

## REGULAR MEETING

### TOWN OF LAKE PLACID COUNCIL JANUARY 12, 2009 5:30 P.M.

Mayor Tom Katsanis called the regular monthly meeting of the Town of Lake Placid Town Council to order on Monday January 12, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. The Invocation was led by Rev. Drew Severance and Pledge of Allegiance was led by Taylor Tess.

#### ROLL CALL:

Mayor Tom Katsanis  
Council Member Carol Smart  
Council Member Charles Wilson  
Council Member Ray Royce  
Council Member Steve Bastardi

Deputy Clerk Jackie Haynes  
Town Attorney Bert Harris  
Town Planner Sue BuChans  
Town Public Works Director Jim Fulton  
Town Utility Director Gary Freeman  
Town Recreation Director John Komasa  
Town Police Chief Phil Williams

CITIZENS NOT ON THE AGENDA: There were no comments

#### CONSENT AGENDA:

- A. Approval of Agenda
- B. Approval of Monthly Meeting Minutes and Special Meeting Minutes
- C. Approval of Monthly Reports and Payment of Monthly Bills
- D. Approval of Interlocal Agreement for Recreation Funds from County
- E. Approval of Resolution No. 2009-001 – Denying deletion of City's Water/Sewer Surcharge outside of Town limits.
- F. Approval of Interlocal Agreement- Town/ County ( Miracle League Field)
- G. Approval Henscratch Farms request to provide wine samples at Country Fair

Council Member Steve Bastardi asks is he can see a report of monthly bills for Month to date with BVA. Mayor Katsanis advised Council Member Bastardi to see Clerk Tuck for the information he wants provided.

After discussion, Council Member Bastardi made a motion that the consent agenda be approved as presented; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

#### PRESENTATIONS:

Town Police Chief Phil Williams presented awards to the Town's reserve officers for helping with events that have occurred in the Town and commend them on a job well done by publicly doing so. The Reserve officers are: Captain Richard Morey, Officer Eddie Conklin, Officer Kerry Lanier, Officer Charles Wolfe, Officer Gerry Perez, and Officer J.B. Benton.

#### PUBLIC HEARINGS:

- A. Site Plan- Racetrac. Town Planner Sue Buchans stated that the applicant, RaceTrac, is requesting site plan recommendation approval for a proposed Racetrac Service Station. She, Atty. Harris and Racetrac Corp. met with the Florida Department of Transportation (FDOT) on Thursday, January 7, 2009 to discuss Racetrac. Mrs. BuChans stated that FDOT will not permit RaceTrac the in/out access on US 27 and the FDOT recommends a backage road configuration over a frontage road. A north/ south backage road between South Lakeview Drive and Alderman Drive would do a better job of carrying the traffic to these access roads, which than feed in to US 27. Mrs. Buchans further stated that she does not recommend the public jug-handle.

Mrs. Buchans stated that staff's recommended motion would be:

Move to recommend the Town Council approve site plan with the following conditions:

1. FDOTs US 27 Corridor Access management Plan as adopted by the Town Unanimously in April 2008.
2. The Greater Lake Placid Planned Vision policies for US Highway 27 Access Management and Multi-use Trails and Paths.
3. Meet the Town's adopted Comprehensive Plan.
4. Comply with FDOTs November 7, 2008 letter, a right-in only from US 27 as a permanent driveway, with the following conditions: (a) When a permit is processed for this project, it should be issued as a NON-CONFORMING PERMIT; (b) This right-in only is to be constructed 14-16 wide with ingress of 75 feet and egress of 5 feet; (c) There is to be a joint drive with the adjacent property when developed: and(d) This joint access will be required to be placed at a distance of 660 feet from the intersection of US 27 and South Lakeview.
5. US 27 Driveway. Any driveway on to US 27 shall be part of frontage/ backage road and shall be dedicated to the Town of Lake Placid and properly engineered.
6. Comply with the Town Engineer comments.
7. Meet the Town's Comprehensive Plan pursuant to 5F by obtaining a permit from FDOT with respect to access on US Highway 27.
8. Construct an eight foot (8') pedestrian trail pursuant to the Town's Greater Lake Placid Planned Vision Plan and the County's LDR's Section 12.09.103 C. PEDESTRIAN AND ACCESS STANDARDS, adopted in the Town Bullard Ordinance.
9. The Town's development order should stipulate that the required landscaping be maintained and if any trees or shrub should die. A new one shall be planted of the same size and type in its place.
10. Relocate storm water management pond to allow direct access to the Holiday Inn Express.
11. Meet the LPA's issues motioned in their November 17, 2008 meeting: (1) adjust right-in to the south to be divided both by RaceTrac and Mr. Martinez equally and provide direct access to Holiday Inn Express.
12. All utilities should be placed underground.
13. The proposed building should reflect a brick finish.
14. Nothing should be placed on the roof of the proposed building.
15. The Air Conditioners and other utilities will be screened by a wall similar to the façade.
16. Elevations will be substantially equal as the ones previously submitted for RaceTrac.

