

MEETING OF THE DISTRICTS
Tuesday, December 07, 2021
9:30 AM
600 S. Commerce Ave. Sebring, FL 33870
AGENDA

DISTRICTS LIST

AVON PARK ESTATES S. B. D.	ORANGE VILLA MOBILE HOME ESTATES S. B. D.
BONNETT CREEK ACRES S. B. D.	PLACID LAKES S. B. D.
DESOTO CITY S. B. F. D.	PLACID LAKES S. B. F. D.
HICKORY HILLS S. B. D.	RED HILL FARMS IMPROVEMENT DISTRICT
HIGHLANDS PARK ESTATES S. B. D.	SEBRING ACRES S. B. D.
HIGHLANDS PARK S. B. F. D.	SEBRING COUNTRY ESTATES S. B. D.
HIGHWAY PARK S. B. D.	SEBRING HILLS S. B. D.
LAKE HAVEN ESTATES S. B. D.	SEBRING MANOR S. B. D.
LAKE PLACID S. B. F. D.	SOMERVALE DOWNS S. B. D.
LEISURE LAKES S. B. F. D.	THUNDERBIRD ROAD WASTEWATER S. B. D.
LORIDA S. B. F. D.	VANTAGE POINTE II S. B. D.
ORANGE BLOSSOM ESTATES S. B. D.	VENUS SPECIAL B. F. D.
ORANGE BLOSSOM UNIT 12 S. B. D.	WEST SEBRING S. B. F. D.
ISTOKPOGA MARSH WATERSHED IMPROVEMENT DISTRICT	
SUN 'N LAKE ESTATES AND ACREAGE OF LAKE PLACID—S. B. D.	
SUN 'N LAKES OF LAKE PLACID RECREATION DISTRICT	
HIGHLANDS LAKES SPECIAL TAX DISTRICT	
COUNTYWIDE FIRE DISTRICT	
OAK MANOR AVENUE ROAD PAVING MUNICIPAL SERVICE BENEFIT DISTRICT	

1 MEETING CALLED TO ORDER

2 CONSENT AGENDA

- 2.A *Request approval of the minutes from the October 19, 2021 and November 2, 2021 meetings of the Special Districts.*
[101921SPC.pdf](#)
[110221SPC.pdf](#)
- 2.B *To repeal prior resolutions and/or actions taken by the Board of Supervisors of the Sun 'n Lakes of Lake Placid Recreation District which are inconsistent with the action taken on November 2, 2021 and to direct staff to evaluate the current boundary in conjunction with the facility usage.*
Sherry G. Sutphen, County Attorney
Fiscal impact not yet determined
[Resolution 21-22-23.Sun n Lakes of LP Recreation Dist.Repeal action prior 11.02.21.SGS \(002\).pdf](#)

3 ACTION AGENDA

- 3.A *Request Direction from the Board of County Commissioners on how to progress with the Istokpoga Marsh Watershed Improvement District (IMWID) Phase 2 Impoundment Project #14041*
Jonathan Harrison, Road & Bridge Director
Dawn Ritter, Natural Resource Manager
Sherry Sutphen, County Attorney
Fiscal Impact is dependent upon Board direction.
[IMWID Powerpoint.ppt](#)

4 CITIZENS NOT ON THE AGENDA

5 ADJOURN

Any person who decides to appeal any decision made by the Board of Supervisors of any of the Special Districts of Highlands County, Florida, in a public hearing or quasi-judicial proceeding is hereby advised that he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which such appeal is to be based.

The Board of Supervisors of the Special Districts in Highlands County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions, including one's access to, participation, employment or treatment in its programs or activities. Anyone requiring reasonable accommodation as provided for in the Americans With Disabilities Act or Section 286.26, Florida Statutes should contact the Highland County Human Resources Department, ADA Coordinator at: 863-402-6509 (voice), or via Florida Relay Service 711, or by e-mail: hrmanager@highlandsfl.gov. Requests for CART or interpreter services should be made as soon as possible but no later than 48 hours in advance of a public meeting to permit coordination of the service.

Please note our new website address: www.highlandsfl.gov

Any invocation that may be offered before the official start of the meeting of the Board of Supervisors of the Special Districts of Highlands County shall be the voluntary offering of a private citizen. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by Highlands County, nor is Highlands County allowed by law to endorse the religious beliefs or views of any speaker.

**HIGHLANDS COUNTY
COUNTY COMMISSION AGENDA ITEM**

DATE OF ACTION REQUEST: December 7, 2021

PRESENTER:

SUBJECT/TITLE: Request approval of the minutes from the October 19, 2021 and November 2, 2021 meetings of the Special Districts.

