

**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 sire 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 occupaney 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 sire 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

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**ROLL CALL:**

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Council Member Carol Smart  
Council Member Charles Wilson  
Council Member Ray Royce  
Council Member Steve Bastardi

Deputy Clerk Jackie Haynes  
Town Attorney Bert Harris  
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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 sire 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



**REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
FEBRUARY 9, 2009 5:30 P.M.**

Mayor Tom Katsanis called the regular meeting of the Lake Placid Town Council to order on Monday February 9, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. The invocation was given by Mayor Katsanis. The pledge of allegiance to the Flag was led by Cole Lusby and Hayden Nielander, Boy Scouts of America.

**ROLL CALL:**

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

Town Clerk Arlene Tuck  
Town Attorney Bert Harris  
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:** No citizens requested to talk.

**CONSENT AGENDA:**

- A. Approval of Monthly Meeting Minutes and Special Meeting Minutes

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

**PRESENTATIONS:**

- A. Resolution – Bill Brantley – Atty. Harris read a very moving resolution for former Council Member Bill Brantley. Former Council Member Bill Brantley, his wife and children were asked to come forward and Atty. Harris read a very moving resolution for Mr. Brantley thanking him for the many hours he put into being a Council Member and for the many accomplishments he helped the Council achieve during his terms of office.

Council Member Royce made a motion the Resolution be adopted as presented; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

- B. Relay for Life – Placement of Relay for Life Ribbons – a representative of the Lake Placid Relay for Life asked for permission to place purple ribbons on the Town’s antique light poles, as was done last year. Council Member Royce made a motion to allow the organization to place the ribbons; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.
- C. Highlands County Sheriff’s Office – Drug Free Highlands – Mayor Katsanis stated the Sheriff’s Department did not have a representative present; however he had been contacted and asked to attend a meeting at the High School to be informed of the program. He stated he would report back with any information.

**PUBLIC HEARINGS:**

- A. Ordinance No. 591 – Amending Code Chapter 26 – Special Magistrate – Atty. Harris asked that this public hearing be postponed until the next meeting because he felt there needed to be more work done on the ordinance.

**DEPARTMENT HEADS/MAYOR/COUNCIL MEMBERS:**

- A. Town Planner:
  - 1. Planning Position – County Administrator Mike Wright was present and informed the Council the County would like to continue with their relationship with the Town in the form of contracting the Planner. Council needed to proceed with using the County and to discuss this matter more at the budget workshops.
  - 2. Update on Lake Placid Specific Area Plan – Mrs. BuChans had furnished the Town with an update on the activities that are taking place with DCA concerning the Lake Placid Specific Area Plan Comprehensive Plan Amendment for the County. The Council asked County Administrator Wright to please continue pushing for this plan because the Town was very interested in having it adopted.
- B. Recreation Director:
  - 1. Appointment of Permanent Member and Alternate for RPAC – Mr. Komasa stated the Town’s Code called for the Recreation Committee to nominate a voting member to RPAC. He stated the Recreation Committee would be holding a special meeting prior to the next Council meeting to select a nominee for the position.

Mr. Komasa stated we also needed an alternate and that it would be better to have an elected official to serve in that capacity. Council Member

Bastardi made a motion the Mayor serve as the alternate; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

2. Bids for rubberized surface excavation results – Mr. Komasa stated bids were put out for rubberized surfacing – excavation. Bids were opened on Monday February 9, 2009 at 2:00 P.M. at Town Hall, by Town Clerk Arlene Tuck, in the presence of John Komasa, Adela Casey, Sandra Bass, Dennis Orles and Kerry Thompson (of Heartland National Bank). Three bids were received. One bid was rejected and not opened because it was received the next day. The bids were:

M.A.H.	\$35,796.00
Excavation Point	\$33,415.00

Mr. Komasa stated the bids were reviewed and both bids included all that was requested. Mr. Komasa stated the recommendation was to go with the low bidder, Excavation Point. Council Member Royce made a motion to award the bid to Excavation Point subject to financing and subject to the remainder of the contract; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

