliers.
- I. Approval of all bills for The Hometown Network.
- J. Certificate of Deposit rolled into Money Market
- K. Convenience Fees for Credit Card Use by Public

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron to Approve Consent Agenda Items A through G, J and K. Roll Call Vote: Unanimous approval.

**Motion** – Moved by Council Member Waldron, seconded by Council Member Worley, to Approve Consent Agenda Item H, bills for Royce Supplies. Roll Call Vote: Yes – Waldron, Worley and Bastardi. Abstain – Royce due to family relation with the company. The proper paperwork has been filed with the Town Clerk.

**Motion** – Moved by Council Member Waldron, seconded by Council Member Worley, to Approve Consent Agenda Item I, bill for Hometown Network. Roll Call Vote: Yes – Waldron, Worley and Royce. Abstain – Bastardi owns Hometown Network and the proper paperwork has been filed with the Town Clerk.

Mayor Holbrook noted there were no scheduled items for Presentations, New Business, or Public Hearings. After inquiry of the Council Chamber and receiving no requests, moved on to Town Administrator Williams' Report.

PRESENTATION: None  
NEW BUSINESS: None

PUBLIC HEARINGS: None

DEPARTMENTS HEADS/MAYOR/COUNCIL MEMBERS:

A. Town Administrator:

1. Tennis Courts – The Town Attorney, Town Administrator, and Bill Brantley with the Highlands County School Board have been considering parking, and additional space for the tennis courts. Mr. Brantley was not present at this time and the Item was postponed until he arrived.

2. 2011-2012 Audit Update – Town Administrator introduced Town Accountant Rachel Osborne to give the audit update. Ms Osborne stated after some difficulty communicating with the original auditor, it was learned he was no longer with the audit firm of Mauldin & Jenkins, LLC and had been replaced by a new contact person, Mr. Sansbury. Mr. Sansbury has stated the audit will be completed by the end of the month. There will be one finding and one budget violation. The finding is created by the fact that QuickBooks cannot encumber purchase orders, but instead records them in a non-posting transaction; therefore, PO's do not show up in the reports. The budget violation resulted from Glades Electric requesting the \$25,000 given to the Town be returned, and no budget amendment being done to record the return. Mr. Sansbury stated, overall it was a very good audit.

Council Member Worley expressed her concern over the letter from the Auditor General's office requesting an explanation of corrective action taken for the findings that were reported in the preceding three audit reports. The Council is ultimately accountable. Council Member Worley stated the hiring of a fulltime Administrator to oversee everything is our best response. Ms Osborne stated all items have been corrected except the budget violation that is part of the current audit.

General discussion then followed concerning the great strides the Town has taken over the years to improve the audits. The Mayor expressed his appreciation to Town Administrator Williams for leading the Town in the right direction. Ms Osborne stated all findings listed in the Auditor General's letter have been addressed.

3. Review of Park Leases – Council Member Worley had requested an accounting of the leases for Bishop Park and Bicentennial Park. Bishop Park's lease with the County expires in February 2016. However, the lease with the Free and Accepted Masons for the Boy Scouts expired in 2006. Discussion ensued concerning the lack of lease, how the lease was set up and whether the town wanted to continue to lease the property. The Boys Scouts own the property, but it is managed by the Free and Accepted Masons.

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, to instruct Town Administrator Williams, to enter into negotiations with the appropriate people, i.e. the Free and Accepted Masons, to renew the Bicentennial Park lease at terms similar to historical levels and bring it back to Council for consideration.

Discussion then began concerning the maintenance needed, the maintenance that has been ongoing by the Town and what would be needed to make the Park better looking since it is on a main street of the town. Discussion continued concerning maintaining a park without a lease, possible purchase of the property, and whether the Masons would want to lease the park for \$250 a year for the next five years.

**Roll Call Vote on Motion:** Unanimous approval

4. Interlocal Agreement with Highlands County for expansion and improvements to the batting cages at Lake June Sports Complex – The Council had already voted on this issue, and

Highlands County has approved the agreement and submitted the Interlocal Agreement for signatures. Highlands County will reimburse the Town for 50% of the batting cages, not to exceed \$9,141.50. Council Member Royce stated there should be an agreement, in writing, that the Lake Placid Youth Baseball has the other half of the money, before work is started. Attorney Harris stated it would be appropriate for the funds to be deposited with the Town before a contract is signed. Council Member Worley noted the Interlocal Agreement specifies that the Town will be required to eVerify (Utilization of the US Immigration and Customs Enforcement E-Verify System to determine employment eligibility) any new hires. Discussion developed concerning what is involved in e-Verify and what impact it might have on the Town and this particular project. It was decided for this project, the RFP would specify the Contractor and Subcontractors would eVerify

**Motion** – Moved by Council Member Worley, seconded by Council Member Waldron, to adopt the Interlocal Agreement with Highlands County and the Town of Lake Placid for the expansion of the Lake June Sports Complex batting cages; contingent upon the Lake Placid Youth Baseball depositing into the Town account their portion before we move forward with the agreement.

It was brought up that the Interlocal Agreement would be held up if it were necessary to have the money deposited from the Youth Baseball before the Agreement was accepted. As long as the funds were deposited with the Town before a contract was signed, the Town would be covered.

**Motion Amended** – Council Member Worley removed the second part of the motion no longer requiring the Youth Baseball needing to deposit the funds before the Mayor signed the Interlocal Agreement. Council Waldron seconded as amended. Roll Call Vote: Unanimous approval.

5. Discussion of demolition of wing wall at back of MidFlorida Credit Union - Town Administrator Williams explained that the Town Planners had informed him of MidFlorida's desire to remove what appeared to be an historical wing wall due to drainage and moisture issues with the wall. It was discussed what part of the building is historic and it was determined the wall was not historic. MidFlorida had told the Town Planners that they wanted to replace the wing wall with a vinyl wall. There was then discussion on the various materials and styles of wall and what the Town would like to see replace it.

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, to ask the Lake Placid Planning Department to discuss with MidFlorida Credit Union what a suitable replacement wall would be. Roll Call Vote: Unanimous approval.

6. Highway Park Neighborhood Association's request for waiver of the water service impact – The Town Administration requested this item be moved to next month's calendar so the Association could be asked to attend the meeting.

**Motion** – Moved by Council Member Worley, seconded by Council Member Waldron, to table this agenda item until the next regularly scheduled meeting. Roll Call Vote: Unanimous approval.

7. Utility Operator Pay – Utilities Director Freeman and Town Administrator Williams explained that after research, it is obvious Lake Placid is not competitive in their pay of \$14 per hour for Licensed Utility Operators. There was very little response to the employment ad at that rate. Certification is a long process and we need to be competitive to keep the position filled.

**Motion** – Moved by Council Member Royce, seconded by Council Member Worley, that the top rate of pay for the Certified Treatment Plant Operator position to be \$19 per hour. Roll Call Vote: Unanimous approval.

8. Central Florida Regional Plan – Division of Community Development has a grant we can apply for if a letter of intent was received by June 1<sup>st</sup>. The Mayor and Town Administrator wrote and sent the letter. The grant is for \$10,000 for a water supply plan.

**Motion** – Moved by Council Member Worley, seconded by Council Member Bastardi, that the Town of Lake Placid accept the \$10,000, if the grant is received, for a 10-year water supply plan. Roll Call Vote: Unanimous approval.

(1.) Returned to Item 1, Tennis Courts, with the arrival of Bill Brantley of the Highland County School Board. Mr. Brantley informed the Council of the School Board's desire to add two tennis courts, a restroom and small storage area, and increased parking at near the current tennis courts off Green Dragon Dr. The rough estimate for the total cost was \$150,000 to \$173,000. The School Board would donate the land and continuing maintenance. It was felt that to obtain the funding through RPAC, Lake Placid would need to be able to contribute 10% of the cost to include the sewer and water requirements. The Council discussed with Mr. Brantley what would be needed. The Mayor stated Town Administrator Williams would need to meet with the Town Directors to determine what the cost of water and sewer would be to have a better understanding of the amount of the in-kind contribution.

**Motion** – Moved by Council Member Royce, seconded by Council Member Worley, that Town Administrator Williams enter into discussions with Mr. Brantley and others associated with the Highlands County School District to determine what an appropriate level of contribution the Town of Lake Placid would be willing to make towards this project.

Council Member Bastardi voiced his concern about a recreation item not involving the Recreation Commission. It seems the scope of the Recreation Commission is only for the Lake June Park, but instead should deal with Recreation as a whole. Some of the effort and budget should be directed at Trails & Paths. Council Member Bastardi would like to see more of a commitment to the Recreational process and issues such as this one go through the Recreation Commission.

Robert Summers spoke about Trails & Paths not receiving budgeted funds, while this project would receive County Funds. Mr. Summers stated more people would use the paths than play tennis.

**Roll Call Vote on Motion:** Unanimous approval

9. Backflow System - Cross Connection Agreement – These services were put in the budget last year. This is for the annual test for backflows. HydroDesign will do all testing on 226 units; and keep the records for the Town. Discussion centered on no cost or increase in ad valorem taxes for the citizens, the fact testing is required, and that this will be cost effective for the Utilities Department. The contract was reviewed and the following suggestions were made: review for correct dates and language, and delete the indemnification and confidentiality clauses.

**Motion** – Moved by Council Member Royce, seconded by Council Member Bastardi, the Town enters into a Cross Connection Backflow Prevention Contract with HydroDesigns Inc. contingent upon the suggested changes to the agreement to be signed by the Mayor, after review by legal counsel. Roll Call Vote: Yes – Royce, Waldron and Bastardi. No – Worley.

10. Water Reuse on US 27 – The water reuse for the irrigation on US 27 will start. Current wells will be used for irrigation during required testing time. Rain sensors are in the details.

11. Town Administrator Report:

The new website has been launched. The Town meeting and recreation calendars are available to the Public. Council Members agreed to have one e-mail address on the website for all correspondence. Website is a work in progress and the Town Administrator said he would appreciate any suggestions and feedback.

The Town Administrator commended The Accountant, Rachel Osborne for her handling of the audit. There will need to be a special meeting later this month to approve the audit.

**12. Recreation Committee – criteria for fingerprinting update –** This issue is still being worked on. Public Works Director Komasa stated he would be attending a class in August on this issue.

**13. Town Receipt of Business Taxes –** Council Member Worley requested the review of the Town's Business Taxes. Discussion commenced among the Council and covered the inconsistency of businesses registering; the need for improved oversight; the practices and fees charged by the counties and communities around Lake Placid; the intended value of the Business License; and what should be required by businesses on an annual basis.

Fire Chief Adam Hess reported there is nothing now to trigger a fire inspection of a business. He also suggested the Interlocal Agreement from 1991 with Highlands County for Fire Inspections in Lake Placid be reviewed and brought up to date.

**Motion –** Moved by Council Member Royce, seconded by Council Member Worley, to instruct Town Administrator Williams to continue to modify the procedures and verbiage to implement the Town of Lake Placid Business Tax, and if need be, to consult with the Town Attorney to see if there are ordinance or resolution modifications required. Roll Call Vote: Unanimous approval.

**14. Review of Interlocal Agreement with Highlands County for the Town's Planning Services –** During a discussion between Mark Hill the Town's planner and the Town Administrator, it was suggested that the Interlocal Agreement be reviewed so any changes needed may be included in the next budget. The Town is currently paying \$25,000 a quarter.

**Motion –** Moved by Council Member Royce, seconded by Council Member Worley, that Town Administrator Williams discuss with Highlands County the Interlocal Agreement for Planning Services to the Town for fiscal year 2013-2014 at similar terms to the current fiscal year. Roll Call Vote: Unanimous approval.

**15. Consulting Engineer Research –** Town Administrator Williams requested approval to reopen and advertize for consultants to be added to the library of consultants available to the Town.

**Motion -** Moved by Council Member Royce, seconded by Council Member Worley, that the Town Administrator advertize for local firms to make application to be considered for the library of Town consultants, in particular engineering services. Roll Call Vote: Unanimous approval.

The Town Administrator then introduced Carol Ann Howard of The Carol Group, Inc. The Howard's moved into Lake Placid two years ago and have started a civil engineer and surveying company. Council Member Royce stated the Howard's are a big asset to the Community and have already helped the Town Administrator. The Howard's have offered to work as advisors to the Town.

**16. West Interlake Blvd Expansion (Tangerine turn lane) –** Town Attorney Harris stated there are three pieces of property needed for the proposed turn lane.

The corner piece owned by Dr. and Mrs. Oxer, is free and clear and has been given to the Town. Attorney Harris requested a resolution be adopted to thank Dr. Oxer for this gift.

**Motion (Item 17 Oxer Resolution) -** Moved by Council Member Worley, seconded by Council Member Waldron, that the Town approve the resolution acknowledging the right of way gift by the Oxer's. Roll Call Vote: Unanimous approval.

The second piece of property is the 10' of right of way from the Church of the Nazarene, as discussed in the last council meeting. The paperwork is being reviewed and processed. Attorney Harris did not know of any problems.

The third piece of property is owned by Buddy Rogers. The Rogers offered to sell the Town the 10' of right of way for \$25,000, but stated that created a problem for them. The Roger's want to build a gas station/convenience store on the corner and will not have enough room without the 10' requested by the Town. A counter offer was then made for 40' of right of way for \$25,000 contingent upon the next lot west be annexed by the town, and the zoning and land use be changed to allow for the gas station/convenience store. Discussion then centered around: the amount the Rogers have already given to the Town, the need the Town has for the property, the future difficulties if the land was not acquired now, the need for the public hearing process on the zoning issue, whether the land owners will be requesting the zoning issues be addressed by the County or the Town, and requesting the County to pay half the purchase price of the land.

