

**REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
JULY 14, 2008 5:30 P.M.**

Mayor Tom Katsanis called the regular meeting of the Town of Lake Placid Town Council to order on Monday July 14, 2008 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. Rev. Ray Cameron of the First Presbyterian Church gave the invocation and led in the Pledge of Allegiance to the American Flag.

**ROLL CALL:**

Mayor Tom Katsanis  
Council Member Steve Bastardi  
Council Member Bill Brantley  
Council Member Charles Wilson  
Council Member Ray Royce

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

**CITIZENS NOT ON THE AGENDA:**

- A. Debra Worley – stated that Rebuilding America (a group of young people who travel around repairing homes for the elderly and disabled) had repaired a porch for a gentleman in Lake Placid. They have removed the old wood and placed it by the curb. The sanitation department picked up the scrap wood and stated there would be a charge for removing the wood. Mrs. Worley asked if the Town would waive the fee due to a hardship. Council Member Bastardi made a motion the fee be waived; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.
- B. Mayor Katsanis stated he would like to introduce the Town of Lake Placid’s Safety Committee. There were several members at the meeting. Mayor Katsanis then read a Resolution thanking Rachel Osborne for all her work in being instrumental in setting up the Safety Committee.

**APPROVAL OF AGENDA:**

Council Member Wilson made a motion the agenda be approved as presented; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

CONSENT AGENDA:

- A. Approval of Monthly Meeting minutes and special meeting minutes
- B. Approval of monthly reports and payment of monthly bills
- C.

Council Member Bastardi made a motion the Consent agenda be approved as corrected; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

DEPARTMENT HEADS/MAYOR/COUNCIL MEMBERS:

A. Town Planner:

1. Robert Barger – Site Plan – Mrs. BuChans stated the applicant, Robert Barger, had requested a final inspection of the Barger Office development at 308 Dal Hall Boulevard. She stated the final inspection involved a review of the site plan, landscaping and parking only. The County Engineering Department (being as the building face a County road) performs final inspection on drainage, storm water and driveways. In reviewing the Town file on this development, Mrs. BuChans stated she noticed the Town approved a site plan depicting parking spaces must be 10' x 20' which does not conform to the current parking spaces at the development. She further stated the landscaping required is not what is in place. Mrs. BuChans stated she and Mr. Barger have not come to terms and she would like directions from the Council.

After much discussion the Council determined Mr. Barger needs to submit an “as built” drawing of his current facility showing his compliance and detailing his non-compliance with his previously approved site plan (to be submitted to the Town’s engineer), however prior to submitting to the engineer, Mr. Barger must ask the Local Planning Agency to give him a modification of the previously approved site plan by: (1) flipping the landscape; (2) flipping the parking spaces; and (3) A variance for a 3” reduction in the isle size; and extending the ramp length. Mr. Polatty also asked that Mr. Barger submit a recordable site plan.

B. Public Works Director:

1. Ben Tucciarone – Water Damage & Drainage – North Main Street – Mr. Tucciarone stated he owns the building on the corner of North Main Street and West Park Avenue, known as the “Second Time Around” Shop. He stated he is having a drainage problem with water going into his shop. He asked if there was anything the Council could do. Council asked Mr.

Fulton to look into the problem and see if he could help Mr. Tucciarone with drainage.

2. Maurice Wilson – also stated he was having drainage problems at his home in Serenity Subdivision. He stated the water is causing deep holes in his back yard. Mrs. Worley, who had been working with the storm water committee, stated Mr. Wilson’s problem is that when the subdivision was built there was a utility easement/retention area placed in back of the homes. Over time some of the residents have paved their backyards and placed their carpets in the easement. Therefore, not allowing the water to seep into the ground but run down the pavement and ending at Mr. Wilson’s property causing the erosion. Mayor Katsanis and Mr. Fulton stated a couple of years ago the Town went in and closed up the holes and laid sod in Mr. Wilson’s property. However, it was never taken care of and is back to the same situation. Mayor Katsanis stated he would meet Mr. Wilson at his property and see if there was any solution.
3. Mr. Fulton stated he had received a letter from Sun’N Lakes North asking if we would be interested in joining into an Interlocal Agreement with them for emergency management assistance. Council asked Mr. Fulton to research this matter and bring it back to Council.