RECOMMENDED ACTION

Move approval of the minutes from the October 19, 2021 and November 2, 2021 meetings of the Special Districts.

Attachments: [101921SPC.pdf](#)
[110221SPC.pdf](#)

MEETING OF THE DISTRICTS, OCTOBER 19, 2021

1. The meeting was called to order at 10:25 a.m., in the Highlands County Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida, with the following members present:

Commissioner Scott A. Kirouac
Commissioner Kevin J. Roberts
Commissioner Chris Campbell

Commissioner Kathleen G. Rapp
Commissioner Arlene Tuck

Also, present: Randy Vosburg, County Administrator; Sherry Sutphen, County Attorney; Jerome Kaszubowski, Clerk of Courts; and Jill Ann Shields, Deputy Clerk.

2. **CONSENT AGENDA**

Commissioner Campbell moved approval of the consent agenda as presented. Commissioner Tuck seconded the motion.

Upon roll call, all Commissioners voted aye. The motion carried.

- A. **Request approval of the minutes from the July 20, 2021 Meeting of the Special Districts.** *See Clerk of Courts website.*

3. **ACTION AGENDA**

- A. **Discussion of options and action related to future citizen involvement with the Sun 'N Lakes of Lake Placid Recreation District.**

Randy Vosburg, County Administrator, and Sherry Sutphen, County Attorney, presented the request and asked for direction from the Board to make a final decision specific to the following options that were presented and discussed:

1. Direct the County Administrator to coordinate periodic information gathering meetings and report back to the District Board with any findings.
 2. Encourage citizen groups to form voluntarily and report desires to District Board periodically at regular meetings of the District.
 3. Adopt Resolution formally creating a Sun 'N Lakes of Lake Placid Recreation District Advisory Committee which is subject to the sunshine law, has specified expectations and reporting responsibilities to the District Board.

Chairman Kirouac addressed the concerns he has received from citizens and discussed the process for each option should one get approved and voted on today.

Chairman Kirouac opened the floor for public input. Input was provided by Mark Sage, Donna Davis, Odalys Sage, Ronald Reed, Jody Forsythe, Allen Hyman, John Purcell, Mike Forsythe, Gail Goeddeke, Stan Schuham, and Nikki Hareholser (sp).

The Commission, County Administrator and County Attorney addressed the concerns raised by the public.

After public input, the Commission, County Administrator and County Attorney addressed their concerns in great detail.

Commissioner Tuck moved approval to direct the County Administrator to coordinate periodic information gathering meetings and report back to the District Board with any findings; and only those within the District to be issued keycards (who are assessed). Commissioner Campbell seconded the motion for discussion.

After further discussion, Commissioner Tuck amended her motion to move approval to direct the County Administrator to coordinate periodic information gathering meetings and report back to the District Board with any findings; encourage citizen groups to form voluntarily and report desires to District Board periodically at regular meetings of the District; and only those within the District to be issued keycards (who are assessed for the 2021/2022 Tax Year). Commissioner Campbell seconded the amended motion.

After further discussion and new findings with staff, County Attorney Sherry Sutphen stated that the exclusivity issue is more involved and needs more vetting to determine what the best and legal access to these facilities is, and the exclusivity of the boat ramp is now a major issue if there is not another public access to that waterway.

Randy Vosburg, County Administrator, concurred with Ms. Sutphen and asked if they may bring the exclusivity back before the Board at the November 2, 2021 meeting. Chairman Kirouac had no opposition and stated that he will place this issue on the November 2, 2021 agenda and if everything is in line at that time, the Commission can make a vote on the exclusivity. Chairman Kirouac confirmed with Mr. Vosburg that future facility uses will not be scheduled until after a decision is made at the November 2, 2021 meeting.

After further reconsideration, Commissioner Tuck rescinded her motion and Commissioner Campbell rescinded his second.

Commissioner Tuck moved approval to direct the County Administrator to coordinate periodic information gathering meetings and report back to the District Board with any findings; and to encourage citizen groups to form voluntarily and report desires to District Board periodically at regular meetings of the District. Commissioner Campbell seconded the motion.

Upon roll call, all Commissioners voted aye. The motion carried. **See SMB 144 Page 115.**

Mr. Allen Hyman presented a recording of Tom McNamara, which will be made part of the permanent record, and stated that Mr. McNamara is one of two surviving residents in their community who participated in the original handover of the park to the county. **See SMB 144 Page 115A.**

Sherry Sutphen, County Attorney, spoke on the property transfer to clarify how it was transferred and stated that she has reviewed the deed and there are no restrictions within the deed itself.