3. Bids for rubberized surface loan results – Mr. Komasa stated bids were put out for financing of the rubberized surface. Bids were opened on Monday February 9, 2009 at 2:00 P.M. at Town Hall, by Town Clerk Arlene Tuck, in the presence of John Komasa, Adela Casey, Sandra Bass, Dennis Orles and Kerry Thompson (Heartland National Bank). Four bids were received. The bids were:

Heartland National Bank	\$95,000-\$106,500.	4%	No closing costs
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Seacoast National Bank	Up to \$106,500	4.125%	Borrower pays closing costs
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Highlands Independent	48 monthly P&I payments @ \$2,412.05
4.15%	

Wauchula State Bank	\$95,000-\$106,500	4.875%
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Council Member Royce asked Mr. Thompson, who was present representing Heartland National Bank, if the condition listed: “Primary

deposit relationship with Heartland National Bank” meant all the Town’s bank accounts. Mr. Thompson stated it meant a substantial amount. After much discussion concerning maybe we should put our banking services out for bids, it was stated we did this not long ago. Also Atty. Harris brought up a concern about the Town’s tax exempt status on loans. Council Member Royce made a motion we reject the bids due to unforeseen circumstances, that we get back with all four banks and express our appreciation for their efforts and invite them to rebid under very specific bid requirements; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously. Council Member Royce further stated he would hope Atty. Harris, Mrs. Tuck and Mr. Komasa would have some type of conversation concerning the invitation to bid so that we do not have another situation such as this one.

4. Fencing for new fields at Lake June Park/Sports Complex – Mr. Komasa stated the Recreation Committee asked him to bring up that fencing is needed around the fields. Mr. Komasa stated it would be a 6’ fence and cost approximately \$11,000.00. Council asked Mr. Komasa to consider it at budget time being as it was not budgeted this year and we do not have the funds.
5. Contract between Surface America and the Town of Lake Placid (rubberized field surfacing) To be discussed at March meeting.

C. Public Works Director – Mr. Fulton stated he had no reports.

D. Police Chief – Chief Williams stated he was having numerous requests for street closings. He stated other Councils had requested he take care of the street closing requests and he wanted to know how this Council felt. Council stated they would like for Chief Williams and the Mayor to work together concerning closing of streets.

E. Utility Director:

1. Scada Bids – Mr. Freeman stated last year he had placed a new scada system in his budget and it was not purchased due to lack of funds. He stated this year he again placed the scada system in the budget. He stated the scada system the Town has is old and it is getting hard to find parts to repair the system. He told the Council about a system he was interested in purchasing. The system is approximately \$25,000 and he would like permission to proceed with purchasing the system.

Council Member Royce stated he had a problem with just going out and purchasing a system. He stated he would like for Mr. Freeman to get written recommendations from other cities stating whether or not this system is the best for the Town. Council Member Royce made a motion

that this matter be tabled until the next month and that we ask Mr. Freeman to bring back to us some written comments from the City of Sebring, the Airport Authority and the County Engineers Office on the viability of this particular system and why we should get it; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

F. Town Attorney:

1. Resolution – FDOT Grant – This grant is for trees and brush along the side of U.S. 27. Atty. Harris presented a Resolution of the Lake Placid Town Council approving the Florida Department of Transportation Highway Beautification Grant to the Council. The Resolution stated the Town Council voted to approve the Grant and enter the Grant Agreement (Florida Highway Beautification Council Grant, Landscape Construction, and Maintenance Memorandum of Agreement Between the Florida Department of Transportation and the City of Lake Placid, Florida). Council Member Bastardi made a motion to accept the Resolution contingent upon the Clerk ascertaining if we have the appropriate insurance; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

Council Member Smart made a motion the meeting adjourn; motion seconded by Council Member Wilson. Mayor Katsanis hearing no objections declared the meeting adjourned at 8:50 P.M.