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, that the Council instruct the Town Attorney, the Mayor and the Town Administrator to proceed gathering the needed information for the purchase of 40' by approximately 217.5' of land for no more than \$25,000 at the corner of Tangerine and West Interlake. In addition, have the Mayor discuss with Highlands County the possibility of the County contributing \$12,500 of the purchase price. Roll Call Vote: Yes – Royce, Waldron, Bastardi. Abstain – Worley due to business dealings with the applicant.

There will be a meeting on June 13<sup>th</sup> at Town Hall concerning the construction of West Interlake as a courtesy to the business owners and citizens. The meeting will discuss the construction timetable. Council Member Royce stated that at no time would West Interlake be closed, but at times would be restricted to one lane.

Attorney Harris inquired if the Town's policy of paying the fees for annexation when someone wanted to have their land annexed was still current. Council agreed it was still Town policy.

Town Administrator reminded the Council that immediately following the Local Planning Agency Meeting on June 17<sup>th</sup> there would be a joint workshop with the LPA and Town Council to review Lake Placid's Comprehensive Plan.

Mayor Holbrook, hearing no objections, declared the meeting adjourned at 8:45 pm.

**SPECIAL MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
June 24, 2013 5:35 PM**

Mayor John Holbrook called the special meeting of the Lake Placid Town Council to order on Monday, June 24, 2013 at 5:39 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present.

**ROLL CALL:**

Mayor John Holbrook  
Council Member Mike Waldron  
Council Member Steve Bastardi  
Council Member Debra Worley

**Absent:**

Council Member Ray Royce

Town Attorney Bert Harris  
Town Administrator Phil Williams  
Town Utility Director Gary Freeman  
Town Clerk L McQueen Small  
Town Finance Manager Rachel Osborne

Envisors Roger Homann

**PRESENTATION:**

**A. 2011-2012 Audit**

Finance Manager Rachel Osborne presented the 2011-2012 Audit. There was only one budget amendment violation. The amendment for the \$25,000 returned to Glades Electric was not completed on time. Ms Osborne pointed out the seven (7) audit findings from the past all have had corrective action taken.

The only other finding was for the accounts payable liability from using QuickBooks. When Purchase Orders are entered into QuickBooks, it is not a posting transaction so the funds are not encumbered and therefore are not reflected in any reports. Ms Osborne stated prior auditors have discussed the problem, but this is the first time it's been made a finding. When questioned, Ms Osborne stated the problem in QuickBooks is corrected with journal entries.

Town Administrator Williams stated that software specifically made for governmental accounting was needed and would be presented to Council soon.

It was agreed the audit was the best in some time.

**Motion:** Moved by Council Member Bastardi, seconded by Council Member Waldron, to accept the Audit for fiscal year ending September 30, 2012.

Council Member Worley expressed concern about issues with funds unaccounted for in past years have not been completely resolved.

**Roll Call Vote:** Yes – Bastardi and Waldron. No – Worley. Motion passed.

B. Regional Utility Issues – Placid Lakes Utilities Inc.

Attorney Harris stated the contract negotiations are ongoing and should be ready to present to Council in the next few days.

Town Administrator Williams stated the Town is looking at purchasing Placid Lakes Utilities.

The process to go forward begins with presenting the final document to Council for review, and approval, with no one committed until Council votes; then begins the process of diligence, required by law and prudence, to include applying for funding.

The Lake Placid Regional Utility Advisory Commission did not have a quorum present; therefore, their portion of the meeting was cancelled. A future joint meeting of the LPRUAC and Town Council will be scheduled when documentation is ready.

**Motion:** Moved by Council Member Bastardi, seconded by Council Member Worley, to authorize the Mayor to proceed with negotiations and sign an agreement to acquire the Utility subject to Town Council approval.

Discussion then commenced concerning the timing of negotiations, the need for someone specific to have the authority to negotiate, the need for special meetings for such a large topic, the need for caution in making the Public aware of the possible purchase, the fact that there will be multiple questions to be answered, and the possible benefits to Placid Lakes customers.

**Roll Call Vote:** Unanimous approval.

When the Mayor asked if there were any comments from the audience, a Citizen stated that she was one of the loudest objectors to the Tomoka purchase, but it has gone well. The concerns have been put to rest. The Council should fear the public becoming aware too soon and provide them with as much information as possible. The Mayor expressed his appreciation her for speaking out.

The Mayor stated the majority of the resistant people have come to him and expressed the same feeling and thanked Gary and his staff for everything they've done. The Tomoka people are very pleased.

There being no further business, the Mayor adjourned the meeting at 6:28.

**REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
JULY 8, 2013 5:35 PM**

Mayor John Holbrook called the regular meeting of the Lake Placid Town Council to order on Monday, July 8, 2013 at 5:35 pm at Town Hall, 311 W Interlake Boulevard, Lake Placid Florida. Reverend Drew Severance of First Presbyterian Church, Lake Placid gave the invocation and lead the Pledge of Allegiance. A quorum was present.

**ROLL CALL:**

Mayor John Holbrook  
Council Member Ray Royce  
Council Member Mike Waldron  
Council Member Steve Bastardi

Town Attorney Bert Harris  
Town Administrator Phil Williams  
Town Utility Director Gary Freeman  
Town Public Works Director John Komasa  
Town Finance Manager Rachel Osborne  
Town Clerk L McQueen Small  
Police Chief James Fanslier

**ABSENT:**

Council Member Debra Worley

**CONSENT AGENDA:**

- A. Approval of Agenda
- B. Approval of Minutes of the regular meeting of the Lake Placid Town Council on June 10, 2013.
- C. Approval of Minutes of the regular meeting of the Local Planning Agency on June 17, 2013
- D. Approval of Minutes of the Joint Workshop with the Local Planning Agency and the Town Council on June 17, 2013
- E. Approval of Minutes of the special meeting of the Lake Placid Town Council on June 24, 2013
- F. Approval of Minutes of the regular meeting of the Lake Placid Regional Utility Advisory Commission on June 25, 2013
- G. Approval of Departmental Budgetary Accountability Statements for the month of June 2013.
- H. Approval of Departmental Financial Reports for the month of June, 2013.
- I. Approval of all duly authorized monthly bills, less Royce Supply and Hometown Network.
- J. Approval of all duly authorized prior monthly bills received after the last Council Meeting, less Royce Supplies and Hometown Network.
- K. Approval of all bills for Royce Supply.
- L. Approval of all bills for The Hometown Network

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, to Approve Consent Agenda Items A through J. Roll Call Vote: Unanimous approval.

There not being a quorum to vote on Consent Agenda Items K and L, these Items are tabled.

Mayor Holbrook noted there were no presentations on the agenda and inquired if there were any from the public. There were none.

**PUBLIC HEARINGS:**

Martin Fitts, Town Planner; Susan BuChans, Planning Supervisor; and Jodene Thayer, Town Planner were present to present the following cases.

A. First Presbyterian Site Plan:

Mr. Fitts presented the site plan review for the First Presbyterian Church, 118 Oak Ave, Lake Placid. The site is a 4.5-acre group of parcels zoned R-1A (Single Family Dwelling District) with future land use of LDR (Low Density Residential). The plan calls for adding a multipurpose use building, additional parking, landscaping, and a water retention area. Mr. Fitts described all variances, requests, the site plan review by the Development Review Committee, and the approval of the Local Planning Agency. A question was raised concerning the outside appearance of the proposed building. Ken LeBlanc, Builder for the First Presbyterian Church stated the building would be of concrete block, stucco, brick and shingle roof. There would be a ridge frame structure for the center core of the building, but no metal will show. Reverend Severance agreed. The Fire Marshal has reviewed the plans and approved them.

**Motion** – Moved by Council Member Ray Royce, seconded by Council Member Waldron, to approve the site plan dated June 11, 2013, for a new 20,300 square foot multipurpose building for the First Presbyterian Church of Lake Placid, including 119 new parking spaces of which 64 are paved, (9 of those handicapped) and 55 grass including a variance to allow the height to go up to 38” and that the building will be a ridge form with a shingle roof and block wall with no metal showing on the outside as indicated by Church representative at both the Local Planning Agency meeting and this Public Hearing. Roll Call Vote: Unanimous approval.

B. Janya LLC / Caladium Pediatrics

Mr. Fitts presented the site plan review for the Janya LLC aka Caladium Pediatrics, a medical office building, and associated parking. It is located at 107 US 27 N, Lake Placid, is a .55 acre site currently zoned C1 - Highway Commercial District with a future land use of CG – Commercial General. Mr. Fitts described the site plan review by the Development Review Committee, the Town Engineer, and the Local Planning Agency. The LPA questioned the appearance from Winn-Dixie and a 24” hedge was added to the site plan. It was clarified that the parcel was .55 acres not 5.5 acres. Jeff Kennedy, the Builder representing the applicant, stated there was agreement with all conditions requested by the LPA, Town Engineer, and Town Staff.

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, to approve the site plan for Janya LLC/Caladium Pediatrics with the stipulation that all conditions set forth in LPA meeting, and as referenced by the applicant’s representative Mr. Kennedy be met. Roll Call Vote: Unanimous approval.

DEPARTMENT HEADS/MAYOR/COUNCIL MEMBERS

A. Town Administrator

1. Highway Park Neighborhood Association waiver

Town Administrator Williams introduced Evelyn Colon, the Executive Director for the Highway Park Neighborhood Council (HPNC) Ms. Colon introduced the new Board of Directors and several prior Board Members. Ms. Colon presented an appeal for a waiver of the \$1,685 water connection fee for a small building in the community of Highway Park to be renovated for use as an office building for the HPNC and as a community center. The Mission Statement for the HPNC was read. A brief history of HPNC was given. The HPNC wants to provide a civic meeting place, be self sufficient, and present initiatives such as the recently received grant through the Florida Department of Transportation to beautify the Highway Park portion of Highway 27. The HPNC is looking for a hand up, not a hand out.

Discussion then ensued concerning the cost to the Town, the action Highlands County took concerning their fees, the possibility of HPNC moving out of the building, and other non-profits making similar requests.

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, in regards to the Highway Park Neighborhood Preservation and Enhancement District Council that their meter setting charge be \$50, waive the water impact fee, waive the connection fee and set their water deposit fee at \$50, for a total of \$100. Roll Call Vote: Unanimous approval.

2. Tentative Millage Rate Approval (*Item 2 taken after Item 5*):

Town Administrator Williams explained the prior millage rate, the prior amount of ad valorem taxes collected, the suggestion of 3.735 as the tentative rate which can be lowered, but not raised and the fact that the fund balance has been used to cover the decrease in taxes. Discussion proceeded concerning the actual dollar amount the change in rate would be, how the public would react, and what other revenue streams would cover the difference.

**Motion** – Moved by Council Member Bastardi, seconded by Council Member Waldron, to cap the millage rate at 3.65. Roll Call Vote: Unanimous approval.

3. Town Administrator Report:  
Nothing further.

4. Business Tax Ordinance:

Town Administrator Williams presented a draft of a proposed Business Tax Ordinance to the Council for review. Upon discussion of the requirements for and against a fire inspection, it was decided to table the matter until the Fire Marshall could speak with the Council.

5. Update Community Planning Technical Assistance Grant (Water Supply Plan) (*Item 5 taken after Item 1*):

Jennifer Codo-Sailsbury from Florida Regional Planning Council (FRPC) gave the Update on the Community Planning Technical Assistance Grant. The Technical Assistance Grant is for the 10 Year Water Supply Plan as required by an unfunded State mandate. The Grant was awarded for \$10,000. The draft Funding Program Agreement between the Department of Economic Opportunity (DEO) and the Town of Lake Placid was provided for review. The formal agreement will be presented in August for official execution. Discussion of the grant provided the following information: the Grant will pay for the entire study, the project will follow the FRPC schedule and they will provide the report to Town Council for review before submitting to the DEO, the FRPC will be paid after receipt of funds by DEO is paid to the Town, the plan will project the water supply for the next 10 years, it will need to be updated within 18 months of the Southwest Florida Water Management District's review of the regional water supply and this is a planning tool to help look forward

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, to approve review of the documents by the Town Attorney so he can continue working with the Town Administrator, the Mayor and the Florida Regional Planning Council to implement the execution of the document and water supply plan process. Roll Call Vote: Unanimous approval.

6. Placid Lakes Utilities Contract:

Town Attorney Harris presented a draft of the contract under discussion with Placid Lakes Utility Inc. Attorney Harris explained the items needed for completion, what would be included in the due diligence process, and the public hearings needed. The Council then discussed, with Utilities Director Freeman, the age of the water lines, the funding of the project, the ability to increase the capital reserve, and the personnel required.

B. Council Members

Council Member Waldron thanked the Town, the Police Department and the Volunteer Fire Department, on behalf of the Jaycees, for the funding and help in putting on the 4<sup>th</sup> of July fireworks display. All Council Members and the Mayor agreed the 30 minute display was impressive, especially for a town the size of Lake Placid, and thanked the Jaycees and the citizens of Lake Placid for a beautiful evening.

C. Mayor

The Mayor received a phone call from the Highlands Today newspaper concerning Lake Placid's policy for burying indigent people. Public Works Director John Komasa stated there are indigents buried in the cemetery, but there have been no requests in the last several years. Discussion then commenced concerning the policy of the county, and what other municipalities do.

The Mayor request the public to come to him and/or the Town Council if there are concerns so they can be addressed instead of hearing about it from the newspapers.

Other Business:

Town Administrator Williams commended Town Attorney Harris for the successful conclusion of the Desire Wiggins vs. The Town of Lake Placid lawsuit.