4. CITIZENS NOT ON THE AGENDA

Mike Forsythe came before the Commission to address his concerns with the Sun 'N Lakes of Lake Placid Recreation District.

Chairman Kirouac addressed Mr. Forsythe's concerns.

5. ADJOURN

Commissioner Roberts moved to adjourn the Meeting of the Districts. Commissioner Rapp seconded the motion.

Upon roll call, all Commissioners voted aye. The motion carried.

The meeting was adjourned at 12:31 p.m.

MEETING OF THE DISTRICTS, NOVEMBER 02, 2021

1. The meeting was called to order at 10:18 a.m., in the Highlands County Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida, with the following members present:

Commissioner Scott A. Kirouac
Commissioner Kevin J. Roberts
Commissioner Chris Campbell

Commissioner Kathleen G. Rapp
Commissioner Arlene Tuck

Also, present: Randy Vosburg, County Administrator; David "Matt" Raulerson, Assistant County Attorney; Sally Hood, Director of Accounting & Finance for the Clerk of Courts; and Jill Ann Shields, Deputy Clerk.

2. **CONSENT AGENDA**

This item was not considered or motioned for approval. **See SMB 145 Page 10.**

- A. ~~Request approval of the minutes from the August 3, 2021, August 17, 2021, September 7, 2021 and September 21, 2021 Meetings of the Special Districts.~~

3. **ACTION AGENDA**

- A. **Sun 'n Lakes of Lake Placid Recreation District – exclusivity discussion.**

Tanya Cannady, Business Services Director, presented the request and stated staff is seeking direction from the Board whether to amend the district boundaries and then make the facilities exclusive to individuals within the new boundaries.

Chairman Kirouac reminded the Commission they are acting as the Board of Supervisors for the Sun 'n Lakes of Lake Placid Recreation District and representing the 2,800+ citizens that are currently within the boundaries of this special district.

Chairman Kirouac opened the floor for public input. Input was received by Connie Reed, Ron Reed, Guy Lewinski, Claudia Lewinski, Larry Walker, Jody Forsythe, Mike Forsythe, and Beverly Murtaugh.

Chairman Kirouac addressed the concerns raised by the public.

After public input, the Board and County Administrator addressed their concerns in great detail.

Commissioner Campbell made a motion to direct county staff to evaluate the current Sun 'n Lakes of Lake Placid Recreation MSBU boundary in conjunction with the current MSBU facility usage, and bring an ordinance to the Board of County Commissioners which revises the MSBU boundary to include all properties which should be deriving a special benefit from the MSBU facilities, and simultaneously with the implementation of the MSBU assessment for the fiscal year beginning October 1, 2022, the MSBU facilities shall be maintained for the EXCLUSIVE use of those assessed properties. Commissioner Roberts seconded the motion.

Upon roll call, all Commissioners voted aye, except for Commissioner Tuck, who voted nay. The motion carried. **See SMB 145 Page 11.**

Mr. Vosburg informed the public that although the motion speaks to exclusivity in 2022, staff has direction from the Board to continue the sale of keycards this year.

Mr. Guy Lewinski and Mrs. Claudia Lewinski presented documentation on behalf of Attorney Anthony Velardi, who asked that it be presented to the Clerk to be made part of the permanent record. Mr. and Mrs. Lewinski also presented their own documentation to the Clerk, which will also be made part of the permanent record. **See SMB 145 Page 11A.**

4. CITIZENS NOT ON THE AGENDA

No participants.

5. ADJOURN

Commissioner Campbell moved to adjourn the Meeting of the Districts. Commissioner Tuck seconded the motion.

Upon roll call, all Commissioners voted aye. The motion carried.

The meeting was adjourned at 11:24 a.m.

**HIGHLANDS COUNTY
COUNTY COMMISSION AGENDA ITEM**

DATE OF ACTION REQUEST: December 7, 2021

PRESENTER: Sherry G. Sutphen, County Attorney

SUBJECT/TITLE: To repeal prior resolutions and/or actions taken by the Board of Supervisors of the Sun 'n Lakes of Lake Placid Recreation District which are inconsistent with the action taken on November 2, 2021 and to direct staff to evaluate the current boundary in conjunction with the facility usage.

STATEMENT OF ISSUE

The District Board of Supervisors directed County staff to evaluate the current Sun 'n Lakes of Lake Placid Recreation District MSBU boundary with the implementation of the MSBU assessment within the new boundaries for the fiscal year beginning October 1, 2022 in which the facilities shall be maintained for the exclusive use of those assessed properties.