Tom Sullivan, attorney representing RaceTrac, stated his clients will continue to talk with FDOT to seek approval. Mr. Sullivan gave plan of Version A and B. Both site plans were reviewed and Mr. Sullivan stated the only difference in Version B is there is no right of way. With discussion Council Member Royce asked Atty. Harris will Mr. Martinez dedicate his right of way to RaceTrac? Mr. Harris stated that he has not spoke with Mr. Martinez personally, but has spoke with Mr. Martinez attorney Mr. Sheehan and he stated that Mr. Martinez was in agreement with the right in/ right out and is ready to dedicate but not construct. Mr. Sullivan reassured the Council that if Mr. Martinez dedicates right of way his client, RaceTrac, they will not build on the right of way.

Atty. Harris stated that in his opinion, if RaceTrac gets FDOT to co-orporate and gets the speed limit reduced that would relieve the safety issue a bit. County Engineer, Ramon Gavarette stated the main reason with FDOT is safety issues and the backage road is very important on US 27 and will be safer. Mr. Gavarette further stated that with Version B it would allow a full access road and backage road will be there for public access. Mr. Gavarette also supported with Atty. Harris that the effort to suggest to FDOT of lowering the speed limit to 45 and do not allow U turns it would make the right in and right out safer.

Race Trac landscape planner, gave plans for Landscape Version A and B to be reviewed by Town Council. With discussion, Council Member Royce and Council Member Bastardi suggested that once a tree or scrub has died that their will be a time limit that it needs to be replaced. Racetrac also gave a hand out for the elevation of the building. With discussion, Council Member Royce suggested that this brick finish be on all sides of the building and also no promotional advertising materials placed on the building.

Mr. Sullivan stated that RaceTrac's recommended motion be:

Move to recommend the Town Council approve site plan with the following conditions:

1. Frontage/Backage Road (Jug-handle). Town council approves a right-in/ right-out driveway on US 27 and in the event FDOT issues a permit for such access, construct and reserve for dedication to the public a backage road(30 feet wide right-of-way) on the east side of the site in accordance with Version A of the site plan. Following the

grant of reciprocal access rights from Holiday Inn and the property owner(s) of the adjacent property to the south, dedicate the above-referenced portions of the property reserved for dedication to the public for use as a right-of-way. Additionally, following the dedication of 15 feet of right-of-way by the adjacent property owner to the south, which right-of-way shall be immediately contiguous to the 15 feet of right-of-way on the south side of the RaceTrac site, construct a 15 feet wide access road on such combined right-of-way in coordination with the Town of Lake Placid and the property owner(s) of the adjacent property to the south. As the granting of the above-referenced reciprocal access rights and dedication of the contiguous southern right-of-way depend upon actions on the part of Holiday Inn and the property owner(s) of the adjacent property to the south, such actions and the resulting actions required of RaceTrac shall not be required to be completed prior to the issuance of a building permit or certificate of occupancy for the RaceTrac project.