Council Member Royce brought up a letter received by all Council Members from Ms Tammie Aliff Coker, requesting a street in Lake Placid be named for her grandfather. A letter will be sent to Ms Coker thanking her for her request, and stating the Town will keep her grandfather in mind for a new street.

The Mayor inquired if there were any comments from the Public. It was stated they enjoyed the fireworks also.

Hearing no objections, the Mayor declared the meeting adjourned at 8:14 pm.

**REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
August 12, 2013 5:35 PM**

Mayor John Holbrook called the regular meeting of the Lake Placid Town Council to order on Monday, August 12, 2013 at 5:35 pm at Town Hall, 311 W Interlake Boulevard, Lake Placid, Florida. Pastor Tim Taylor, Church of the Nazarene, Lake Placid gave the invocation and lead the Pledge of Allegiance. A quorum was present.

There was a moment of silence for Reserve Officer Ted Silva who passed away this past weekend.

ROLL CALL:

Mayor John Holbrook  
Council Member Ray Royce  
Council Member Debra Worley  
Council Member Mike Waldron  
Council Member Steve Bastardi

Town Attorney Bert Harris  
Town Administrator Phil Williams  
Town Public Works Director John Komasa  
Town Finance Manager Rachel Osborne  
Town Clerk L McQueen Small  
Police Chief James Fanslier

ABSENT:

Town Utility Director Gary Freeman

CONSENT AGENDA:

- A. Approval of Agenda
- B. Approval of Minutes of the regular meeting of the Lake Placid Town Council on July 8, 2013.
- C. Approval of Departmental Budgetary Accountability Statements for the month of July 2013.
- D. Approval of Departmental Financial Reports for the month of July, 2013.
- E. Approval of all duly authorized monthly bills, less Royce Supply and Hometown Network.
- F. Approval of all June & July bills for Royce Supply.
- G. Approval of all June & July bills for The Hometown Network

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, to Approve Consent Agenda Items A through E. **Roll Call Vote:** Unanimous approval.

**Motion** – Moved by Council Member Waldron, seconded by Council Member Worley, to Approve Consent Agenda Item F, bills for Royce Supplies. **Roll Call Vote:** Yes – Waldron, Worley and Bastardi. Abstain – Royce due to family relation with the company. The proper paperwork has been filed with the Town Clerk.

**Motion** – Moved by Council Member Waldron, seconded by Council Member Worley, to Approve Consent Agenda Item G, bills for Hometown Network. **Roll Call Vote:** Yes – Waldron, Worley and Royce. Abstain – Bastardi owns Hometown Network and the proper paperwork has been filed with the Town Clerk.

PRESENTATIONS:

A. Resolution of Appreciation to the Church of the Nazarene

Mayor John Holbrook read the Resolution of Appreciation to the Church of the Nazarene for the gift of the additional right-of-way needed for road improvements.

**Motion** – moved by Council Member Worley, seconded by Council Member Bastardi, to approve the resolution for The Church of the Nazarene.

Council Member Worley added her gratitude and thanks for the additional safety for the kids. Town Administrator Williams expressed his appreciation to Reverend and Mrs. Taylor's for their efforts above and beyond what could have been expected.

**Roll Call Vote:** Unanimous approval.

Mayor Holbrook then presented the resolution to the Taylors.

**Motion Amended** – by Council Member Worley, seconded by Council Member Waldron, to read Tangerine Road instead of Green Dragon Drive. **Roll Call Vote:** Unanimous approval.

B. Ben Tucciarone of 2<sup>nd</sup> Time Around's request for discussion of Loading Zones.

Mr. Tucciarone described an ongoing problem with vehicles being parked in front of the only door his store has facing Park Street. He is unable to move large items from his store to the street to be loaded after purchase. The Council discussed if making a reserved loading zone would be legal, if establishing a reserved loading zone space would create a problem with additional requests for rights-of-way throughout the Town, whether a four foot area could be cross hatched for no parking, and the feasibility of putting a new door on the back of the building

Council Member Worley expressed concern about the continual code enforcement violations created by goods put on display on Town property. Mr. Tucciarone stated he would take care of the problem.

The Mayor and Town Administrator will go look at the area and determine if cross hatching will work.

C. Resolution to the Highlands County School Board for the Tangerine ROW

Mayor John Holbrook read the Resolution of the Lake Placid Town Council regarding the transfer of the South Tangerine Right-of-Way from the Highlands County School Board to the Town of Lake Placid.

Town Attorney Harris stated a correction was needed changing "Consideration was paid" to No Consideration was paid".

**Motion** – Moved by Council Member Bastardi, seconded by Council Member Royce, to accept the resolution with the correction. **Roll Call Vote:** Unanimous approval.

D. Planning Advisory Services Agreement with the Central Florida Regional Planning Council for 10 Year Water Supply Plan and Comprehensive Plan Amendments

Jennifer Codo-Salisbury, Planning Director, Central Florida Regional Planning Council (CFRPC) gave the Council an update on the Florida Department of Economic Opportunity's (DEO) state mandated 10 Year Water Supply Plan and related Comprehensive Plan Amendments. The Town has received the \$10,000 grant for this plan. Ms Codo-Salisbury presented the Council with the Planning Advisory Services Agreement between the Town of Lake Placid and the CFRPC.

The Council discussed the agreement and asked questions of Ms. Codo-Salisbury. This discussion included the timing of the work and invoices, the transfer of permitted water capacity from agriculture to development, and the E-Verify wording.

**Motion 1** – Moved by Council Member Worley, seconded by Council Member Waldron, that the Planning Advisory Services Agreement with CFRPC be accepted upon the condition of removal of Part XII. Employment Eligibility Verification.

**Motion 2** - Moved by Council Member Worley, seconded by Council Member Waldron, that the Town request a letter from CFRPC stating there will be a transfer of the permitted water capacity from agricultural to development.

There was then discussion of what the term “alternative water supplies” from Attachment A “Scope of Work” meant. Ms Codo-Salisbury will provide detailed definitions of the terms in the agreement.

**Roll Call Vote** for both Motions: Unanimous approval.

TOWN ADMINISTRATOR:

1. Town Administrator’s Report – None
2. Planning Interlocal Agreement with Highlands County  
This Interlocal has been discussed in prior meetings. The only changes noted are the dates and the addition of the County’s Planning Director be delegated as the Town’s Flood Plan Administrator

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, for approval of the Interlocal Agreements between Highlands County, Florida and the Town of Lake Placid for provision of Planning services for FY 2013/2014. **Roll Call Vote:** Unanimous approval.

Council Member Worley and Town Administrator Williams complimented both Planner Thayer as well as the entire Planning staff as efficient and good to work with.

3. Preliminary 2013-2014 Budget – taken out of order – after #5  
Town Administrator Williams showed the preliminary budget to Council to give them a change to offer any direction they might have.

The Council then discussed the following items:

- The Safe House budget and what the County and other Cities are budgeting for the Safe House,
- The lack of budget for Fireworks,
- The use of Fund balance and the fact that the Town’s fund balance has continued to grow, the millage rate has been held steady, and Fund Balance has been maintained at a level higher than required,
- The Forestry Grant for the Chipper that requires a matching \$10,000 from the Town. Is there a need for the Chipper, will it pay for itself, can it be estimated if the Chipper would be more cost effective and will the mulch created be useful to the Town,
- The possibility of using the Park Rental Fees for Fireworks so the Community understands fees are being used for the Fireworks display, enjoyed by the Community at large.
- Keep Lake Placid Beautiful funding to continue or not,
- Chamber Dues and what benefit is the Town receiving for them,
- 2% raise for all employees, no employees or select employees,
- The possibility of changing Insurance Companies for the Towns general liability insurance. Town Administrator Williams was requested to bring back a recommendation.
- Would like to see a comparison of the revenue streams, possibly in a Pie Chart, for the budget workshop,
- Would like information to show the cost of running the Utilities Department is being paid for by the Utilities Revenue.

4. Batting Cages Bid – Taken out of order – after #6  
Publics Work Director Komasa reported the bids were opened at 10 am, 8-12-13. Bids were received from two local companies. During the review process, it was noted neither company had submitted verification of the use of E-Verify required by the Interlocal Agreement with Highlands County. Both Companies were contacted and requested to provide the information.

**Motion** – Moved by Council Member Royce, seconded by Council Member Worley, to accept the low bid for the project subject to providing the Town with verification they are enrolled in the E-Verify program as specified by the RFP.

Discussion followed concerning the timing of the project and when the verification of enrollment needed to be received.

**Motion Amended** – Amended by Council Member Royce, seconded by Council Member Worley, to include “on or before the start date and no later than October 1, 2013”.

Discussion followed concerning the construction requirements, the contract needed and what needs to be specified in the contract to include Highlands County and the Youth Baseball League.

**Motion and Second Withdrawn** by Council Members Royce and Worley.

**Motion** – Moved by Council Member Worley, seconded by Council Member Waldron, to have the Town Administrator and Public Works Director draw up a contract, review the specifications, determine E-Verify registration, and bring the contract back for approval by the Town Council and Highlands County.

Discussion then ensued concerning E-Verify registration to be provided to the Town by the next Council Meeting on September 9<sup>th</sup> and any possible American Disabilities Act (ADA) requirements.

**Motion Amended** – Amended by Council Member Worley, seconded by Council Member Waldron, to include “E-Verify registration to be provided to the Town before the next Town Council Meeting on September 9, 2013 and the appropriate ADA language be included in the contract. **Roll Call Vote:** Unanimous approval.

5. Interlake Water Retention Area – taken out of order – After #4  
Town Administrator Williams stated there was a pooling of water at the intersection of W Interlake Blvd and Green Dragon Drive. Highlands County is concerned the problem will increase with the increase in paving on the hill of W Interlake Blvd. The County is proposing a Retention Pond be installed on Town property to alleviate the problem. The pond would be constructed so it could be maintained and mown.

Discussion moved into the impact the retention pond might have on future development of Town Hall, the fact that a Town resource would be used as a County solution that wouldn't be reversible, possible scenarios for refiguring the location/size/shape of the pond and the possibility of using any already existing retention ponds near the site.

**Motion** – Moved by Council Member Royce, seconded by Council Member Worley, to ask the County to continue forward with the paving project, bring other options to the Town for handling the historic ponding issue and verify the conditions of the permitting for the construction of the additional lane.

Discussion continued concerning long term needs of the land, not wanting a retention pond in that area, and any need for a time frame for a response from the County.

**Motion Amended** – Amended by Council Member Royce, seconded by Council Member Worley, the Town is not authorizing the use of Town property for retention, what other options can the County provide for dealing with the historical ponding in that location and provide the information to the Town Administrator.

Council Member Bastardi brought to the Council's attention an open ended pipe in the sidewalk near the corner of W Interlake and Green Dragon used as a drain hole. The pipe is large enough serious injury could occur if a child stepped in it.

Discussion then continued on how to acquire the information needed from the County in a timely manner, and the possible need for a special meeting to resolve the issue.

**Roll Call Vote:** Unanimous approval.

6. Banking RFP Results - Taken out of order – after #2

There were four proposals received by the Town: Seacoast National Bank, Heartland National Bank, Wauchula State Bank and TD Bank. The Town's current banking services are with Seacoast National Bank. The Town Administrator appointed Deputy Clerk Bollinger, Financial Manager Osborne and Town Clerk Small to review the proposals, show the ranking and make their suggestion to the Town Administrator. Seacoast National Bank was suggested.

Council Members Royce and Bastardi voiced their concern over the method and items used to make the suggestion and emphasized the desire of the Council for the Town to use local businesses. Heartland National Bank is owned and operated by Lake Placid and Highlands County residents. Both Council Member Royce and Bastardi own minor shares in the Heartland National Bank and according to the Florida Commission on Ethics should abstain from voting on this issue. The proper paperwork has been filed with the Town Clerk.

Council Member Worley expressed the opinion that the Town Staff are the people most involved in working with the banks and should be trusted to make the best decision for the Town.

Kerry Thompson, Vice President of Heartland National Bank, spoke to the Council, answered some of the questions raised and stated the Bank staff would have answered any questions or concerns had they been asked.

Jon Geitner, Senior Vice President of Seacoast National Bank, stated the contract with the Town expired two years ago but services continued under the terms as contracted; during that period of time Seacoast continued to pay the top interest rate. and Mr. Geitner continued to work personally with the Town staff. Mr. Geitner believed these facts and the service provided the Town in the past twelve years, show the good faith the Bank has in the Town.

James Clinard, President and CEO of Heartland Bank, spoke to the issue of the ACH customers and the fact that they will not be inconvenienced or charged any fees if there is a change in banks.

Council then discussed the possibility of a one year contract with Seacoast, projecting the numbers out three years, putting out another RFP, and the increase in transactions in the future.

**Motion** – moved by Council Member Waldron to table the issue. **No second was forthcoming.**

Town Attorney Bert Harris, also Attorney for Heartland National Bank, has a conflict of interest and will not be able to render advice unless that conflict is waived. Attorney Harris stated the Council will need to be careful about entering into a contract or attempting to rebid without rejecting the current bid. If there is no second to the motion, nothing would happen and the Mayor and/or Town Administrator could direct Staff to put together additional calculations to answer the Council's questions. The Mayor may or may not agenda the item for the next meeting.

**Motion** – moved by Council Member Waldron, seconded by Council Member Worley, that the issue be tabled until Staff can do a more in-depth analysis.

Seacoast will continue the current mode of operation to give the Town time to get a better feel for the proposals.