**REGULAR MEETING  
TOWN OF LAKE PLACID LOCAL PLANNING AGENCY/  
BOARD OF ADJUSTMENT  
FEBRUARY 23, 2009 5:30 P.M.**

Chairman Hoz Compton called the regular meeting of the Town of Lake Placid Local Planning Agency/Board of Adjustment to order on Monday February 23, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present.

**ROLL CALL:**

Chairman Hoz Compton  
Board Member Eddie Oxer  
Board Member John Holbrook  
Board Member Cheryl Davis

Town Clerk Arlene Tuck  
Town Planner Jim Polatty

**ABSENT:**

Board Member Jack Edgemon  
Board Member Philip Moore

**APPROVAL OF AGENDA:** Board Member Holbrook made a motion to accept the agenda as presented; motion seconded by Board Member Davis. On roll call, motion carried unanimously. (Board Member Oxer had not yet arrived)

**CONSENT AGENDA:**

- A. Approval of Minutes – After some corrections to the minutes, Board Member Holbrook made a motion to approve the minutes with the noted corrections; motion seconded by Board Member Davis. On roll call, motion carried unanimously. (Board Member Oxer had not yet arrived).

**REPORTS:**

- A. Officer Bonnie Pruitt – Code Enforcement – Not present

**DISCUSSION BY PLANNER:**

- A. Home Occupations – Jim Polatty – informed the Board he had a request for a home occupation for a real estate office on Belleview Street. When he reviewed our Code he found two different definitions for home occupations. One definition allowed home occupations for prohibited real estate offices,

etc. Another definition under R1-A allowed home occupation under an accessory use for such things as office use. Mr. Polatty presented the Board with several different definitions of home occupations and what the County uses. After discussion by the Board, Chairman Compton polled the Board and no one was interested in changing our Code.

Chairman Compton asked if anyone had anything further to discuss. Being as there was no further discussion, the meeting was adjourned at 6:00 P.M.

**REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
MARCH 9, 2009 5:30 P.M.**

Mayor Tom Katsanis called the regular meeting of the Town of Lake Placid Town Council to order on Monday March 9, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. Thelma Becker of Manna Ministries and the Memorial United Methodist Church gave the invocation. Mayor Katsanis led in the Pledge of Allegiance to the Flag.

**ROLL CALL:**

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

**CITIZENS NOT ON THE AGENDA:** None

**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. Proclamation for National Public Works Week

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

Council Member Bastardi stated he would like to have a workshop to discuss the 2008-2009 budgets. Just to make sure the budget is in line for the rest of the year. Council asked Mrs. Tuck to schedule a workshop on Monday April 6, 2009 at 5:30 P.M.

**PRESENTATIONS:**

- A. CDBG – Engineer Bids – Corbett Alday, Guardian – Mr. Alday stated he was present to present the engineer bids for the Town’s CDBG – Hurricane Shelter/Civic Center project. Mr. Alday stated we only received one bid and it was from Edward Pilkington, A.I.A. Architect P.A., of 226 E. Park Avenue, Lake Wales, and Florida 33853. Mr. Alday stated the company has been assisting the Committee and is very well qualified. Council Member Royce made a motion that Town staff be authorized, led by Atty. Harris, to negotiate with Edward Pilkington firm to see if we can come to an agreement on cost

for final Architectural and Engineering specifications and permits; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

Council Member Royce stated what he anticipated is that the firm should give us a cost so that we are at a point that we have bid ready documents and that we can go forward.