Alternatively, in the event FDOT issues a permit for a right-in only driveway on US 27 Town Council approves such access provided that RaceTrac shall construct and reserve for dedication to the public a backage road (30 feet wide right-of-way) on the east side of the site in accordance with Version B of the site plan. Furthermore, in such event, reserve for dedication 15 feet right-of-way on the south side of the site in accordance with Version B of the site plan. Following the grant of reciprocal access rights from Holiday Inn and the property owner(s) of the adjacent property to the south, dedicate the above referenced portions of the property reserved for dedication to the public for use as right-of-way. Additionally, in accordance with Version B of the site plan, full access shall be provided to the site on South Lakeview Road. As the granting of the above-referenced reciprocal access rights depend upon actions on the part of Holiday Inn and the property owner(s) of the adjacent property to the south, such actions and the resulting actions required if RaceTrac shall not be required to be completed prior to the issuance of a building permit or certificate of occupancy for the RaceTrac project.

2. US 27 Driveway. Any driveway on to US 27 shall be part of a frontage/ backage road and shall be reserved for dedication or dedicated to the Town of Lake Placid, as referenced in the preceding condition, and properly engineered.
3. As depicted on Version A of the site plan, meet the LPA's issues motioned in their November 17, 2008 meeting: (1) adjust right in and right-out to the south to be divided both by RaceTrac and Mr. Martinez equally and provide direct access to Holiday Inn Express.
4. Comply with the Town Engineer comments.
5. Meet the Town's Comprehensive Plan pursuant to 5F by obtaining a permit from FDOT with respect to access on US Highway 27.
6. Construct an eight foot (8') pedestrian trail pursuant to the Town's Greater Lake Placid Planned Vision Plan and the County's LDR's Section 12.09.103 C. PEDESTRAIN AND ACCESS STANDARDS, adopted in the Town Bullard Ordinance.
7. The Town's development order should stipulate that the required landscaping be maintained and if any trees or shrubs should die, a new one shall be planted of the same size and type in its place.
8. Relocate storm water management pond to allow direct access to the jug handle back to the Holiday Inn Express.
9. All utilities should be placed underground.
10. The proposed building should reflect a brick finish.
11. ~~Nothing~~ should be placed on the roof of the proposed building.( Nothing should be replaced with No mechanical equipment unless screened from view and no advertising materials)
12. The Air Conditioners and other utilities will be screened by a wall similar to the façade.
13. Elevations will be substantially equal as the ones previously submitted for RaceTrac.

After review of each recommendation presented by Tom Sullivan and with much discussion by Town Council, Council Member Ray Royce made the following motion:

Move to recommend the Town Council approve the site plan with the following conditions:

1. Frontage/Backage Road (Jug-handle). Town council approves a right-in/ right-out driveway on US 27 and in the event FDOT issues a permit for such access, construct and reserve for dedication to the public a backage road(30 feet wide tight-of-way) on the east side of the site in accordance with Version A of the site plan. Following the grant of reciprocal access rights from Holiday Inn and the property owner(s) of the adjacent property to the south, dedicate the above-referenced portions of the property reserved for dedication to the public for use as right-of-way. Additionally, following the dedication of 15 feet of right-of-way by the adjacent property owner to the south, which right-of-way shall be immediately contiguous to the 15 feet of right-of-way on the south side of

the RaceTrac site, construct a 15 feet wide access road on such combined right-of-way in coordination with the Town of Lake Placid and the property owner(s) of the adjacent property to the south. ~~As the granting of the above referenced reciprocal access rights and dedication of the contiguous southern right of way depend upon actions on the part of Holiday Inn and the property owner(s) of the adjacent property to the south, such actions and the resulting actions required of RaceTrac shall not be required to be completed prior to the issuance of a building permit or certificate of occupancy for the RaceTrac project.~~

Alternatively, in the event FDOT issues a permit for a right-in only driveway on US 27 Town Council approves such access provided that RaceTrac shall construct and reserve for dedication to the public a backage road (30 feet wide right-of-way) on the east side of the site in accordance with Version B of the site plan. Furthermore, in such event, reserve for dedication 15 feet right-of-way on the south side of the site in accordance with Version B of the site plan. Following the grant of reciprocal access rights from Holiday Inn and the property owner(s) of the adjacent property to the south, dedicate the above referenced portions of the property reserved for dedication to the public for use as right-of-way. Additionally, in accordance with Version B of the site plan, full access shall be provided to the site on South Lakeview Road. As the granting of the above-referenced reciprocal access rights depend upon actions on the part of Holiday Inn and the property owner(s) of the adjacent property to the south, ~~such actions and the resulting actions required if RaceTrac~~ shall not be required to be completed prior to the issuance of a building permit or certificate of occupancy for the RaceTrac project.