**Roll Call Vote:** Waldron – yes, Worley – yes, Royce – Abstain due to potential conflict related to this issue and will file the proper paperwork with the Town Clerk, Bastardi - Abstain due to potential conflict related to this issue and will file the proper paperwork with the Town Clerk.

Wendy Larson, Assistant Vice President & Branch Manager, Seacoast National Bank wanted to clarify that even though the headquarters of Seacoast National Bank are in Stuart, the Lake Placid Branch is very involved in the community, Ms Larson has lived in Lake Placid her entire life and the Bank is still a local bank and part of this community.

Council then discussed how they wanted the in-depth analysis to be approached. Also the matter of Mr. Harris' conflict of interest and whether another attorney would be needed to draw up the contract for which ever bank was chosen.

A Special Town Council Meeting will be held on August 26, 2013 at 5:30 pm to discuss the Interlake Water Retention Area and the Banking RFP.

#### MAYOR

1. Proclamation – Daughters of the American Revolution
2. Proclamation – Water Week

**Motion** - Moved by Council Member Royce, seconded by Council Member Bastardi, to Thank Mayor Holbrook for the Proclamations for Constitution Week and Water Week. **Roll Call Vote:** Unanimous approval.

#### COUNCIL MEMBERS

##### 3. Garbage Collection

Council Member Worley would like the Town of Lake Placid to have roadside recycling and will have some numbers put together for the budget workshop.

##### 4. Watershed Committee Appointment

Council Member Worley has requested three very good people for the Watershed Committee: Pam Fentress, Bob Howard and John Ruggiero. Council Member Worley gave a brief description of the experience the Members. Council Member Worley would be the Town Council Liaison to the Committee. The objectives of the Committee would be watershed issues, water conservation, water quality and other water issues in the Town.

The Watershed Committee, in an organizational meeting, would help in developing the Mission Statement, Objectives, Goals and put together the Ordinance to make the Committee official.

Council Member Worley reported there would be a meeting at 10 am at Bishop Park to address the issue of the grass growing in Lake June. There would be people available to answer questions.

**Motion** – Moved by Council Member Royce, seconded by Council Member Bastardi, to put together a working group to explore the concepts associated with creating a Lake Placid Watershed Advisory Board and appoint Ms. Fentress, Mr. Howard and Mr. Ruggiero to that Board.

Discussion included the need for Best Management Practices for Residential areas, the education component, the need to protect the lakes, and the need to keep the concepts within the Town limits.

**Roll Call Vote:** Unanimous approval.

Council Members - Not on Agenda

5. Business Tax and Fire Inspections

Council Member Waldron stated the Business Tax and Fire Marshall discussion had been tabled, but felt it needed to be brought back to Council at the next meeting.

When questioned, Town Administrator Williams advised the Business Tax bills would be coming out shortly and notices would be published in the newspaper.

Council Member Waldron explained Fire Chief Hess and Fire Marshall Branca are putting together a presentation to discuss the fire safety needs of the Town of Lake Placid.

Lake Placid Volunteer Fire Department Chief Adam Hess gave an overview of his research into the Fire Codes, the State Statutes, the Interlocal Agreement with Highlands County from 1991, the need for the Town and the VFD to work closer together and the need to clearly define the areas of responsibility.

6. Potholes at Lake June Ball Field

Council Member Waldron stated the potholes at the Lake June Ball Field had become very large due to all the recent rain and asked that they be looked at.

7. Cemetery

Council Member Royce wanted to express his appreciation of the hard work the Public Works Department has put into making and keeping the Cemetery looking very nice. He is proud of the fact that it now looks better than many other small cemeteries.

8. Reserve Officer Ted Silva

Officer Silva's viewing will be Tuesday evening and the funeral service will be Wednesday at 11:30 am in Port Charlotte.

9. Congratulations to Chief Fansler

Chief Fansler completed a three week Leadership course. The Mayor encourages the Chief to participate in as many of these type courses as he can. The Mayor congratulated the Chief and asked that he keep up the good work.

Council cancelled the Budget Workshop scheduled for August 20, 2013 at 5:30 pm and moved it to August 29, 2013 at 5:30 pm.

Hearing no objections, the Mayor declared the meeting adjourned at 9:34 pm.

**REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
September 9, 2013 5:35 PM**

Mayor John Holbrook called the regular meeting of the Lake Placid Town Council to order on Monday, September 9, 2013 at 5:35 pm at Town Hall, 311 W Interlake Boulevard, Lake Placid, Florida. There was a moment of silence in remembrance of 9-11 and those who lost their lives. Attorney Bert Harris gave the invocation and lead the Pledge of Allegiance. A quorum was present.

ROLL CALL

Mayor John Holbrook  
Council Member Ray Royce  
Council Member Debra Worley  
Council Member Mike Waldron  
Council Member Steve Bastardi

Attorney Bert Harris  
Administrator Phil Williams  
Public Works Director John Komasa  
Utilities Director Gary Freeman  
Finance Manager Rachel Osborne  
Police Chief James Fansler  
Deputy Clerk Vickie Bollinger

CONSENT AGENDA

- A. Approval of Agenda
- B. Approval of Minutes of the regular meeting of the Lake Placid Town Council on August 12, 2013.
- C. Approval of Minutes of the Special Meeting and Budget Workshop on August 26, 2013.
- D. Approval of Departmental Budgetary Accountability Statements for the month of August 2013.
- E. Approval of Departmental Financial Reports for the month of August 2013.
- F. Approval of all duly authorized monthly bills, less Royce Supply and Hometown Network.
- G. Approval of all bills for Royce Supply.
- H. Approval of all bills for The Hometown Network

**Motion** – Moved by Council Member Waldron, seconded by Council Member Royce, to Approve Consent Agenda Items A through F. **Roll Call Vote:** Yes-Royce, Waldron, Bastardi; No-Worley. Motion passed.

**Motion** – Moved by Council Member Waldron, seconded by Council Member Bastardi, to Approve Consent Agenda Item G, bills for Royce Supplies. **Roll Call Vote:** Yes – Waldron, Worley and Bastardi. Abstain – Royce due to family relation with the company. The proper paperwork has been filed with the Deputy Town Clerk.

**Motion** – Moved by Council Member Worley, seconded by Council Member Waldron, to Approve Consent Agenda Item H, bills for Hometown Network. **Roll Call Vote:** Yes – Waldron, Worley and Royce. Abstain – Bastardi owns Hometown Network. The proper paperwork has been filed with the Deputy Town Clerk.

PRESENTATIONS

An Overview of Fire Protection Services in the Town of Lake Placid  
Fire Chief Adam Hess and President of Lake Placid Fire Department, Inc. Brett Hogan gave a presentation about the Lake Placid Volunteer Fire Department. Other firefighters present included John Poyner and Mark Baugh. Information provided included: number of calls per year; response times;

coverage areas; number of volunteers and their training/certifications; fire facilities and equipment; mutual aid agreements; lack of paid firefighters allows them to have good, well-kept equipment; funding sources; and insurance ratings that affect homeowner premiums.

Council Members, Chief Hess, and President Hogan discussed/commented:

- Donations total less than \$500 per year.
- All purchasing goes through Highlands County; the budget is part of Highlands County budget.
- Dollars allocated for salaries are used to buy equipment and pay off debt.
- Town could help improve ISO ratings by installing fire hydrants and doing annual testing and maintenance on them.
- Fire inspections are not done by the firefighters.
- The ILA with the County for fire services should be reviewed and updated; the current agreement is dated 1991.
- Council needs to consider how to pay for any additional services requested by the Town.
- There has not been a fire in a downtown business for many years. Most fires happen along the railroad tracks, but that number is decreasing. The railroad company has been billed for the cost of fire suppression along their tracks.

**Motion** – Moved by Council Member Bastardi, seconded by Council Member Waldron, to request that the County come to a meeting to discuss the Interlocal Agreement, fire inspections, and other fire protection issues. **Roll Call Vote:** Unanimously approved.

Council agreed to notify the Fire Department once the meeting has been scheduled. Their knowledge and input is important in this process.

#### PUBLIC HEARINGS (*Items taken after Mayor/Council Member Items*)

##### A. Ordinance 2013-657 – Approval of 2013-2014 Budget Millage

Mayor Holbrook stated: this is the first budget public hearing; the millage is the same rate as last fiscal year and it is below the rolled-back rate; the tentative millage rate will be adopted first and then the tentative budget will be adopted; the Town of Lake Placid's rolled-back rate is 3.7544 which is a 2.78% decrease from last year; and the millage to be adopted for Fiscal Year 2013-2014 is 3.6500.

**Motion** – Moved by Council Member Royce, seconded by Council Member Worley, to approve on 1<sup>st</sup> Reading Ordinance 2013-657 of the Town Council of Lake Placid, Florida adopting the final levying of ad valorem taxes for Lake Placid, Florida for Fiscal Year 2013-2014; providing for an effective date.

**Roll Call Vote:** Unanimously approved.

##### B. Ordinance 2013-658 – Approval of 2013-2014 Budget

Mayor Holbrook confirmed all budget changes as directed during the workshops were made; the total budget for Fiscal Year 2013-2014 is \$5,246,717; and this is the 1<sup>st</sup> public hearing on the budget.

**Motion** – Moved by Council Member Royce, seconded by Council Member Bastardi, to approve on 1<sup>st</sup> Reading Ordinance 2013-658 of the Town Council of the Town of Lake Placid, Florida, adopting the final budget for Fiscal Year 2013-2014; allowing for line item adjustments during the year as needed; and providing for an effective date. **Roll Call Vote:** Yes-Royce, Waldron, Bastardi; No-Worley. Motion passed.

#### TOWN ADMINISTRATOR:

##### 1. Purchase of Chipper – Matching Grant with KLPB

Administrator Williams stated that Mike Eisenhart had just returned and he would like to delay this item for a month or two.

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, to table this item and bring it back before Council at the October meeting. **Roll Call Vote:** Unanimously approved.

2. Sidewalk Maintenance Agreement with FDOT

Public Works Director Komasa stated: this sidewalk project was completed with a grant from FDOT; the road is not a Town road; and the grant and project were for the school safety program. Council discussed:

- Ownership of the roads in Town and who is responsible for maintaining them.
- Who is responsible for maintaining the sidewalks and rights-of-way.
- Importance of having sidewalks for kids going to school.
- History of FDOT grants for construction, but the local agency must maintain.
- If the Town does not own the road, are we the correct local agency? Maybe the County should be the local agency.
- Town requested FDOT to do this project for the safety of the school children.
- Options for a multi-use path.
- By signing the agreement the Town will be responsible for maintenance in perpetuity and it may not be Town property. We need further clarity on who owns and who should maintain this sidewalk.

Attorney Harris stated there was no need for further legal review of the agreement.

**Motion** – Moved by Council Member Royce, seconded by Council Member Worley, to enter into Agreement No. FPID 430917 1 52 01 with the Florida Department Of Transportation for post-project maintenance on South Main Avenue; and to authorize the Mayor to sign the agreement for the Town.

**Roll Call Vote:** Yes-Royce, Worley, Waldron; No-Bastardi. Motion passed.

3. ILA with County regarding Impact Fee Ordinance – Request for Waiver of Notice

Administrator Williams stated the county is requesting the Council waive the 60-day notice requirement for amendments to the Impact Fee ordinance. The proposed amendment is to update a definition that will allow them to encumber funds for next Fiscal Year to complete a project using county staff.

**Motion** – Moved by Council Member Worley, seconded by Council Member Bastardi, to grant the waiver of the 60-day notice requirement for this instance only. **Roll Call Vote:** Unanimously approved.

4. Discussion on School Board Property Right-of-way

Administrator Williams stated he met with Frank Brown and discussed the extended right-of-way on Tangerine and the water retention pond. Mr. Williams and Council discussed: the needs for water retention in the area; changes in use of the school board property; using the right-of-way for water retention; railroad crossings; and future changes to Tangerine and school properties. Council agreed to take no action at this time.

MAYOR/COUNCIL MEMBERS (*Items taken after Presentation by Fire Department*)

1. Council Member Bastardi – Lake June Pond Weed

Council Member Bastardi described the impact of the recent growth of Illinois pond weed in Lake June on the lake front property owners, their lifestyles and property values. He stressed the importance to our local businesses and our economy of the recreational value of Lake June; it is important to keep the tourists coming to the lake and the town. He recommended the Council take a position and adopt a resolution to encourage increased state assistance to eliminate the immediate problem and control the weed growth in the future.

**Motion** – Moved by Council Member Bastardi, seconded by Council Member Royce, to craft a resolution stating this issue is of great importance to the town due to the role of Lake June in our economy and to encourage increased state assistance to eliminate the immediate problem and control the weed growth in the future.

Discussion: Council acknowledged that the FWC has already been treating the lake, but it will take 2-3 weeks to see results. The heavy summer rains may have washed nutrients into the lake which may have caused the weeds to grow. Some of the heaviest growth areas are near the shoreline where yard runoff may have occurred. The weeds do help to clean the nutrients out of the lake, so they are doing some good. This problem affects many people and they are looking to the government for help.

Mayor Holbrook stated that Administrator Williams, Attorney Harris, and Council Member Bastardi would get together to draft a resolution. He thanked all members of the public who were in attendance to discuss this issue. One citizen related recent incidents when swimmers have gotten tangled in the weeds. She said this was not just an economic issue but a safety issue as well.