- B. Taylor Conklin – Use of John’s Park for Fundraisers – Miss Conklin, who is Miss Lake Placid, requested permission to use John’s Park the second Friday of each month to hold games and activities for children. This would be in conjunction with the Lake Placid Merchants monthly activities. Miss Conklin stated she had spoken with Mr. Smoak (whose family donated the Park with the understanding it would remain a serene park) and he stated his family would not have any objections to the activities. Council Member Bastardi made the motion the request be approved; motion seconded by Council Member Smart. On roll call, motion carried unanimously.
- C. Patricia Steed – Central Florida Regional Planning – Mrs. Steed stated she was present at the request of the Mayor. She stated the Mayor called and informed her the Town was interested in seeing what other portions the Town had when it came to planning. Mrs. Steed introduced the Central Florida Regional Planning Committee functions and stated they would be interested in helping the Town at any time. She stated their fees are based on what projects they are requested to fulfill. The Council asked the Clerk to forward Mrs. Steed a copy of our Interlocal Agreement with the County for Planning. Mrs. Steed stated she would keep in touch with the Town.

#### PUBLIC HEARINGS:

- A. Ordinance 09-592 – Amending 08-590 – (Amending bill credits, providing for irrigation meter) Mr. Freeman stated, after reviewing the Ordinance, staff feels the section referring to Leaks, Breaks and Errors, should be removed. He stated the Ordinance does not allow for any free water and Staff agrees with this. Council Member Royce made a motion to approve Ordinance 09-592 on first hearing, with the exception of striking Section 135-21; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.
- B. Ordinance 09-586 – Red Light Cameras Ordinance (1<sup>st</sup> hearing) Traffic Light Safety Act – Council Member Smart made a motion Ordinance 09-586 be approved on first hearing, with it being amended to a penalty of \$150.00 instead of the \$100.00 and with a cleanup of the wordage; motion seconded by Council

Member Royce. On roll call, Council Member Wilson, Council Member Royce and Council Member Smart voted yes; Council Member Bastardi voted no. Motion carried 3 to 1.

DEPARTMENT HEADS/MAYOR/COUNCIL MEMBERS:

A. Town Planner – Not present

B. Recreation Director:

1. Bids for rubberized surface loan results – Mr. Komasa stated the bids had not been opened because Mrs. Tuck had a proposal to present to Council. Mrs. Tuck stated the Town's Code allowed for the Town to borrow from the Cemetery Trust Account (perpetual account). She stated she would like to propose the Town Council borrow up to \$110,000.00 at 4% interest for 48 months from the Cemetery Trust Account. The account presently has over \$200,000.00. The account would be paid back with funds received from RPAC, who has already agreed to reimburse the Town. Council Member Bastardi made a motion the Town Council borrow up to \$110,000.00 at 4% interest for 48 months from the Cemetery Trust Account to loan to the recreation department for the purchase of the rubberized surface for the Miracle League/T-Ball field; motion seconded by Council Member Smart. On roll call, motion carried unanimously.
2. Contract between Surface America and the Town of Lake Placid – Mr. Komasa reminded the Council they had accepted the bid from Surface America last month but wanted to hold up on accepting the contract until they had the contract from Excavation Point. Council Member Wilson asked about the warranty on the product. Mr. Komasa stated there was a seven year warranty. Council Member Smart made a motion to accept the contract from Surface America, with the inclusion of the warranty information and attorney fee clause to enforce and a venue provision; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.
3. Contract between Excavation Point, Inc. and the Town of Lake Placid – Council Member Royce made a motion the contract between Excavation Point, Inc. and the Town of Lake Placid for excavation work at the Lake June fields be accepted; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

C. Public Works Director – Nothing to Report

D. Police Chief – Not Present

E. Utility Director:

1. Data Flow Systems – SCADA System – Mr. Freeman presented Council with an up concerning the SCADA System. He reminded the Council

they had requested he get recommendations from other cities concerning the Hyper Server Tack II system. After discussion and a presentation on what the system would do, Council Member Smart made a motion we proceed to purchase the system at a price of \$24,973.00; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

2. Envisors – USA Economic Stimulus Plan and Purchase of property for New Water Tank (Bryan Paul’s Property) -



**SPECIAL MEETING**  
**TOWN OF LAKE PLACID TOWN COUNCIL**  
**APRIL 6, 2009 5:30 P.M.**

Mayor Tom Katsanis called the special meeting of the Lake Placid Town Council to order on Monday, April 6, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present.