2. US 27 Driveway. Any driveway on to US 27 shall be part of a frontage/ backage road and shall be reserved for dedication or dedicated to the Town of Lake Placid, as referenced in the preceding condition, and properly engineered.
3. As depicted on Version A of the site plan, meet the LPA's issues motioned in their November 17, 2008 meeting: (1) adjust right in and right-out to the south to be divided both by RaceTrac and Mr. Martinez equally and provide direct access to Holiday Inn Express.
4. Comply with the Town Engineer comments.
5. Meet the Town's Comprehensive Plan pursuant to 5F by obtaining a permit from FDOT with respect to access on US Highway 27.
6. Construct an eight foot (8') pedestrian trail pursuant to the Town's Greater Lake Placid Planned Vision Plan and the County's LDR's Section 12.09.103 C. PEDESTRAIN AND ACCESS STANDARDS, adopted in the Town Bullard Ordinance.
7. The Town's development order should stipulate that the required landscaping be maintained and if any trees or shrubs should die, a new one shall be planted of the same size and type in its place within 30 days of notification.
8. Relocate storm water management pond to allow direct access to the jug handle back to the Holiday Inn Express.
9. All utilities should be placed underground.
10. The proposed building ~~should~~ shall reflect a consistent brick finish on all sides.
11. ~~Nothing~~ should be placed on the roof of the proposed building. ( Nothing should be replaced with No mechanical equipment unless screened from view and no advertising materials)
12. The Air Conditioners and other utilities will be screened by a wall ~~similar~~ identical to the façade.
13. Elevations will be substantially equal as the ones ~~previously~~ as submitted ~~for~~ by RaceTrac on January 12, 2009.
14. Comply with the Town's LDR standards.

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

At 6:15 PM Mayor Katsanis called a recess for 10 minutes.

At 6:30 PM Mayor Katsanis called meeting to order.

- B. Resolution- Sewer Capacity- Atty. Harris presented Resolution of the Town of Lake Placid Regarding Sewer Plant Capacity and Connections (Amended). He stated that after discussion with Mr. Freeman and Clerk Tuck the Resolution was amended to show the following:

Section 1. The actual numbers of capacity of the Town's sewer plant. This states The Town's wastewater treatment plant is currently designed, constructed and permitted to treat 250,000 gallons of wastewater per day. The Town's Utility Director reported to the Town Council that the current flow (12 month average) into the wastewater treatment plant is 58,883 gallons per day (gpd), and the system currently has permitted plant capacity exceeding 180,000 gpd. Accordingly, the Lake Placid Town Council determines that sewer plant capacity is available. Specifically, the Town's sewer plant capacity is at least 180,000 gallons per day.

Section 2. Notice of Capacity. This now states that Town Clerk Tuck will give notice to the owners of each lot or parcel of land within 200 feet of the Town's sewer collection system, upon which any building or trailer is situated for residential, commercial or industrial use that sewer plant capacity is available and that said owner shall cause connection to be made within six (6) months of the notice.

Section 3. Connections. All connections shall be made by the respective land owner according to the provisions of the Town Code.

Section 4. Implementation of Fees and Charges. The effective date has been changed to 1 July 2009 to have the six (6) months required by Town code.

Section 5. Penalties For Failure To Pay. No changes.

Section 6. Payment Options For The System Development Charges. C. Default in payment has been added stating the default in payment of a note due to the Town shall be a violation of Town Code Sections 135-19 and Section 135-51.