**Roll Call Vote:** Unanimously approved.

2. Council Member Worley – Watershed Advisory Board

Council Member Worley stated the Watershed Board had met and had drafted an ordinance to create the Board. She led the discussion of the proposed ordinance which deals with both surface water and ground water. Board Member Bob Howard and Attorney Harris joined the discussion:

- The Board needs to include not only bodies of water in the town limits, but the areas where runoff from the town goes beyond the town limits.
- In the ordinance the use of the word “shall” may legally commit the town to take action; prefer use of the word “may” or “should.”
- The original discussion may have been limited to storm water runoff issues; the proposed ordinance expands the scope of the Board.
- The problems or issues may involve more than storm water runoff, such as septic tanks, and the Board needs latitude to address all related issues.

**Motion** – Moved by Council Member Royce, seconded by Council Member Bastardi, to direct Administrator Williams and staff to bring an ordinance for consideration following the proposed guidelines provided by Council Member Worley, including clarifying that the Board will address watershed issues within Town limits and watershed issues created by Town runoff; and in paragraphs 1-8 the word “shall” will be changed to “should.” **Roll Call Vote:** Unanimously approved.

CITIZEN COMMENT

Dr. Grissendanner made two requests of the Council:

- 1 – Establish a public policy that feral cats are not to be fed unless they have been neutered. There are foundations to help with the cost and the cats need to be controlled.
  - 2 – Consider purchase of available land along Lake Clay to preserve the view and lake waterfront for the Town and future generations. There is a state program that may help purchase the land.
- Council commented that the land would make a beautiful park and agreed to research the possibility of purchasing the land for park use. Council Member Worley will research land ownership and Mayor Holbrook will contact the governor’s staff and inquire about funding.

Administrator Williams stated that all employees will be required to complete safety training before receiving the proposed pay increase for next fiscal year. Council agreed it was a good idea and suggested driver training videos be included.

Hearing no objections, the Mayor declared the meeting adjourned at 8:08 pm.

**REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
October 14, 2013 5:35 PM**

Mayor John Holbrook called the regular meeting of the Lake Placid Town Council to order on Monday, October 14, 2013 at 5:35 pm at Town Hall, 311 W Interlake Boulevard, Lake Placid, Florida. Reverend Johnny Bryant, First Assembly of God, gave the invocation and led the Pledge of Allegiance. A quorum was present.

ROLL CALL

Mayor John Holbrook  
Council Member Ray Royce  
Council Member Debra Worley  
Council Member Mike Waldron  
Council Member Steve Bastardi

Attorney Bert Harris  
Administrator Phil Williams  
Public Works Director John Komasa  
Utilities Director Gary Freeman  
Finance Manager Rachel Osborne  
Police Chief James Fansler  
Deputy Clerk Vickie Bollinger

CONSENT AGENDA

- A. Approval of Agenda
- B. Approval of Minutes of the Budget Workshop of the Lake Placid Town Council on September 3, 2013
- C. Approval of Minutes of the Final Budget Public Hearing and Special Meeting on September 16, 2013
- D. Approval of Departmental Budgetary Accountability Statements for the month of September 2013
- E. Approval of Departmental Financial Reports for the month of September 2013
- F. Approval of all duly authorized monthly bills, less Royce Supply and Hometown Network
- G. Approval of all bills for Royce Supply
- H. Approval of all bills for The Hometown Network
- I. Approval of Town Meeting Dates and Holidays for FY2013-2014
- J. Water Use Permit Renewal

**Motion** – Moved by Council Member Waldron, seconded by Council Member Worley, to approve Consent Agenda Items A through F, and H and I. **Roll Call Vote:** Yes-Waldron, Worley, Royce. Abstain – Bastardi owns Hometown Network. The proper paperwork has been filed with the Deputy Clerk.

**Motion** – Moved by Council Member Waldron, seconded by Council Member Bastardi, to Approve Consent Agenda Item G, bills for Royce Supply. **Roll Call Vote:** Yes – Waldron, Worley and Bastardi. Abstain – Royce due to family relation with the company. The proper paperwork has been filed with the Deputy Clerk.

Item J. Water Use Permit Renewal

Roger Homan, Project Manager with Envisors, discussed the water use permit with Council Members.

- The advantage of combining all permits for the Town into one permit is cost savings on doing annual reports and being able to share water between facilities.
- The permit application shows an almost 50% reduction in number of gallons allowed to be pumped from Town wells. Current usage is about 590,000 per day with a permit of about 1.7 million per day.
- This would be a 20 year permit rather than the usual 6 year permit.

- The Town has taken steps to work with the water district to promote water conservation to help avoid reduction in our permit quantities; such as investing in the reuse system.
- Reductions are being made to better match actual gallons pumped to permit quantities. It is happening in many other communities. Reductions are used to show improvements in water conservation.
- There was concern that once the quantities are reduced, the Town may have a difficult time getting those back. This could restrict future development if the Town is not allowed to pump sufficient amounts of water to serve current and future customers. The district may increase another entity's allocation, in effect, giving the Town's water to someone else which again would make it more difficult to get an increase in our permit quantity in the future.
- There is no negative impact on water resources if current permit quantities are maintained.
- Keeping the permit quantity may require documentation that may not be readily available. The quantity shown is what the district will agree to without delay.
- The Town should ask for the same quantity as we currently have; we can always compromise later if needed. Maybe the district will issue a permit for less than 20 years with the same quantity.
- The Town and the County are working on Water Supply Plans now, but they are not complete. It is preferable that those plans be completed before committing to a lower quantity on the permit.
- The permit application is due no later than November 26, 2013.

Council agreed that the Town should apply for the same quantities as permitted now and not just agree to the reductions proposed by the district.

**Motion** – Moved by Council Member Royce, seconded by Council Member Bastardi, to authorize Town staff, Mr. Williams and Mr. Freeman, working with Mr. Harris and Town consultants, to take the appropriate action on the Town's behalf to renew the water use permit based on the preceding discussion. **Roll Call Vote:** Unanimously approved.

## PRESENTATIONS

### A. United Way Sign

Kristin Handley, Area Director for United Way, asked that a sign be permitted at the SunTrust Bank that would show the progress of their fund raising campaign. Council and Ms. Handley discussed that the Town has a strict sign ordinance and Council may not, by ordinance, have the authority to grant permission for the sign. If one organization is allowed to erect even a temporary sign, then others must also be given permission. Town Administrator Williams stated that based on previous Council authorization he allowed the sign to be erected until the Council could make a decision. Attorney Harris stated the code did allow the Council to grant exceptions within stated guidelines, but even if this use complied with the guidelines, the sign could only be 2 square feet in size. Council Members expressed support for the United Way and their fund raising efforts; they thank her for her efforts to help our community.

Ms. Handley thanked the Council for their consideration and said she would have the sign removed as soon as possible.

### B. County ILA – Fire Protection Services in the Town of Lake Placid

Jimmy Branca, Highlands County Fire Inspector, gave a presentation on the responsibilities and services of the Fire Prevention Bureau. Then there was a discussion regarding fire inspection services with Council, Mr. Branca, and Tim Eures who is the Emergency Operations Director for Highlands County.

- Fire inspections are routine for new businesses and multi-family residential, but it is not tied to the application or issuance of a Business Tax Certificate. In this regard, the Town is getting the same services provided to all other parts of Highlands County.
- Highlands County does not have a Business Tax and as a result, they do not have a database of what businesses are operating. The Business Tax process provided a way to get information and check on zoning and code compliance and ensure minimum fire safety codes were met.
- Highlands County fire inspection staff has been reduced due to same budget constraints for all government entities in the last few years.

- Fire inspections are not used to punish business, but to protect the public who use those businesses, protect the business property, and other properties located around a business.
  - The ILA was created in 1991 and should be reviewed and updated. The Town will have to decide what services they would like included.
  - Currently an inspection will be completed at the request of the Mayor, per the ILA. Also, routine inspections are performed, especially at large public businesses like Publix and Winn Dixie to ensure they comply with fire safety codes.
  - With new construction, a fire inspection is required, but no inspection is routinely performed if there is a change in use of a building or a new business opens at an existing location.
  - Business owners are responsible and take all precautions to protect the public and their business.
- Adam Hess, Fire Chief Lake Placid Fire Department, stated the Town has no fire code and he requested the Town use the Business Tax as a way to complete fire inspections, especially with a change in occupancy of a building. This will ensure compliance with fire safety and that the public is protected.

Council Member Royce suggested the Council have Town Administrator Williams and Council Member Waldron review the ILA and bring back proposed changes for the Council to review. All agreed.

## PUBLIC HEARINGS

### A. Ordinance 2013-659 Creating the Watershed Advisory Board – 1<sup>st</sup> Reading

Town Administrator Williams stated he took the Council suggestions and provided the ordinance for first reading. Council Member Royce asked that Section 5-61 be changed to be consistent with the rest of the ordinance that the Board is to provide advice and counsel to the Town Council not to establish policy. Also, the Board does not have the authority to commit Town monies for any purpose; that authority remains with the Town Council. Mayor read by title only Ordinance 2013-659.

**Motion** – Moved by Council Member Bastardi, seconded by Council Member Waldron, to approve with one change in Section 5-61 on 1<sup>st</sup> Reading Ordinance 2013-659 of the Town Council of Lake Placid, Florida Adopting the Watershed Advisory Board Formation and providing for an effective date, with the change in Section 5-61 to clarify the Board is created to provide advice and counsel to the Town Council regarding watershed issues. **Roll Call Vote:** Unanimously approved.

In response to a question from Administrator Williams, Council agreed that ordinances drafted by Town staff should be reviewed by the Town Attorney. Any changes should be incorporated for the 2<sup>nd</sup> Reading of the ordinance.

In further discussion the Council agreed that Administrator Williams was authorized to request Mr. Harris to review Town documents.

### B. Ordinance 2013-660 – Repealing and Restating Chapter 95 – Business Tax – 1<sup>st</sup> Reading

Mayor Holbrook read by title only Ordinance 2013-660. There were comments regarding the Town's lack of a fire code and whether fire inspections should be required prior to issuing a business tax certificate. Council agreed to get the Town's code restated and in compliance with state statutes prior to making further changes.

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, to approve on 1<sup>st</sup> Reading Ordinance 2013-660 of the Town Council of the Town of Lake Placid, Florida, Repealing Chapter 95 – Licensing and providing for an effective date. **Roll Call Vote:** Yes-Royce, Waldron, Bastardi; No-Worley. Motion passed.

## TOWN ADMINISTRATOR

### 1. Paradise Village Annexation

Council Member Royce stated he wanted to be clear that the Town has no plans to annex Paradise Village. The Town is not asking for them to be annexed, just for the owner to sign a consent form in compliance with Town policy.

Bill Fowler, President of the Homeowners Association, presented a petition signed by 98 residents of Paradise Village stating they are against annexation (*petition was given to the Deputy Clerk*). He said no one he spoke with was in favor of annexing and there is no advantage to be in the Town limits. Terry McNickelson, Manager of Paradise Village, stated that if Paradise Village was annexed, their taxes and garbage service fees would increase and he asked what they would get in return. He said the owners were in the process of drafting a letter to begin discussion when a letter was received saying no new connections would be done. He stated: the owners were willing to take the issue to court if needed; wells had been sunk; they were looking to convert to a have a private water company; the Town would lose \$40,000 of annual revenue; and they would not annex with a gun to their heads.

Council responded:

- There is a lot of misinformation. Town policy states if there is a change in water service, then the land owner must sign an annexation consent to receive service.
- The Town Administrator is complying with Town policy and his actions are supported.
- If Paradise Village wants to provide their own water service, fine, but the cost will be prohibitive.
- Town has been maintaining the pipes on private property to connect all the meters in Paradise Village. That issue should be resolved immediately. This has been a tremendous benefit to that community since 1969 when the Town was not required to do so.
- It's possible to install a master meter for the property and then have Paradise Village bill their residents for water usage.
- The Town needs an agreement outlining services the Town will provide and what the owner is responsible for.
- Our Town has a lot to offer – our citizens and businesses – and it's offensive to hear that the residents of Paradise Village find no value to being a part of this community.

Council Member Royce suggested allowing Town Administration to continue discussions with Paradise Village owners to come to an agreement, but until then no new service should be connected. Council agreed.

Administrator Williams asked for authorization for legal review by the Town Attorney on this issue.

**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, to authorize legal review by the Town Attorney as needed with this issue. **Roll Call Vote:** Unanimously approved.

## 2. Historical Society / Train Depot Lighting

Nancy Sanders, Board Member for the Historical Society, stated there are four street lights that have been out for a long time along the side of the Train Depot and the Board is asking the Town to fix them. She said this is a safety concern.

Administrator Williams stated that the electricity in one of the posts is not working and that the electric feed to those posts is in the Historical Society building. His concern is that the fixtures are owned by the Historical Society and may not be the responsibility of the Town.

The poles were retrieved from the Town dumpster years ago and installed in that location. It was unclear who owned the poles and therefore, who was responsible for their maintenance. Council and Ms. Sanders discussed: possible easements; adding security cameras; options for fixing the electricity and the lights; that it is good public policy to keep the lights on; efforts by the Historical Society to raise money; and ways the Town could help financially without accepting responsibility and liability for the lights.

Council agreed that more information is needed to determine who is responsible for the lights and the Council would like to find some way to help the Historical Society as they are an asset to the Town.

Council further asked that all street lighting in the Town be checked, an inventory be taken listing all poles the Town is paying for, and then review the list with Duke Energy.

## 3. Mid Town Center Refund of Utility Fees

Council agreed to deny the request to refund \$58,000 in development fees, but agreed to refund the meter installation cost since the meters have not been installed.

**Motion** – Moved by Council Member Royce, seconded by Council Member Worley, to authorize return of the \$6,000 fee for meter installation only; and the monies be paid to the appropriate party as directed by the Town Administrator. **Roll Call Vote:** Unanimously approved.