RECOMMENDED ACTION

Move to approve Resolution 21-22-33 that repeals prior resolutions and/or actions taken by the Board of Supervisors of the Sun 'n Lakes of Lake Placid Recreation District which are inconsistent with the action taken on November 2, 2021 and to direct staff to evaluate the current boundary in conjunction with the facility usage.

FISCAL IMPACT

Fiscal impact not yet determined

Attachments: [Resolution 21-22-23.Sun n Lakes of LP Recreation Dist.Repeal action prior 11.02.21.SGS \(002\).pdf](#)

RESOLUTION NO. 21-22-33

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SUN 'N LAKES OF LAKE PLACID RECREATION DISTRICT PERTAINING TO FACILITY USAGE WITHIN THE DISTRICT BOUNDARY; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR REPEAL OF PRIOR RESOLUTIONS OR ACTIONS; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Highlands County Board of County Commissioners created the Sun 'N Lakes of Lake Placid Recreation District (District) in 1992 for purposes including but not limited to constructing, acquiring, undertaking, furnishing and maintaining recreation benefits in the Area of the District; and

WHEREAS, the District maintains several recreational facilities within its jurisdictional boundaries which have been open to the general public through the sale of special key cards; and

WHEREAS, recently the District tasked County staff with evaluating the boundary of the District and usage of the facilities within the District; and

WHEREAS, it is the expectation of the District Board of Supervisors that County staff with recommend revisions which are in the best interest of the District.

NOW, THEREFORE, be it resolved by the Board of Supervisors of the Sun 'N Lakes of Lake Placid Recreation District of Highlands County, Florida, that:

SECTION 1. Legislative Findings. The District has complied with all requirements and procedures of Florida law in processing this Resolution. The above recitals are hereby adopted.

SECTION 2. Repeal of Prior Resolutions and/or Actions. All prior Resolutions adopted and/or actions taken by the District which are inconsistent with the action taken on November 2, 2021, as set forth hereafter, are hereby repealed:

Motion: Direct County staff to evaluate the current Sun 'n Lakes of Lake Placid Recreation MSBU boundary in conjunction with the current MSBU facility usage and bring an ordinance to the Board of County Commissioners which revises the MSBU boundary to include all properties which should be deriving a special benefit from the MSBU facilities and simultaneously with the implementation of the MSBU

assessment for the fiscal year beginning October 1, 2022, the MSBU facilities shall be maintained for the exclusive use of those assessed properties.

SECTION 3. Implementation of Administrative Actions. The County Administrator is hereby authorized and directed to take such action as may be deemed necessary and appropriate in order to implement the provisions of this Resolution. The County Administrator may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such County employees as deemed effectual and prudent.

SECTION 4. Savings Clause. All prior actions of Highlands County pertaining to the recommendations for revisions to the Sun 'N Lakes of Lake Placid Recreation District, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Resolution.

SECTION 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the County Administrator and County Attorney, may be corrected.

SECTION 6. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION 7. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 7th day of December 2021.

**BOARD OF SUPERVISORS OR THE SUN 'N
LAKES OF LAKE PLACID RECREATION
DISTRICT OF HIGHLANDS COUNTY,
FLORIDA**

By: _____
Kathleen Rapp, Chair

(SEAL)

ATTEST: _____
Jerome Kaszubowski, Clerk of Court
Secretary of the District

HIGHLANDS COUNTY
COUNTY COMMISSION AGENDA ITEM

DATE OF ACTION REQUEST: December 7, 2021

PRESENTER: Jonathan Harrison, Road & Bridge Director
Dawn Ritter, Natural Resource Manager
Sherry Sutphen, County Attorney

SUBJECT/TITLE: Request Direction from the Board of County Commissioners on how to progress with the Istokpoga Marsh Watershed Improvement District (IMWID) Phase 2 Impoundment Project #14041

STATEMENT OF ISSUE

The completion and operation for the Phase 1 Impoundment began roughly March 2020. The Phase 2 Impoundment engineering designs were completed in 2019. However, no easements were attained through the purchase of the property being utilized for the impoundment. Based on the design phase, easements are needed from five (5) IMWID landowners and no exchange agreement has been finalized to date. This is a grant funded project so time constraints are a concern with the need to finish construction by September 2023 via DEP. FDACS has provided Highlands County an amendment to extend the construction deadline to 2024. Yet, this has not been executed due to the issues attaining the necessary easements for construction. Phase 2 has already been permitted for construction work that can commence when easements are attained. This permit is set to expire in August 2024 by SFWMD and November 2024 by the U.S. Army Corporation of Engineers.