C. Recreation Director:

1. Recreation Committee Members – Council Member Royce made a motion Linda Veley be appointed to a two year term, Andy Russell to a four year term, Todd Moore to a four year term and Cheryl Davis to a four year term on the Town of Lake Placid Recreation Committee; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.
2. Miracle League – Mr. Komasa stated he would be appearing before the RPAC Committee on Thursday to again request funds to place the rubberized material on the surface of the Miracle League field. Mr. Komasa reminded the Council last year the Council approved him requesting \$160,000.00 over a five year period to fund the project. However, Mr. Komasa stated we were expecting a large donation and decided not to pursue requesting RPAC last year. Only ½ of the donation was received. So he decided to pursue last year’s request again.

Atty. Harris asked if he had gotten permission from the Recreation Committee to proceed with the request. Mr. Komasa stated it is the same request as last year. Atty. Harris stated he was concerned if we requested

this amount over a five year period, would we be entitled to other requests during the five year period. Mr. Komasa reminded the Council this request is not just for the Miracle League. The field will also serve for T-Ball and girls softball.

Atty. Harris and Council Member Royce felt being as the Miracle League serves all of Highlands County, DeSoto County, Okeechobee County and other Counties; it should be funded with funds from the County. Council Member Bastardi made a motion a resolution be prepared by Atty. Harris strongly supporting the project but asking the Highlands County Board of County Commissioners to use there portion of the monies being as the project supports the County and other counties; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

D. Utility Director:

1. Cross-Connection Control Program – Mr. Freeman presented an up to date program for the Council’s review. He also presented a proposed bid sheet requesting bids for the assembly kit. Council Member Royce made a motion to proceed with requesting the bids and notifying the appropriate departments we have done the Cross Connection Control Program and are in the process of requesting bids for the assembly kits and that we further intend to implement the project and modify our Ordinances by December 2008; motion seconded by Council Member Brantley. On roll call, motion carried unanimously.

Council Member Royce also suggested Mr. Freeman contact Ramon Gavarrete and determine that we are all on the same page so that in the future if the Town and County commingle out systems, they will be compatible.

E. Police Chief:

1. Surplus Police Cars – Chief Williams asked that he be allowed to surplus the 2001 Crown Victoria (2FAFP71W31X101850) and the 2001 Crown Victoria (2FAFP71W31X101852). Council Member Brantley made a motion the request be granted; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.
2. Red Light Ordinance – Chief Williams stated all he needed to know is what the Council would like to charge as a fee in the Ordinance and he would bring the Ordinance back to the Council in September 2008. Council Member Brantley made a motion the fee be set at \$100.00 and a

late fee for not paying on time to set at \$30.00; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

D. Town Clerk:

1. Millage Rate 4.1166 mills per \$1,000. – Mrs. Tuck stated she needed the Council to approve a millage rate to be sent to the Property Appraisers office prior to August 1, 2008. She was suggesting 4.1166, which means the Council can go up to 4.1166, but no higher. Council Member Brantley made a motion the Council set the proposed millage rate at 4.1166 mills; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

E. Mayor/Town Council Members:

1. Council Member Royce – Town Alleys – Council Member Royce stated he had asked the Town Clerk to place this matter on the agenda because he wanted to clarify what the Council allowed concerning the clean up of alleys in the Town limits. He stated his recollection was that the Alley Committee was going to, with the homeowners' permission, clean up alleys that ran behind homes. He stated he received an email asking that some of the alleys be named. He stated he presented this idea to the Highlands County 911 Office and they highly opposed the idea. They said they do not would alleys named due to safety issues.