4. Purchase of Chipper – Matching Grant with KLPB  
Mike Eisenhart, Keep Lake Placid Beautiful (KLPB), stated that KLPB with Town Council approval, he applied for and was awarded a grant of \$10,000 to purchase a wood chipper. This is a matching grant and if the Council agrees to purchase a chipper, the Town would be responsible for up to \$10,000. Once purchased, the Town would be the owner of the chipper. Mr. Eisenhart provided prices for various chipper sizes and vendors with costs ranging from \$14,100 – \$18,900. Council, Public Works Director Komasa, and Mr. Eisenhart discussed: what size chipper would be best; possibility of growing eucalyptus trees to make mulch; ownership of the chipper; safety and liability concerns; and equipment needed to catch the wood chips and haul them.  
**Motion** – Moved by Council Member Royce, seconded by Council Member Bastardi, to approve an expenditure of up to \$10,000 as part of the matching grant for KLPB to purchase a wood chipper; and that the chipper would become the property of the Town. **Roll Call Vote:** Yes – Royce, Bastardi, Waldron. No – Worley. Motion passed.
5. Bid Approval for Lake June Park Batting Cages  
Council, Administrator Williams, and Public Works Director Komasa discussed: that Brantley Construction was the low bidder at \$19,500; the ILA with the County will provide \$9,141.50 of the cost; Youth Baseball will pay the remainder of the cost and will maintain the batting cages once constructed; and that the Town will oversee the project but will not share in the cost.  
Randy Harris, Lake Placid Youth Baseball, stated that Youth Baseball will maintain the batting cages as they do other facilities at the fields. He said this project has been delayed so long that the cost has increased from the original estimate and that Youth Baseball will have to pay all the additional cost. He asked the Council to approve the contract and said that he could have a check to the Town immediately so construction can begin.  
**Motion** – Moved by Council Member Bastardi, seconded by Council Member Royce, to approve the project on the condition that a fully-executed ILA with the County is on file; and to approve the contract with Brantley Construction on the condition of compliance with E-verify System; and authorize the Mayor to sign the contract as soon as the Youth Baseball check has cleared. **Roll Call Vote:** Unanimously approved.
6. Henscratch Farms Alcohol Permit  
Administrator Williams said Henscratch Farms has sold alcohol at other events and have always been very responsible. He said they are asking for permission for tasting and sales at multiple events beginning November 9, 2013 through July 27, 2014. Council asked Administrator Williams to be sure the Town has any needed insurance coverage to permit alcohol to be sold.  
**Motion** – Moved by Council Member Royce, seconded by Council Member Waldron, to approve Henscratch Farms to sell wine, not for consumption, on the dates requested; and on condition of compliance with all State Business and Professional Regulation requirements; and that permission will be rescinded in the case of Police issues. **Roll Call Vote:** Unanimously approved.  
  
Council discussed Town code on liquor sales in the Town, especially related to sales on Sunday. Council agreed to review those codes at a future meeting.
7. Resolution regarding Lake June Pond Weed  
Administrator Williams stated that Attorney Harris provided the Resolution which includes changes based on input from all Council Members. Council Member Bastardi stated the language in the Resolution does not need to be harsh; there is a large amount of weeds in the lake; the situation is not economically advantageous to the Town; and it is important to have the issue recognized and resolved.  
**Motion** – Moved by Council Member Worley, seconded by Council Member Bastardi, to adopt the Resolution of the Lake Placid Town Council Regarding Illinois Pond Weed in Lake June-in-Winter. **Roll Call Vote:** Unanimously approved.

8. Town Attorney Agreement for Representation and Fees

In response to a question, Attorney Harris clarified that Town documents kept at his office are subject to Public Records Laws the same as records located in Town Hall.

**Motion** – Moved by Council Member Royce, seconded by Council Member Bastardi, to approve the contract between the Town of Lake Placid and Swain and Harris, PA.

Council Member Worley stated she feels she has been treated differently and does not feel fairly represented by Mr. Harris and would like an attorney to represent her. This is an on-going issue that is not getting resolved. She asked the Council for support. She gave examples of events when she felt unfairly treated and also times when she felt there may have been a conflict of interest for Mr. Harris in representing the Town and his associations with local businesses.

Council Members expressed that Mr. Harris represents the Town and the Council as a whole, not individual members. The Town Attorney provides opinion to the Council, but has no authority to make any citizen do anything. If anyone believes there is an ethics issue, it should be reported to the Ethics Commission for review. Council Members do not always agree with each other or with the Attorney, but conduct must be professional, and then move on.

**Roll Call Vote:** Yes – Royce, Bastardi, Waldron. No – Worley. Motion passed.

MAYOR/COUNCIL MEMBERS

Update on Request to Purchase Land on Lake Clay

Council Member Worley said the property is owned by one person and the asking price is high. More research is needed, but other issues have priority.

Council Member Royce if anyone, representing the Town of Lake Placid, is working on grants, the Council should have discussion about those projects before grant applications are submitted. Anything that could have impacts on our utilities, lakes, or infrastructure should be discussed prior to action being taken.

Council Member Bastardi said the Lake Placid Conference Center is historic and needs to be preserved. The owners are interested in developing that property and we need to work with them to balance all needs and ensure adequate infrastructure.

Council Member Worley said she is researching options for grants, especially economic development grants and how to best use them to satisfy all the desires for those monies. She said those grants are tied to job creation.

Administrator Williams stated the next Council Meeting is on Tuesday, November 12 due to Monday, November 11 is Veteran's Day. He welcomed Eva Cooper Hapeman, our new Town Clerk.

Mayor Holbrook stated that 8-9 months ago, Phil Williams became Town Administrator and James Fansler was appointed Interim James Fansler. The probationary period was six months and he would like to make those appointments official.

**Motion** – Moved by Council Member Bastardi, seconded by Council Member Waldron, to end the probationary period and appoint Phil Williams as the Town Administrator and James Fansler as the Chief of Police. **Roll Call Vote:** Unanimously approved

CITIZEN COMMENT

Dawn Kurabieski praised Council Member Worley on her commitment and dedication to the community; and thanked her for all the work she has done; all she has accomplished to improve the Town; and that she is a respected and admired member of the community.

Mayor Holbrook stated that we have a great Town and the Council must work together as a team.

Chief Fansler thanked the Council for their support. Town Administrator thanked the Council and said he is doing his best all the time working for the Council and the Town.

Hearing no objections, the Mayor declared the meeting adjourned at 9:20 pm.

**REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
November 12, 2013 5:35 PM**

Mayor John Holbrook called the regular meeting of the Lake Placid Town Council to order on Tuesday, November 12, 2013 at 5:35 pm at Town Hall, 311 W Interlake Boulevard, Lake Placid, Florida. Sammy Teleslo, gave the invocation and led the Pledge of Allegiance. A quorum was present.

**ROLL CALL**

Mayor John Holbrook  
Council Member Ray Royce  
Council Member Debra Worley  
Council Member Mike Waldron  
Council Member Steve Bastardi

Attorney Bert Harris  
Administrator Phil Williams  
Public Works Director John Komasa  
Utilities Director Gary Freeman  
Finance Manager Rachel Osborne  
Police Chief James Fansler  
Town Clerk Appointee Eva Cooper Hapeman  
Deputy Clerk Vickie Bollinger

**CONSENT AGENDA**

- A. Approval of Agenda
- B. Approval of Minutes of the regular meeting of the Lake Placid Town Council on October 14, 2013
- C. Approval of Minutes of the CRA Workshop October 16, 2013
- D. Approval of Departmental Budgetary Accountability Statements for the month of October 2013
- E. Approval of Departmental Financial Reports for the month of October 2013
- F. Approval of all duly authorized monthly bills, less Royce Supplies and Hometown Network
- G. Approval of all bills for Royce Suppliers
- H. Approval of all bills for The Hometown Network
  - I. Approval of Resolution for Budget 2012-2013 Line Item Adjustments
- J. Approval of LP Arts and Crafts Country Fair Association – Use of DeVane Park

**Motion** – Moved by Council Member Waldron, seconded by Council Member Royce, to approve Consent Agenda Items A through F. **Roll Call Vote:** Unanimous approval

**Motion** – Moved by Council Member Bastardi, seconded by Council Member Waldron, to Approve Consent Agenda Item G, bills for Royce Supply. **Roll Call Vote:** Yes – Bastardi, Waldron and Worley. Abstain – Royce due to family relation with the company. The proper paperwork has been filed with the Clerk.

**Motion** – Moved by Council Member Waldron, seconded by Council Member Worley, to Approve Consent Agenda Item H, Bills for Hometown Network. **Roll Call Vote:** Yes-Waldron, Worley, Royce. Abstain – Bastardi owns Hometown Network. The proper paperwork has been filed with the Clerk.

**Item I. Approval of Resolution for Budget 2012-2013 Line Item Adjustments**

Council Member Bastardi requested clarity on the figures presented.  
Ms. Osborne, Finance Manger discussed the Budget Resolution with Council Members.

- Intent of the Budget Resolution is to bring budget in line with actual revenue and expenses for 2012-2013 Budget as required for audit purposes.
- Clarification, the resolution is not corrections to the 2012-2013 budget, but rather amending the budget to actual.
- The wastewater account adjustments are due to additional money spent on grant activity and resulting in changes to the fund balance and capital improvements accounts.
- The spreadsheets presented for review show that funds are being moved from one bank account to another. This is not an increase or decrease in expense.

Council Member Worley commended Ms. Osborne for her work to ensure that the audit is correct and there is an accounting of all funds.

**Motion** – Moved by Council Member Worley, seconded by Council Member Bastardi, to Approve Consent Agenda Item I. **Roll Call Vote:** Unanimous approval.

Item J. Approval of LP Arts and Crafts Country Fair Association – Use of DeVane Park

Bastardi inquired whether the group was requesting an exemption of fees. Mr. Williams responded they are requesting to reserve the park and are not requesting fees to be waived. An inquiry from council to clarify what the town's procedures and processes are when reserving the park facilities. In response to council's questions, Public Works Director John Komasa explained the following:

- Letter or Request to reserve a park facility by an organization is submitted to the Town.
- The organization is contacted 60 days prior to the event and an application is mailed or the group comes in to fill out the application.
- Application is returned, reviewed and then approved through the Town Administrator
- Deposits and fees are collect thirty days prior to the event, and additional fees may be collected if the group needs additional days for set up of the event.
- The Town has road signs for events and there is no charge.
- For events, road closures are coordinated with the Police Department.
- Prior to an event all necessary clean up of the facility is done, to ensure everything is ready.
- Mr. Komasa confirmed that the current fees are sufficient.

Town Administrator added there is information on the Website regarding how to rent a park facility.

**Motion** – Moved by Council Member Bastardi, seconded by Council Member Worley, to Approve Consent Agenda Item J. **Roll Call Vote:** Unanimous approval.

**PRESENTATION**

A. National Hospice and Palliative Care Month – November 2013 Town of Lake Placid Proclamation

Vince Evens a representative from Good Sheppard Hospice was recognized by Mayor Holbrook and asked to introduce himself. Mayor Holbrook pointed out that the town has two different proclamations for the council to choose. Town Administrator Williams stated he had some feedback from some of the council members who felt that a generic proclamation to recognize all hospices everywhere should be recommend. Both were put on the agenda to have council decide which they would prefer. Council Member Worley pointed out that all Hospice organizations should be recognized. She expressed her appreciation for Good Sheppard and thanked them for bringing it to the attention of council.

**Motion** – Moved by Council Member Worley, seconded by Council Member Royce, to Approve Generic Proclamation recognizing November as National Hospice Month Agenda Item J. **Roll Call Vote:** Unanimous approval.

**NEW BUSINESS**

A. Appointment of Eva Cooper Hapeman as Town Clerk.

**Motion** – Moved by Council Member Royce, seconded by Council Member Worley, to appoint Eva Cooper Hapeman as the Town of Lake Placid Town Clerk **Roll Call Vote:** Unanimous approval.

Mr. Williams administered the oath of office to Ms. Cooper Hapeman and was duly appointed by the Council.

## **PUBLIC HEARINGS**

A. Ordinance 2013-659 Creating the Watershed Advisory Board – 2<sup>nd</sup> Reading  
Mr. Williams noted that the ordinance has been reviewed by the Town Attorney.

**Motion** – Moved by Council Member Bastardi, seconded by Council Member Waldron, to approve and adopt on second reading Ordinance 2013-659 of the Town Council of Lake Placid, Establishing the Lake Placid Watershed Advisory Board. Roll Call Vote: Unanimously approved.

Council Member Royce stated it was his belief that the committee had already been appointed, but inquired if a council member had been appointed as the liaison. In discussion, Mayor Holbrook recalled, Council Member Worley was and has been involved with the committee from the start. Council suggested, since the ordinance has been adopted that reappointment of the members for the Watershed Board and Town Council Liaison be made official by the Council.

**Motion** – Moved by Council Member Royce, seconded by Council Member Bastardi, to officially appoint Pam Fentress, Bob Howard, and John Ruggiero to the Watershed Advisory Board and Council Member Debra Worley as Town Council Liaison. Roll Call Vote: Unanimously approved.

## **TOWN ADMINISTRATOR**

### 1. Green Dragon Drive Tennis Court Restrooms-Interlocal Agreement

This item was brought to council at the request of Mr. Brantley, School Board Member on August 22<sup>nd</sup>, 2013. The Town Council was asked to consider partnering with the school board to acquire RPAC funding to build restrooms and a new parking lot for the Tennis Courts.

Town Attorney Harris, Mr. Williams, Mr. Brantley, and Mr. Brown both from the Highlands County School Board discussed the Interlocal Agreement with Council Members.