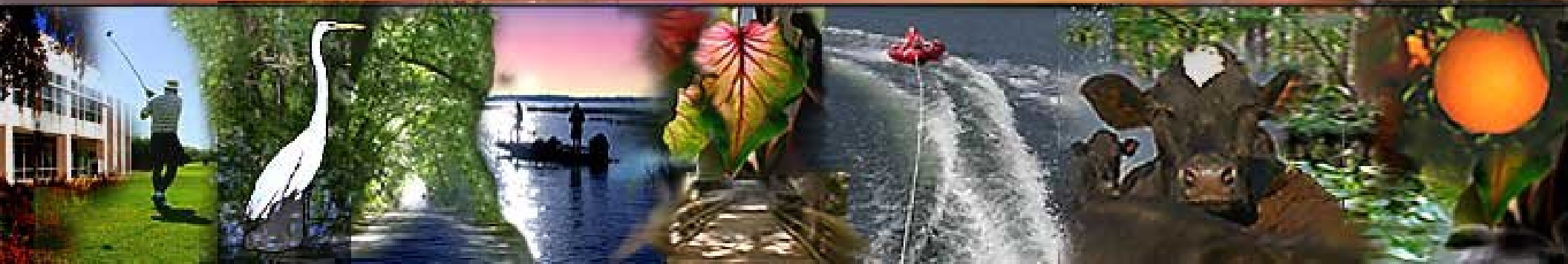
RECOMMENDED ACTION

Move to continue or discontinue the agreements between Highlands County Board of County Commissioners and the following agencies--Florida Department of Environmental Protection (FDEP), Florida Department of Agricultural and Consumers Services (FDACS), and South Florida Water Management District (SFWMD).

FISCAL IMPACT

Fiscal Impact is dependent upon Board direction.

Attachments: [IMWID Powerpoint.ppt](#)



ISTOKPOGA MARSH WATERSHED IMPROVEMENT DISTRICT Phase II Impoundment

Istokpoga Marsh Watershed Improvement District (IMWID)

Legend

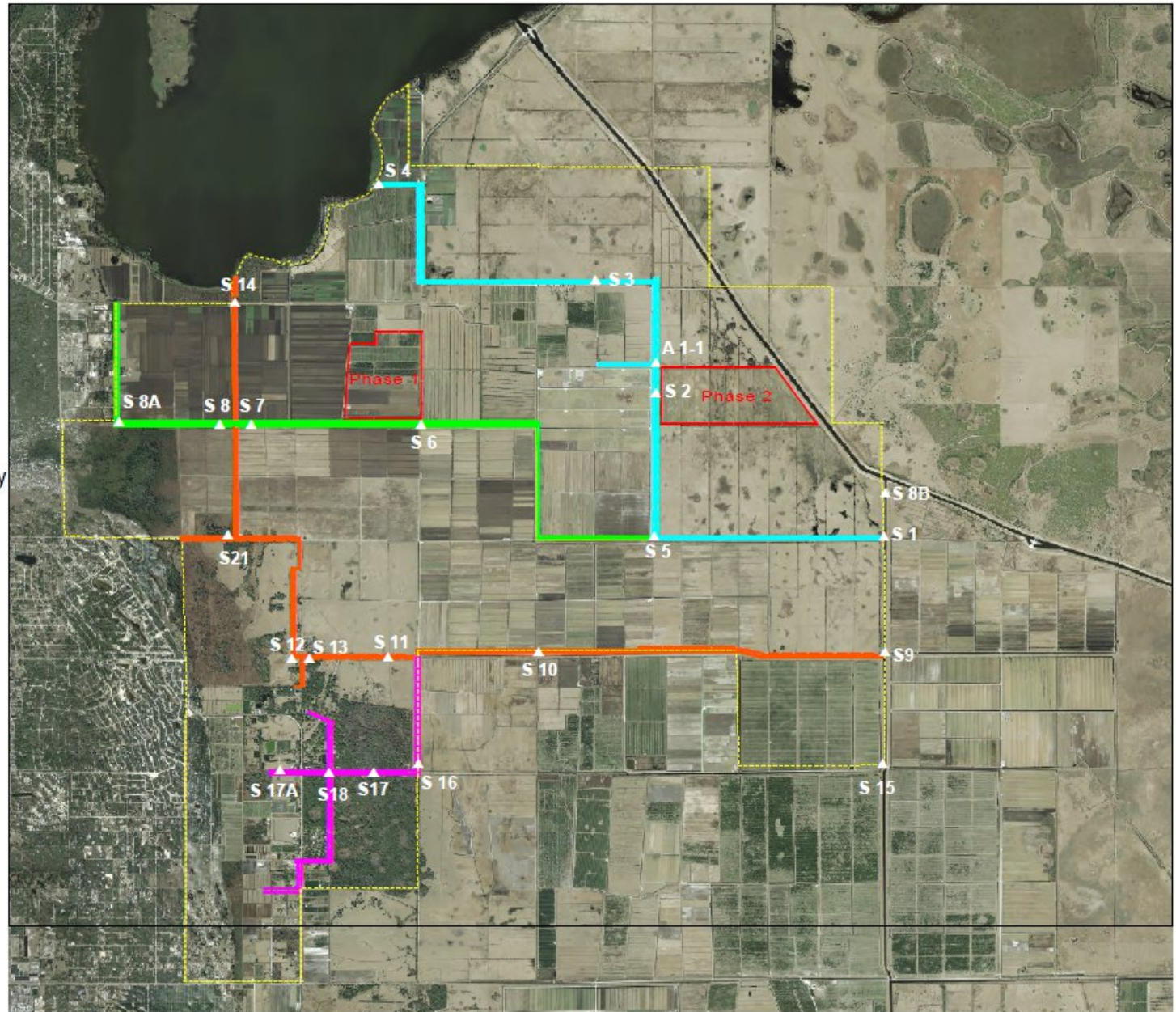
- ▲ Structures
- Channel_A
- Channel_B
- Channel_C
- Channel_D
- IMWID Outline (County Ordinance 80-2)
- Impoundments