Council Member Brantley made a motion the Council encourages the cleaning up of alleys, but have no intention of naming the alleys or placing signs on the alleys; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

PUBLIC HEARINGS:

- A. Preliminary Plat Review – RaceTrac – Mrs. BuChans stated the applicant was presenting a preliminary plat for Council's review. The plat is required because it falls under the Town's Bullard Ordinance requiring that the plat be reviewed by the Town Engineer or County Engineer Department. Racetrac submitted their plat to the County Engineer. However, according to Town Code, an Applicant is required to submit their plan or plat to the Local Planning Agency and Town Council and each body is to hold a public hearing for review and recommendation.

Mrs. BuChans' stated the preliminary plat had already been before the Local Planning Agency and they recommended Town Council approve the preliminary

plat and that any recommendations from Council be forwarded on to the County Engineering Department.

Atty. Harris stated he wanted to advise the Council he represented Scott Honkala (former owner of the RaceTrac property) when the property was conveyed. Atty. Harris stated there was an easement on the east side of the property that is shared with the Holiday Inn and will be used as a backage road.

Council Member Royce made a motion pursuant to the LPA's recommended motion the Town Council move to recommend approval of the preliminary plat to the County Engineering Department and not approve the extraneous information that is not required on an official preliminary plat, also that the applicant be required to show on the preliminary plat a 24' ingress and egress on the eastern boundary of the plat be subject to an easement in favor of the owners on the south provided equivalent access be given to RaceTrac and Holiday Inn out to Highway 27 over the owners to the south; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

- B. Highlands Cove – Amend Utility Agreement – Atty. Mike Gallaher, representing Ted Schiafone of Highlands Cove, stated on December 21, 2006 the Town of Lake Placid entered into a Water and Wastewater Service and Supply Agreement with Lake Partners, LLC regarding the 12.8497 acres of land immediately behind Publix. Mr. Gallaher stated he contacted Atty. Harris to see amount amending the agreement. The amended agreement was requested for two reasons: (1) The development does not appear to be going forward as anticipated; and(2) the agreement is a bit more aggressive than some of the Town's later water and wastewater service and supply agreements. When Mr. Schiafone entered into this Agreement, the Agreement along with a mortgage and note securing payment of the system development amount was recorded. The payment was due on June 10, 2008 in the amount of approximately \$204,800.00.

Atty. Gallaher asked the Council to consider the amendment for an extension of time for the payment. After considerable discussion, Council Member Bastardi made a motion to reject the request; motion seconded by Council Member Brantley. On roll call, Council Member Brantley, Council Member Royce and Council Member Bastardi voted yes; Council Member Wilson voted no. Motion carried 3 to 1.

Council Member Wilson presented the Town Clerk with a For 8B, Memorandum of Voting Conflict for County, Municipal and other Local Public Officers,

properly executed and advised the Council due to a Conflict of Interest, he would not be participating in the discussion concerning Alan Grigsby's matter.

- C. Ordinance 07-546 – Grigsby Properties Planned Development (2<sup>nd</sup> hearing) – Mrs. BuChans stated Mr. Alan Grigsby's Council, Mike Gallaher has requested the completion of the PD Ordinance 07-546 that accompanied Mr. Grigsby's Comprehensive Plan Amendment LPTC.07.001 (Ordinance 07-545). The Grigsby PD Ordinance was recommended for approval to Town Council (Council) by the Local Planning Agency (LPA) on April 17, 2007. Council approved the PD Ordinance at its first hearing that was held on June 11, 2007.

Council felt due to the hour (9:50 P.M.) and several changes they want made, tabling this matter was the best approach. Council Member Bastardi made a motion to table Ordinance 07-545, to readvertise the Ordinance at Town's expense and to not send the Ordinance back to the Local Planning Agency; motion seconded by Council Member Royce. On roll call, Council Member Royce, Council Member Brantley and Council Member Bastardi voted yes; Council Member Wilson abstained from voting due to a conflict of interest. Motion carried 3 to 0.

Council Member Brantley made a motion the meeting adjourn; motion seconded by Council Member Bastardi. Mayor Katsanis hearing no objections declared the meeting adjourned at 10:00 P.M.