- The Town Attorney and Administrator met with Mr. Brantley and School Board Attorney and discussed the draft of the Interlocal Agreement presented to the council for consideration.
- Request is for matching funds from the town of 10% or up to \$12,000.
- Council requested a change to the agreement to read, "Not to exceed \$12,000".
- No budget amendment is needed for the town; the project is slated for the 2014/2015 budget year. In addition, the project will need to be included by the Town Administrator in the Capital Improvement Plan and Budget.
- A request to change the RPAC application changing the City of Lake Placid to the correct name The Town of Lake Placid.
- The agreement clarifies the school board will be responsible for all maintenance and lighting to the facility.
- Two additional tennis courts will not be constructed at this time, all language regarding the new tennis courts should be stricken from the agreement.
- Availability of the tennis courts to the town residents was discussed. The hours of operations for the facility will remain the same, there is no time limit.

**Motion** – Moved by Council Member Royce, seconded by Council Member Bastardi, to approve the Interlocal Agreements between The School Board of Highlands County and Town of Lake Placid (Tennis Courts & Public Restrooms) with changes in line 4 of the agreement to say not to exceed \$12,000 and to strike any wording relating to "two (2) additional tennis courts" Roll Call Vote: Unanimous approval.

### 2. Interlocal Agreement with School Board re: Tangerine/Marquatta RO Way

Mr. Williams presented the Interlocal Agreement to address concerns from council in regards to the "Tangerine and Marquatta right-of-way" as shown in the comprehensive plan. Mr. Harris stated he and Mr. Williams met with Frank Brown and John McClure from the school board, they reviewed maps, and the county appraiser's information as it pertains to rights-of-way.

Mr. Williams, Mr. Harris, Mr. Brown discussed the Interlocal Agreement with Council Members:

- Both the Town and School Board need these roads.

- Regardless of which entity owns the road, staff from both entities recommends closing all the roads in the middle of the school grounds. The west side of Tangerine and South Marquatta would be conveyed back to the Town or be left until such time they are needed.
- The school board will keep everything as is until such time the Town informs them of plans to open up the roads. If the Town decides in the future to open up S. Tangerine to its original state, the town would be responsible in fixing draining issues, removal of a well to bring the road to its original state. The greenhouse, which is part of the school board property, would remain until such time the town decides to build the road and have it removed.
- Since the costs are unknown at this time, it is suggested to remove 4-C and 4-E as it pertains to improvements and the "Settling Pond" from the agreement
- Council agreed to changes to the agreement staff to pursue: Lake Placid will not use the road for five years, school board will continue to utilize as needed. The school board will pay for the removal of the green house, well and fence.
- Further, on the settling pond issue, additional technical information, added costs should be brought back to council.

The council directed staff to work with the school board to make the necessary clarifications and changes as discussed in relation to the costs involved to the town.

### 3. Placid Lakes Utilities Discussion

Mr. Williams reported that Council discussion will be delayed until a final recommendation and presentation from the Lake Placid Regional Utilities Commission is available, the commission will meet on November 13 at 3:00 pm. Council Member Royce stated he would like to attend the meeting, but he requested some clarification on Sunshine Law as it pertains to Council Members attending meetings where other members of council may attend. In response, Attorney Harris stated more than one council member may attend the Utility Commission meeting, but all comments or questions should be addressed to the commission. A Council Member should not address or respond to any other council member's comments.

### 4. Interlocal Agreement Town of Lake Placid and Lake June Realty

Mr. Harris stated the property within the agreement is owned by Lake June Realty, Inc and is located on the North West corner of Interlake and North Tangerine. There has been an annexation agreement signed although the property has not been annexed.

Mr. Harris and Council Members discussed:

- Town of Lake Placid's interest in the agreement is to follow the current Long Term Traffic Planning done by Growth Management.
- Tangerine Drive is an access point to Highway 27 for the residents of Placid Lakes.
- Placid Lakes is a county community, which is why the proposed agreement to purchase the right-of-way for \$20,000, includes Highlands County contributing half of the cost.
- Council recommendation to add to the agreement "The County assumes maintenance of Tangerine".
- Lake June Realty, Inc is looking to put a driveway off Tangerine, the county agreed with placing the drive on 30 percent of the north end of the remaining property.
- A request to change zoning for the property is included in the agreement section 5. If rezoning is not approved then the agreement may be terminated.
- Zoning changes take place during the annexation process and then it goes to the Local Planning Agency. The zoning issue should be removed from the agreement and allowed to go through the normal process. This would allow the public to be involved on the land use change.
- Recommendation to change wording in the agreement "but not more than "\$10,000" to "but not to exceed" and include wording that any funds left over from the West Interlake project would be used for this project.

The Council directed the Town Attorney to make the suggested changes and bring back the Interlocal agreement to the council for consideration at the next meeting. The Interlocal Agreement to be sent to Highlands County for their consideration after Council approves.

### 5. Paradise Village Update

Mr. Williams reported a meeting was held with the owner of the property, which was productive. They are willing to enter into an agreement to annex. He highlighted the following within the agreement:

- Paradise Village is giving easement to the Town
- They will pay to have a survey done.
- The Town will continue to maintain and operate the water system.

Mr. Harris added, due to the age and quality of the existing lines, Mr. Freeman is going to do a thorough inspection of the system and pipes.

Attorney Harris, Town Administrator Williams, Utility Director Freeman, and Council discussed:

- Currently there are 148 individual accounts within that community
- Section 2.7 of the agreement states the Town assumes maintenance when the system is brought to code. Until this happens, the town will continue to make routine repairs and does not assume responsibility to replace waterlines.
- Additional language to 2.7 suggested by Mr. Harris would read "The Town reserves the right to discontinue service to individuals should lines or pipes fail, when the Owner (developer) has not brought the lines up to code".
- The language in the agreement needs to be strong enough to ensure that the Town is not fixing problems or open to liability to fix pipes over and beyond normal maintenance.
- Mr. Freeman reported that a full evaluation is already in process, measurements are being done, location of lines, number of meters and a survey is underway. He will also prepare cost estimates to replace and repair based on the outcome of the evaluation and survey.
- The agreement lets everything remain as it is, but if there is no service due to breaks or other issues it is the responsibility of the Owner not the Town to handle.

No action taken at this time, waiting on Mr. Freeman's assessment and the survey. Mr. Harris will work on revising the wording as discussed by Council.

#### 6. Sign Ordinance Discussion

This agenda item was requested by Council Member Worley. Council Member Waldron reported that he has been taking the time to walk the business district and stop in to introduce himself with no specific reason other to meet some of people that he may not know. He said he received many concerns about the sign ordinance.

Town Council Members and Public Audience discussed

- Question on whether the Town should be able to regulate signage inside the place of business.
- Suggestion was to put together a workshop on how to work with the businesses without having to have a CRA. How to help the businesses and promote the Town.
- In the past, Robert Brown of the merchants association spent a year on the issue of signs and had some ideas.
- Other towns such as Mount Dora, allow for sandwich boards and other signage, and are very successful.
- The businesses are having difficulties in advertising their businesses with the restrictive sign ordinance.
- There is no need to change the ordinance, but possibly amend the ordinance.
- Comments were made that the Council was not business friendly.
- It is important to have a group of people bring forward their concerns. The Council appreciates the comments.
- It was pointed out that a banner at the end of town was approved; however, it is expensive to purchase that size banner.
- Opinions differed on whether box stores such as Wal-Mart has already or not affected the local business by pulling people to Sebring. When the box stores come into an area, and hire, the money is sent outside of the county and Town.
- Signs are needed in order for customers to locate the businesses.
- The sign ordinance sets guidelines to limit the types of signage, such as flashing lights, or large billboard signs.

- In December 2010, Chief Williams was directed by Council not to enforce the ordinance as it pertained to signage within the windows of the businesses and currently is still not being enforcement.
- Christmas and Holiday Decoration are not considered in violation of the sign ordinance.
- A recommendation to the businesses of the town is they collectively come together, develop a list of specific items or ideas, and give to the Town Administrator to bring before the Council. Specific perceived problematic issues in the code or enforcement should be included in the list of concerns.

Further discussion revolved around how to assist local businesses. Council Member Royce commented the development of a CRA might take time to establish and even more time to develop a revenue stream. He stated a possibility to assist promoting and development of the town businesses by utilizing the Business Tax revenue. It was stated that there is approximately \$14,000 of Business Tax revenues. Mr. Harris confirmed that there is nothing that precludes us from utilizing those funds or the general funds for that purpose. Council Member Worley commented, some communities do collect the Business Tax and put it back into the business community.

Mr. Williams asked for direction from the Town Council as it relates to the sign ordinance. Council Member Bastardi recommended the language in the ordinance be made clear, for example; signage is within or outside of the business, scrolling, or flashing lights. Worley suggested any changes should be done at one time. In addition, she suggested Mr. Williams meet and work with the business community to see what ideas they may have.

Another suggestion is to hold a workshop addressing signage and any suggestions from the business community. Williams stated he will work with the businesses and plan for a workshop sometime in January. Mr. Hartzel stated he would meet with the chamber and Mr. Brown the previous head of the Merchants Association and contact Mr. Williams.

#### 7. Annexation Discussion Rosewood Apartments / Interlake Condo

Town Administrator Williams reported the Rosewood Apartments have signed an annexation agreement. In addition, he met with owners of the Interlake Condo, which a majority of its owners attended, and are agreeable in annexing into the town. He is waiting to meet or speak to a couple of the owners that were not able to attend the meeting but foresees no problems. The recommendation from the Town Attorney and Mr. Williams is to do both annexations together.

Additional discussion took place in reference to the purchase and plans for the Rosewood property. Council Member Royce stated that at this point the zoning of the property is unknown as it relates to whether it is zoned as a retirement facility or as a motel. Council Member Worley pointed out zoning would be determined by the town once the property is annexed into the Town. Mr. Harris stated zoning of the property by the county has been the typical zoning approved by the Town when a property has been annexed in the past. Council Member Royce made the point, if the property is deemed a motel the owner could rent out at his leisure with no particular controls, whereas if it was deemed H2 housing, the restrictions and health department regulations are in place.

Council Member Royce reported he attended the meeting with the Interlake Condo's and was impressed with the fact they were very enthusiastic about becoming part of the town.

**Motion** – Moved by Council Member Royce, seconded by Council Member Bastardi, approval to have the County Administrator move forward on the Annexation of both Properties Rosewood Apartments and Interlake Condo's and have staff bring the appropriate paper work back for consideration from the Town council. Roll Call Vote: Unanimous approval.

#### 8. Holiday Sanitation Schedule

Council Member Royce inquired why the employees were not working on December 24<sup>th</sup> and December 31<sup>st</sup> as it related to garbage pickup. Mr. Komasa stated, those days are town holidays and has been the schedule in the past. He has two men to pick up commercial. Royce commented that changing the days of collection causes confusion amongst the residence. Council recommended to pay the additional funds needed to keep the regular schedule for pickup. Mr. Komasa will make the necessary arrangements as confirmed by Town Administrator Williams.

Alcohol Ordinance not on the Agenda

Mr. Williams stated that not placed on the agenda was the Alcohol Ordinance and inquired if Council has an interest to hold a special meeting or wait until the regular meeting. Mr. Harris stated it is a simple ordinance change. Council Members recommend Mr. Harris and Mr. Williams come back to council at a special meeting with their suggested changes for consideration.

Mr. Williams reported he was contacted by a woman from Indian County who is looking to relocate. She is currently with the Recreation Department there. He suggested possibly bringing her in or if not her, someone else part-time splitting up Mr. Komasa's job. Council Members Worley and Bastardi stated they were opposed to the idea. Council Member Royce was in favor. Council Member Waldron would be open to discussion. Mr. Williams was instructed to look into the possibility.

Mayor/Council Members

Council Member Bastardi brought to council an issue of great concern as it relates to the road construction taking place near his place of business. On, October 29<sup>th</sup> the county was rough grading an area on the North side of Interlake Blvd. His concern is that the excess storm water will ultimately end up in his place of business's retention pond, causing overflow and flooding. He stated he is extremely concerned on the direction of the project. He informed the council that he and Mr. Williams attended a status meeting with County Officials to discuss the project. He expressed his frustration and disappointment on the direction the meeting took, and that he came away with absolutely no explanation or resolution to his concerns. He requested some assistance from the council on how to move forward in order to have this resolved.

Mayor Holbrook recommended the county attorney send a letter addressing the issues and send it to the county to get resolved.

Hearing no objections, the Mayor declared the meeting adjourned at 10:40 pm

**REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
December 9, 2013 5:35 PM**

Mayor John Holbrook called the regular meeting of the Lake Placid Town Council to order on Tuesday, December 9, 2013 at 5:35 pm at Town Hall, 311 W Interlake Boulevard, Lake Placid, Florida. Sammy Teleslo, gave the invocation and led the Pledge of Allegiance. A quorum was present.

**ROLL CALL**

Mayor John Holbrook  
Council Member Ray Royce  
Council Member Debra Worley  
Council Member Mike Waldron  
Council Member Steve Bastardi

Attorney Bert Harris  
Administrator Phil Williams  
Public Works Director John Komasa  
Finance Manager Rachel Osborne  
Police Chief James Fansler  
Town Clerk Appointee Eva Cooper Hapeman  
Deputy Clerk Vickie Bollinger

**CONSENT AGENDA**

- A. Approval of Agenda
- B. Approval of Minutes of the regular meeting of the Lake Placid Town Council on November 12, 2013
- C. Approval of Departmental Budgetary Accountability Statements for the month of November 2013
- D. Approval of Departmental Financial Reports for the month of November 2013
- E. Approval of all duly authorized monthly bills, less Royce Supplies and Hometown Network
- F. Approval of all bills for Royce Suppliers
- G. Approval of all bills for The Hometown Network

**Motion** – Moved by Council Member Waldron, seconded by Council Member Royce, to approve Consent Agenda Items A through E. **Roll Call Vote:** Yes – Bastardi, Waldron and Royce. No - Worley

**Motion** – Moved by Council Member Bastardi, seconded by Council Member Waldron, to Approve Consent Agenda Item F, bills for Royce Supply. **Roll Call Vote:** Yes – Bastardi, Waldron and Worley. Abstain – Royce due to family relation with the company. The proper paperwork has been filed with the Clerk.