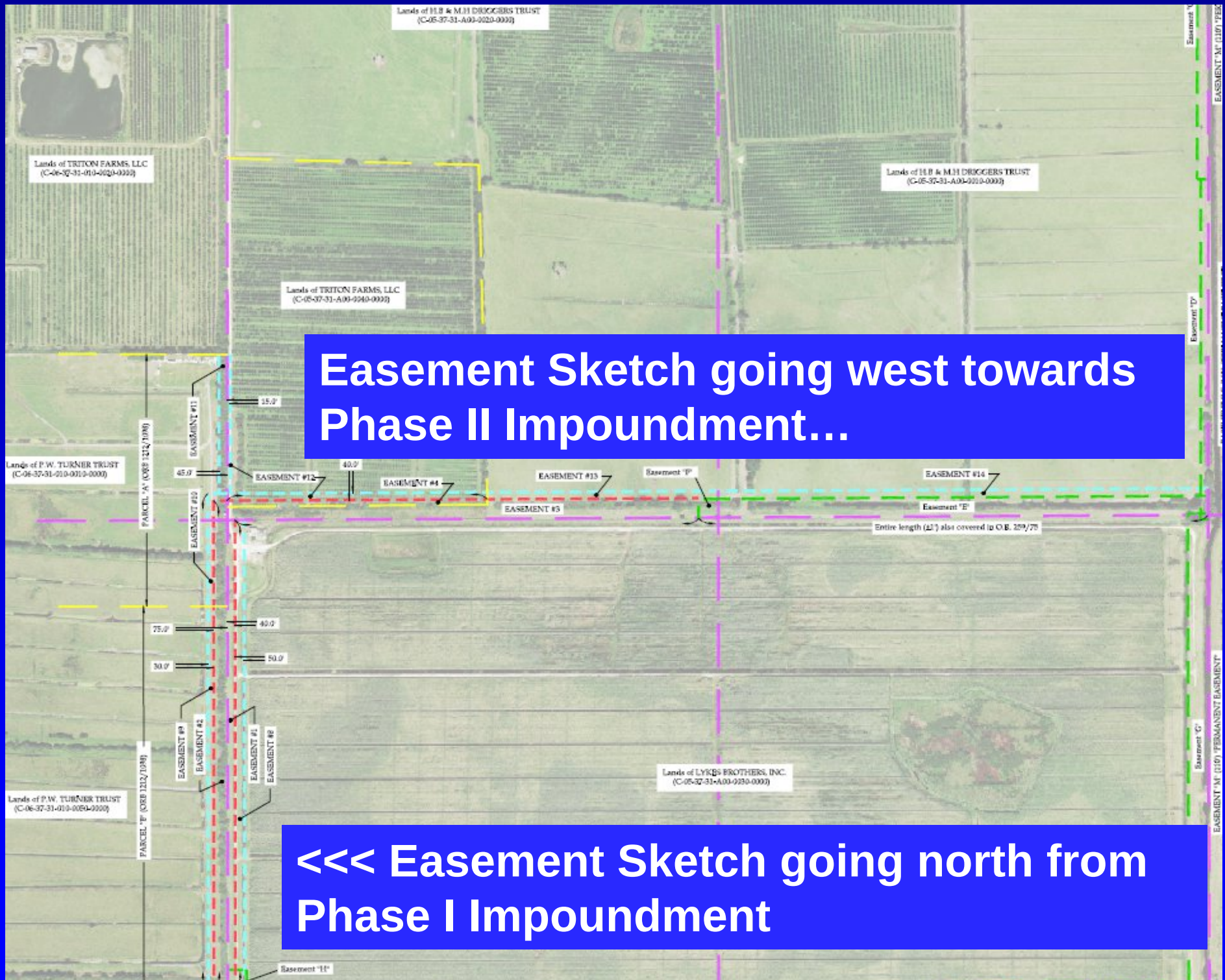


0 2,700 5,400 10,800 Feet

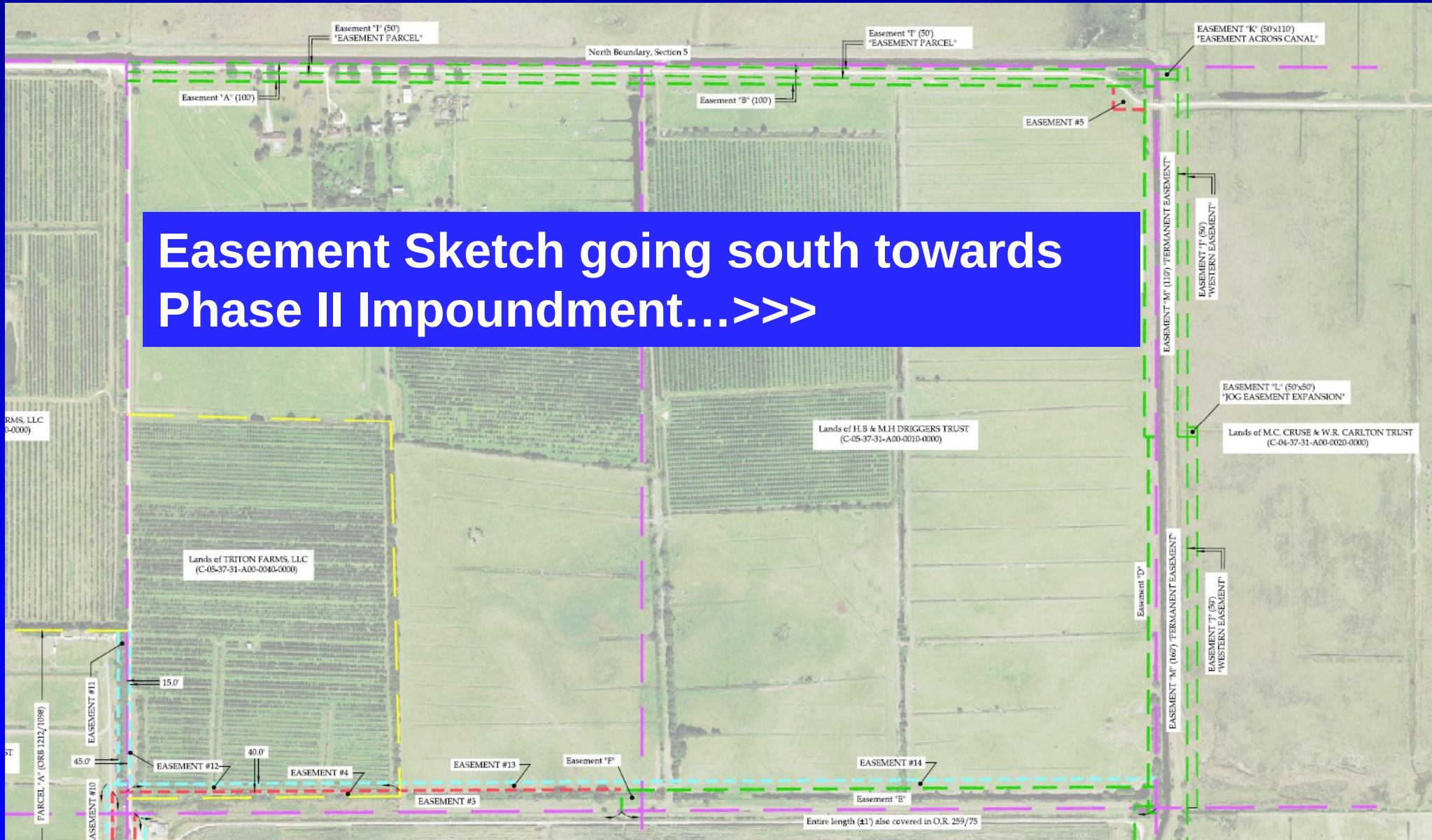


Highlands County
Natural
Resources
Division-2021

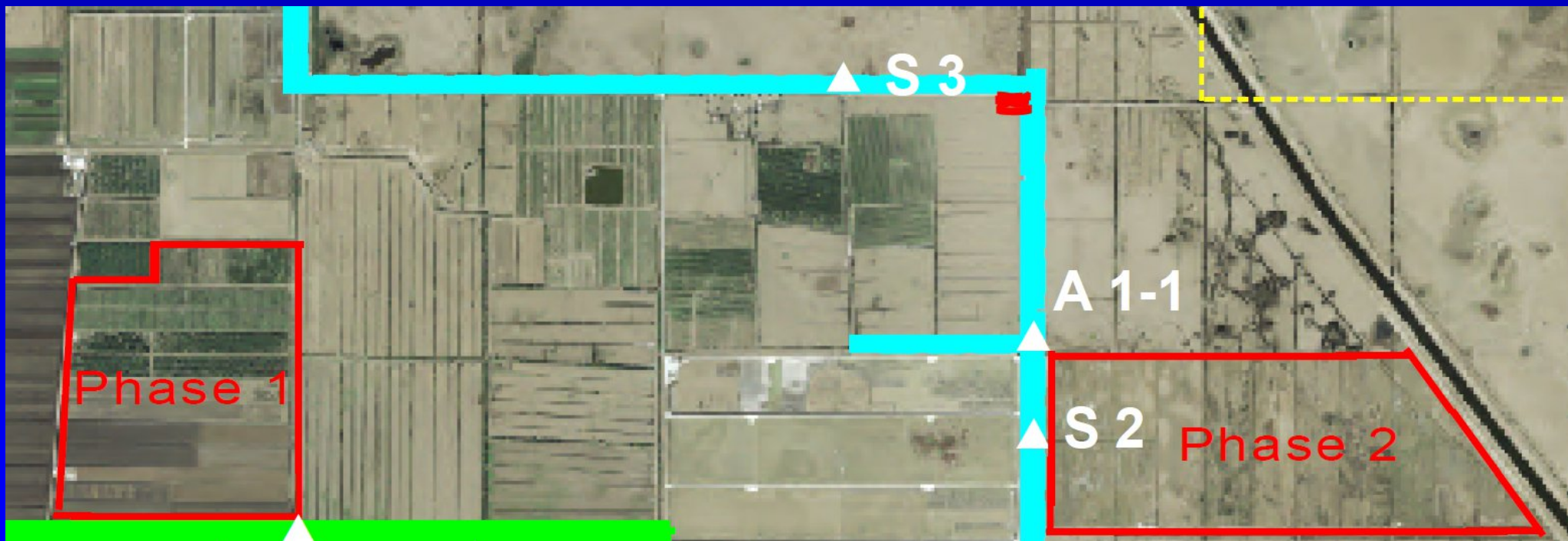




Easement Sketch going south towards Phase II Impoundment...>>>



Complete Easement Sketch



Easement Acreage and Relative Property Owner

1. Turner = 4.735 drainage easement
1.484 temporary construction easement
0.507 temporary construction easement
0.811 temporary construction easement
2. Lykes = 2.425 drainage easement
1.516 temporary construction easement
3. Triton = 1.022 drainage easement
1.553 temporary construction easement
4. Driggers = 5.378 drainage easement
0.441 ingress/egress easement
1.140 temporary construction easement
2.602 temporary construction easement

FUNDING

- All funding partners have stated they will not provide funding for attaining easements
- All funding for the attainment of easements will come from the District funds
- Current District Funds: \$347,507
- FY 22 Estimation: \$143,000

FUNDING

- FY 22 Total Funds: \$490,507.00
- FY 22 Estimated Expenditures: \$148,000
- Remaining Funds (before easements): \$342,507
- Projected Easement Funds: \$127,891 (NOT including exchange demands)
- Remaining Funds (after easements): \$214,616 (NOT including exchange demands)

FISCAL IMPACT AND OPTIONS

OPTION 1: Discontinue the Project

Reimburse Funding Partners...

SFWMD—\$2,779,640 for land acquisition

FDACS—\$439,000 for design/development

Total Reimbursement: \$3,218,640

Reimbursed through possible sale of the 400 acre property and any remaining funds will come from the District.

Funding partners have committed to assist with alternate projects.

FISCAL IMPACT AND OPTIONS

OPTION 2: Continue the Project

Funding partners have expressed the need for a timely solution.

Any additional funding to acquire the easements will have to come from the District.

There is a possibility that current funding could be pulled if attainment of easements become further prolonged.