**ROLL CALL:**

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

Town Clerk Arlene Tuck  
Town Police Chief Phil Williams  
Town Public Works Director Jim Fulton  
Town Utility Director Gary Freeman  
Town Recreation Director John Komasa

**PRESENTATION:**

- A. Lake Placid Ridge Community Center & Hurricane Shelter - Jim Colley and Pam Karlson, co-chairman, of the Lake Placid Ridge Community Center & Hurricane Shelter, were present to give an update of the project to the Council. Mr. Colley informed the Council the Committee now had two grants, one for \$650,000.00 and one for \$500,000.00, plus \$10,000. which was given by Glades Electric. Mr. Colley stated the Committee was before the Council to ask for assistance with the fee for the architect/engineer. He stated they were ready to proceed with the final plans and needed \$50,000.00 for the fee. He stated the Committee had \$10,000.00, but needed the balance. The Council discussed the matter of the remaining \$40,000.00.

The Council discussed the possibility of moving the police department and utility department into the present Town Hall building and the administrative department, street/sanitation/cemetery departments moving into the new Community Center. If the police department and utility department moved into the present Town Hall, the police department could be sold.

The Council stated they would be interested in knowing what offices the Town would occupy and which would be rented and at what fee. They also stated the Town would have to get with the architect to make sure the building was built to accommodate the Town's needs.

The Council felt because more of the Greater Lake Placid Area (approximately 35,000 citizens in the Greater Lake Placid Area compared to 1,820 citizens within the Town limits) would be utilizing the facility, the County should be asked to also assist.

Council Member Royce made a motion the Town partner with the Lake Placid Ridge Community Center & Hurricane Shelter to pay toward the final design and engineering work; that the Lake Placid Ridge Community Center & Hurricane Shelter Committee invest \$10,000.00 and that the Town partner with Highlands County for the remainder to be split equally and the amount not to exceed \$25,000.00 each; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

Council Member Smart made a motion the special meeting adjourn; motion seconded by Council Member Bastardi. Mayor Katsanis hearing no objections declared the special meeting closed at 6:15 P.M.

The Town Council then held a workshop on the 2008-2009 budget.

**REGULAR MEETING**  
**TOWN OF LAKE PLACID TOWN COUNCIL**  
**4-13-2009 5:30 P.M.**

Mayor Tom Katsanis called the regular meeting of the Lake Placid Town Council to order on Monday April 13, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. Rev. Ray Cameron led in the invocation and students of the Lake Placid Christian School led the Pledge of Allegiance to the American Flag.

**ROLL CALL:**

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

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

**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 Wicks, Brown, Williams & Co. Engagement Letter for Audit
- E. Change June Regular Meeting date from June 8<sup>th</sup> to June 1<sup>st</sup> (two Council Members will be out of the country)

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

**PRESENTATIONS:**

- A. Jeff Roth – Child Abuse Prevention Month Proclamation – Mr. Roth read a very appropriate proclamation for Child Abuse Prevention Month. Council Member Bastardi made a motion the Council support the proclamation; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

**PUBLIC HEARINGS:**

- A. Ordinance 09-592 – Amending 09-590 – Water/Sewer (2<sup>nd</sup> hearing) Ordinance was read by title only by Atty. Harris. The Mayor called upon Council Member

Bastardi to give an update on the sewer project. Council Member Bastardi did a timeline from 1991 starting when Serenity Sewer Plant was given to the Town. Council Member Bastardi also informed the crowd the citizens of the Town have voted on two referendums concerning the sewer. Both Referendums required a yes or no vote on whether or not the citizens wanted sewer. Both referendums passed with an affirmative vote. The Mayor then asked for comments and Frank Hartzell, representing many business owners within the Town, spoke against the sewer system development charges and usage charges. He then presented Matt Sherwood who went into a dissertation concerning the sewer system development charge and usage charges. After over 1 ½ hours of discussion, Council Member Royce made a motion to: (1) Suspend indefinitely the cutoff date for hookup; (2) that we authorize the Clerk to start the process of entertaining proposals from our in-house library of engineers to perform a rate study; and (3) that we proceed to secure the a revenue generating analysis study and the County's proposal regarding the Regional Utility System no later then our June 2009 meeting; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