Section 7. Residential Backflow Prevention. Has been added stating the Town hereby suspends implementation of the residential backflow preventers until the Florida Department of Environmental Protection adopts the appropriate rules governing the same; provided however that residential and commercial backflow preventers may be required by the Town's Utility Director as needed in his discretion to protect the towns potable water system.

With discussion Council Member Smart suggested that the word temporally be added before the word suspends in Section 7, because this may change pending the decisions being made by the Florida Department of Environmental Protection. Atty. Harris stated that he agrees with Council Member Smart's suggestion of the change, because this may not be permanent.

Atty. Harris read Resolution of the Town of Lake Placid Regarding Sewer Plant Capacity and Connection (Amended) by title only.

Council Member Bastardi made a motion to approve Resolution of the Town of Lake Placid Regarding Sewer Plant Capacity and Connection (Amended) read by title only with change suggested by Council Member Smart; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

- C. Ordinance Number 09-590- Atty. Harris read Ordinance No. 09-590 by title alone. Atty. Harris discussed on page 7 of 10 section 135-51(q) (iii) Low Pressure Line that himself, Mr. Freeman, and Ms. Tuck discussed that low pressure should be for business and residential, for that is what the staff and Council agreed upon in earlier meetings. In this section it states that The Town (upon written request of an owner connecting to the Town's Low-pressure waste water collection line) shall grant to the owner a \$2,000.00 one-time credit toward the Owners utility fees and /or charges, if the Owner pays the sewer system development charges before 1 January 2009. Atty. Harris recommended that the Town Council consider adding, after the word pays, (by cash or note). Also Atty. Harris recommended that the charge before date be changed from 1 January 2009 to 30 June 2009 so that it would be consistent with the Resolution that was passed. With these changes Section (q) iii would read: The Town (Upon written request of an owner connecting to the Town's low-pressure wastewater collection line) shall grant to the owner a \$2,000.00 one-time credit toward the Owners utility fees and /or charges, if the Owner pays (by cash or note) the sewer system development charge before 30 June 2009. Subsection 135-51 (q)(iii) sunset on 1 July 2009 and shall then become null and void; provided however that all payment arrangements then made there under shall remain in full force and effect.

Atty. Harris also discussed on page 8 of 10 Section 135-73 (3). Atty. Harris stated that an error was found in the text and where two thousand eight hundred dollars (\$2,800) is struck out the wording has been corrected to read three thousand two hundred dollars (\$3,200.00).

Atty. Harris also stated that in Section 135-74 it has been made to be consistent to the resolution not distinguishing residential from commercial and that both are to be treated the same.

Mayor Katsanis asked may they be any discussion from the floor.

Citizen Ms. Debra Worley stated that she disagrees with doing away with the credit for low pressure, and that she thinks the cost is being put on the landowner and the Town is not making it equitable for the taxpayers with vacant lots. Ms. Worley also stated that the Town should give some type of equity credit for the people that have vacant lots with low pressure. Council Member Royce asked Ms. Worley if she was suggesting that the Town

give the people with vacant lots some type of credit that has low pressure? Ms. Worley stated that he is correct, that is what she is asking for. Atty. Harris stated that this puts him in a policy position and he thinks that this is a fair question but the staff has discussed that they would not extend the credit to new construction, but he would let Mr. Freeman speak more on this subject. Mr. Freeman stated that many times this has come up and the impact fees will be the same either way. Council Member Wilson stated that the Town has to consider the upgrades in the system. Mr. Freeman stated that the cost is going up for the tank, electric and plumber, and that is why Ms. Worley is suggesting that we not have an end date. Mr. Freeman continues to state that he agrees that a new construction should pay impact fees in full without a loan but get the \$2,000 credit.

After Discussion Atty. Harris stated that he would not address Ms. Worley's recommendation today but would bring it back as an additional amendment.

Council Member Bastardi motioned to adopt and approve on second hearing Ordinance 09-590 with changes. Motion seconded by Council Member Smart; On roll call, motion carried unanimously.