**Motion** – Moved by Council Member Waldron, seconded by Council Member Worley, to Approve Consent Agenda Item G, Bills for Hometown Network. **Roll Call Vote:** Yes-Waldron, Worley, Royce. Abstain – Bastardi owns Hometown Network. The proper paperwork has been filed with the Clerk.

**PUBLIC HEARINGS (5:45 pm – 6:15 pm)**

- A. Ordinance First Reading Amending ALCOHOLIC BEVERAGES

Mayor Holbrook read for the public the ordinances description.

Discussion by Town Administrator Williams, Town Attorney Burt Harris, and Town Council on the first reading amending the Alcoholic Beverage Ordinances

- Section 38.1.3 C could cause unforeseen intentions. An example of possible confusion, a business or homeowner located 400ft from the location selling the alcohol, could the person be breaking the law if they open the alcohol container they purchased while located on their own property. Staff was directed to clarify the legalities of this type of situation.

- Previous ordinance has the distance at 500 feet; council could change the distance to 50 feet if they wanted too. This would address the concerns of council. In addition, this could also address past issues with public intoxications near convenience stores in Town
- Stores such as, Dollar General, Convenience stores, and CVS fall under specific state regulated licenses. This Alcohol license is designed to sell Alcohol and not designed for consumption on the premise. Under this law, the business owner is not responsible after the alcohol has left the store.
- Included in the backup material for the meeting is a list of the different types of alcoholic state licenses currently active within the Town.
- How will the ordinance effect open houses such as with the Chamber, events taking place in the Town that serve alcohol, for example, Henscratch Farms gives samples and sells their wines?
- How would the ordinance effect Restaurant owners as it relates to patio's, for example COZ's patrons are able to drink on the front patio of the establishment, but they currently do not serve food or drinks on the patio?
- A question on café's addressed in the ordinance; Council Member Worley stated that this could pose a problem by over regulating. She added as long as the business is abiding by state and Health Department regulation that should suffice.
- Mr. Williams commented there would be a permitting process for patios, which would still include following the Health Department, State, and Federal Alcohol regulations.
- Any changes should take into consideration future years of the Town and be clear in order for Police to Enforce. Council requested staff to research state, and county laws.
- A point of discussion for the council was the Sunday time limits set for selling alcohol. The county has set time limits for Sundays. Staff was asked to do further research on the county laws versus how changing the Town ordinance would affect county laws. How does the Town enforce?
- The Ordinance revision is being addressed due to a situation from a potential business owner. The business wanted to open a restaurant and have the ability to sell alcohol with the meal. The ordinance addressing the distance between where alcohol is sold to a school or church caused the business not to locate in the Town. By taking out or revising the distance requirement, it would allow restaurants and new businesses to serve alcohol.
- Further research to verify what state laws mandate as it relates to the distances from schools, the question is what is that minimum distances and what constitutes a school. The state does not mandate distances from a church.

**Motion** – Moved by Council Member Royce, seconded by Council Member Bastardi, to approve ordinances first reading and instruct Town Staff to consider councils comments and make the necessary changes for second reading. **Roll Call Vote:** Unanimous approval.

### **TOWN ADMINISTRATOR**

#### **1. Bicentennial Park Lease Agreement**

Town Administrator Williams presented to council a lease agreement for Bicentennial Park. Included in the lease renewal is language taking out the water/garbage section. The lease would be \$300 per year.

Council discussed and questions were addressed:

- The Masons manage the property as Trustees for the Boy Scout Troop Trust. Currently there is not an active Boy Scout Troop.
- The Masons are responsible for the building and the Town is responsible for the remainder of the park.
- The Town currently maintains the park, there is not much work involved according to Mr. Komasa Public Works Director.
- Council Member Waldron stated he could see the park as a candidate for improvements. Mr. Komasa stated there could be some improvements done for example to have a well put in, irrigation and add the park to the town water system.
- Town currently owns a three-acre parcel that could be improved and utilized as a park.

- Council requested the Masons inquire if the trust allows the possibility for the property to be purchased.
- The park has regular amount of activity.
- Some aspects of the equipment have been there for a number of years, the swing sets are within the last ten years.
- Calculating an estimated cost of the lease and maintaining the park would be approximately \$3.67 per day or \$1340 per year.
- The agreement seems acceptable as long as the current 90-day option to cancel lease stays in the agreement.
- Council Member Bastardi would like to see all parks maintained. Prior to investing in the irrigation and improving this park, Town could consider moving the equipment to the property the Town already owns, it is closer to the new apartments, still in the same vicinity and then invest in a well, irrigation and other improvements.
- Council Member Waldron agreed with the direction, the question remains how old is the current equipment, the equipment is not in very good shape. He would like to see new equipment.
- The cost of the lease is minimal and the Town has the ability to cancel the lease utilizing the 90-day clause, without doing any major improvements. If council in the future wants to develop a long plan range plan or utilize the Town property for a new park it can be addressed.

**Motion** – Moved by Council Member Worley, seconded by Council Member Bastardi, to approve the Bicentennial Park\_Lease Agreement deleting the indemnification and hold harmless portion of the agreement Roll Call Vote: Yes – Royce, Worley and Bastardi. No - Waldron.

## 2. Fire Prevention Interlocal Agreement Proposal

Town Administrator Williams stated his intention is to review any open items that have been previously discussed by Council for 2013 year. He is looking to ensure that Council has been updated and any open items have been addressed with Council.

Mr. Williams presented the Fire Prevention Interlocal Agreement with the County. The changes were based on previous discussions. The agreement includes some improvements to bring the agreement up to date, Highlands County would continue to do the Towns Fire Inspections, but the Town would have the option of making special requests for special inspections if deemed necessary. The Town would agree to pay any additional fee for the special inspection request; in addition, the town would have the County Inspectors report to the Town a list of the fire inspections done. This is a starting place of where the Council would like to go. Once the agreement is completed, it would be presented to the Highlands County Commission, which they may or may not agree with the direction the Town has included in the agreement.

Council Member Waldron requested Chief Hess and Mr. Hogan President of the Lake Placid Volunteer Fire Department participate in the discussion.

Town Administrator Williams, Town Attorney Burt Harris, Chief Adam Hess, and Town Council discussed:

- Chief Hess stated Fire Inspections are to improve the safety of businesses, neighbors, and Fire Fighters.
- Concern for the issue on the frequency of fire inspections was brought to light when the Fertilizer Company located within the Lake Placid Town Limits. The county was contacted and inspection was done. Violations are in the process of being addressed reported Chief Hess.
- County inspectors have had reductions in staff and an addition of Sun N Lakes to their required service areas. It is possible, based on budget restraints and reduction in staff the county could ask the Town to pay for the Fire Inspection service currently in place.
- A request has been placed for the Fire Inspector to report of the number of inspections that have been done. As of the date of this council meeting, this report has not been received.
- Council Member Waldron read from Florida State Statute 633.208 as it relates to fire safety, inspections of buildings, and equipment. Also, located on the Lake Placid

Website is the Business Tax Application, which also addresses businesses responsibilities as it relates to fire safety and fire hazard.

- Businesses currently pay \$100 toward the Fire District assessment and Residents pay \$20.
- Promotion of business is important, but in the process of during business, it should be done safely. The goal should be to achieve everything the county does within the Town Limits and go beyond as it pertains to safety. A reporting mechanism should be in place to inform the Town on what inspections have been done.
- Council Member Worley commented in her experience, businesses recognize that it is in their best interest that their place of business is safe. Concern that there will not be continuity of which businesses would be requested to have a special inspection versus another; this could cause some liability issues.
- Not known is what the cost for the additional services would be, such as an annual report, and special requested inspections.
- Hess stated that the request for the changes is only to do what the State Fire Marshal's office has adopted.
- The current Interlocal states a request for fire inspections comes from the Mayor to the county fire inspectors. It has been practice that Chief Hess has been calling requesting inspections.
- Chief Hess stated he will no longer contact the county to request an inspection, but will deflect to the Mayor as stated in the current Interlocal Agreement.
- Sections 4, 5, 7 were questioned, section 4 used the word "may", Section 5 be part of section 3, there should be a fee structure not open-ended case by case structure in place.
- Council Member Royce suggested that before moving forward there needs to be a conversation with June Fisher, the County Administrator, in regards to the agreement.
- A clear determination on what the County would be willing to do as it pertains to a new Interlocal Agreement.
- The current Interlocal Agreement has not expired since enactment of the agreement in 1992.

**First Motion – Moved by Council Member Worley, seconded by Council Member Bastardi, to remove section 4, 5, 7, in the Interlocal agreement Roll Call Vote:** Unanimous denied.

**Second Motion – Moved by Council Member Royce, seconded by Council Member Waldron, is to not move forward with the Interlocal Agreement Roll Call Vote:** Unanimous approval.

Council Member Royce added, that the intent of his motion is to determine where the Town wants to go on the issue and additional thought into the approach on the Interlocal Agreement, opposed to moving forward with the one presented.

### 3. Interlocal Agreement with School Board re Tennis Courts

Mr. Williams presented the Interlocal Agreement. He made note there were no School Board Representatives present, but they had been invited to attend the council meeting, to discuss with council the agreement. He reported the school board would like to see the project slated for 2013-2014 budget year opposed to the 2014-2015 year discussed at the November 12 council meeting. In addition, The Town of Lake Placid is currently the lead applicant on the RPAC application, which means that the Town would be required to outlay the funds for the project and apply for reimbursement from the county. The School Board has suggested that they become the lead applicant on the RPAC application, as they will be overseeing the project.

Mr. Komasa attended the last RPAC meeting and informed the council that RPAC did not vote on funding.

**Motion – Moved by Council Member Royce, seconded by Council Member Worley, to make the changes for the School Board to become the lead applicant on the RPAC application and the project be included for the 2013-2014 budget Roll Call Vote:** Unanimous approval

## **Discussion**

Council Member Worley requested that included in the \$12,000 be any attorney fees associated with the project.

Council Member Royce clarified that his motion it does not approve the Interlocal agreement, it simply allows the school board to make the changes discussed, and becoming the applicant on the RPAC application, and the project is good to move forward in the 2013-2014 budget year and bring the document back to council for future considerations.

### **4. Sanitation Practices**

Mr. Williams reported that Council Member Worley requested this topic be placed on the agenda.

Council Member Worley informed the council that the county voted for recycling. She stated she had spoken to Mr. Kamas in regards to the purchased of a new garbage truck, which was included in the budget. At that time, she stated that Mr. Kamas informed her that the truck had not been ordered. Her thoughts were not to move forward and spend to funds until we find out what the county is going to do as it pertains to recycling. She has since found out that the garbage truck has been ordered. Her request to council is to wait to spend the funds to see what the county does and what the state legislature is going to do as far as recycling requirements.

Council discussed, recycling, delaying the purchase of the garbage truck and sanitation procedures.

- Currently there is no curbside recycling.
- If recycling is not mandated, there will be people that will not recycle.
- There has not been a determination on whether there is a cost savings to recycling.
- With the county moving, forward on recycling they are in the beginning stage of negotiations. There could be an opportunity for the Town to join in on the contract if the council was interested.
- According to Mr. Komasa, the garbage truck on order has single stream recycling capabilities, as well as regular garbage pickup.
- Council directed staff to verify the truck being ordered does have all the capabilities that are needed to accommodate both single stream recycling capabilities and regular garbage pickup.
- Some procedures as relates to garbage pickup were addressed, cans not thrown in the streets.
- Questions arose in reference to the cost of extra trash pickup. Mr. Komasa stated that extra trash has not been charged in over a year. He is still working to assess how to charge.
- Ordinances states sanitation fees are up to the discretion of the Public Works Director.

## **B. Mayor/Council Members**

Council Member Waldron stated the sign ordinance remains a concern for business owners in the Town. He addressed the Towns website in regards to starting a business, he suggested another look should be taken on how the starting a business presentation be revised, maybe the presentation could be more of a welcome packet. He suggested working with the chamber or an expert on a redesign of the website.

He also commented on the CRA if the Town does not move forward, possibly the council could consider a Lake Placid Economic Development Group be developed to drive business to the Town.

He pointed out that along 27 there is water on the Highway, the sprinklers are not watering the grass. In the event of a lot of rain, he would like to see the ability to shut off the sprinklers. Mr. Komasa responded that he would double-check the area near Walgreens that he stated did have a broken irrigation pipe recently.

Council Member Bastardi commented on the Interlake Project, in which he had voiced his concerns at the last Town Council. As of this council meeting, there has not been a response to the letter sent to the county addressing those issues.

Mr. Williams stated the topic of CRA would be included on the January Town Council Agenda.

John Pointer Systems Chief of the Lake Placid Fire Department, informed the council of a current Smoke Detector Grant. The grant allows free smoke detectors; he has on hand approximately 300. The detectors have a 10 year no maintenances (no batteries needed replaced) and Special hearing-impaired capabilities.

Hearing no objections, the Mayor declared the meeting adjourned at 8:20 pm