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

##### A. Town Planner:

1. Letter from Jim Polatty concerning Planning Position- Mr. Polatty stated that Mrs. Sue BuChans has received another position with the County Planning Department and her position for Town Planner is vacant. Mayor Katsanis suggested that the Town continue the relationship with the County. Council Member Royce stated that he thinks we can look into the cost of going with another consultant, but stay with the county until the end of the budget year.

With discussion, Mayor Katsanis designated Council Member Royce to research the cost perspective and research with other consultants. Mayor Katsanis also designated Council Member Bastardi to represent the Town on Thursday, January 15, 2009 for interviews of prospective candidates for the Town Planner position. After discussion, Council Member Royce made a motion to continue with County Planning Department under contract. Motion was seconded by Council Member Bastardi; On roll call, motion carried unanimously.

##### B. Recreation Director:

1. Bid Opening on T-Ball Field surfacing- Mr. Komasa stated that the bids were open today at 2:00 PM and Bids were received from Allaire Unique Surfacing, Surface America, Child Safe America, and North American Specialty Flooring. Based on his, Jackie Haynes, Sandra Bass and Dennis Orlos findings, Mr. Komasa is recommending the Town Council approve the bid from Surface America. Mr. Komasa stated that Surface America met all of the requirements that were asked, and their bid was the lowest cost at \$95,000. With discussion, Mr. Komasa was asked by Town Council to write a letter from the Town to the County stating that we have made their match of the \$80,000 and send it with interlocal agreement.

After discussion, Council Member Royce motioned to accept the Bid from Surface America and move forward subject to the complete execution of the interlocal agreement with Highlands County. Motion was seconded by Council Member Bastardi; On roll call, motion carried unanimously.

##### C. Public Works Director:

1. Town Parking Discussion- Mr. Fulton stated that North Main Street parking has become an issue and ask Town Council to think about what can be done to resolve the problem. Mr. Fulton also stated that the parking and the road in front of Schooni's and down to West Bellview Street are very bad and something is going to have to be done in the near future. Atty. Harris recommended to Mr. Fulton that he speak with County Engineer Ramon Gavarette and seek recommendations of what can be done. Mayor Katsanis stated to Mr. Fulton that when he speaks with Mr. Gavarette to let him know if the county is able to do North Main Street, that the Town would like for both sides to be done at the same time.

- D. Police Chief: Chief Williams stated that issues have come up again about Peddler's License. Chief Williams recommended that the person requesting a peddler's license register with the police department. Mayor Katsanis stated to Chief Williams to bring in all of the recommendations about the peddler's license to the next meeting to be discussed.

##### E. Utility Director:

##### F. Town Attorney:

1. Termination Agreement- Highway 27 Beautification Project- Atty. Harris stated that he is asking Town Council to terminate old agreement for the Highway 27 Beautification Project because, Florida Department of

Transportation made the check to Keep Lake Placid Beautiful and it should have been made payable to Town of Lake Placid. Atty. Harris stated that the state recommended that this agreement be terminated and the check sent back, and the grant redone so that the check can be made payable to the Town of Lake Placid. Atty. Harris recommended the Town Council adopt the resolution to terminate the old agreement for Highway 27 Beautification Project, and a new resolution and grant will be presented at the next Town Council meeting. Council Member Bastardi made a motion to adopt resolution to terminate the old agreement for Highway 27 Beautification Project. Motion was seconded by Council Member Smart; On roll call, motion carried unanimously.

2. Lake Partners- Mortgage and Note- Postponed until February 9, 2009.
3. Ordinance No. 591- Amending Code Chapter 26- Atty. Harris stated that this ordinance is part of the red light ordinance and code enforcement. Atty. Harris discussed with Town Council that he looked at several ordinances and came to the conclusion that Highlands County's existing code is best. Atty. Harris recommended to the Town Council that they suggest a conversion of Chapter 26 with what has been presented with some implementations of the Town's Chapter 26 included. Atty. Harris also stated that this Ordinance is not complete but, needed to know if Town Council is comfortable with this so that he can move forward to complete it. Atty. Harris also stated that there is no need for a motion tonight on this ordinance. He will bring it back at the next council meeting.

Meeting adjourned at 8:45 PM