- B. Council asked the Mayor to call a special meeting when we get proposals from the engineers for the revenue generating analysis study and the County's report on the Regional Utility System. May 4, 2009 was a tentative date set.
- C. Ordinance 09-592 – Amending 09-590 – Water/Sewer (2<sup>nd</sup> hearing) – Council Member Wilson made a motion Ordinance 09-592 be tabled; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.
- D. Ordinance 09-593 – Amending 09-592 – Leaks, Breaks, and Errors (2<sup>nd</sup> hearing) – Council Member Wilson made a motion Ordinance 09-593 be tabled; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

Mayor Katsanis closed the public hearing and reopened the regular meeting.

Council Member Royce asked that the agenda be altered under Department Heads/Mayor/Council Members E. Utility Director (e) be moved to a. under E. Utility Director.

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

##### A. Town Planner:

1. Update on Grigsby Road - Mr. Mike Gallaher, attorney representing Alan Grigsby, stated Mr. Grigsby was interested in moving the construction of the road through his development up. He stated Mr. Grigsby was willing to donate up to \$150,000.00 to the construction. Mr. Gallaher stated there were several obstacles in the way for the beginning of the construction.

a. One is that everyone who owns property in Oak Island would have to consent to their present road (easement) being deeded to Mr. Grigsby. Mr. Gallaher stated this

would not be done until the new road (which has been referred to as “New Grigsby Road”) is constructed and able to drive on.

b. Mr. Gallaher also stated Mr. Grigsby would want a fair recognition of his contribution to the County and Town transportation network established in the form of a reservation of capacity for purposes of concurrency, and some recognition in the form of impact fee credits.

c. 30’ of right-of-way along the western boundary of Lake Sirena project must be dedicated along that property boundary towards the construction of the proposed road. This right-of-way was originally intended to be dedicated by the original developer and added to Mr. Grigsby’s contribution to establish the full right-of-way for New Grigsby Road.

d. Mr. Grigsby feels that in absence of development at this time a two lane road will be make sense. Mr. Gallaher further stated that they feel a 60 feet of right-of-way is adequate to establish the connection contemplated by this proposal and that Mr. Grigsby would require the right to traverse the road with irrigation lines to maintain the irrigation system serving his ongoing agricultural operations on his property. In addition, at the time his property develops in whole or in part, the right to access New Grigsby Road with a certain number of access points should be recognized as part of this process.

Council Member Royce made a motion the Town Council support the concept of Grigsby Road and ask that the County administration and staff look into placing Grigsby Road as a high priority in their capital financial strategy and that they now look into expending some of the southern transportation impact benefit dollars into that and further that we ask that the County Engineer look into the proposed drawing/sketch and determine whether or not that is feasible; motion seconded by Council Member Smart. On roll call, Council Member Smart, Council Member Royce and Council Member Bastardi voted yes; Council Member Wilson abstained from voting due to a conflict of interest. Motion carried 3 to 0.

2. NuHope Trailer – Mrs. Tuck stated we received a letter from NuHope (who has been leasing our trailer on South Main Street) informing us they have moved out of the trailer and was requesting the water meter be pulled. Mrs. Tuck stated she would like Council to give some kind of direction to Mr. Fulton to have the trailer removed. The trailer is in a dilapidated condition. Council asked Mr. Fulton to check into the price of removing the trailer and report back to the Town Council at the next meeting.

3. Code on Soliciting – Collection Money on the Streets – Mrs. Tuck stated Chief Williams had written to the Council informing them of persons soliciting on the Town’s streets and there is nothing he can do. He stated he would like to see Council, if they agreed, come up with an Ordinance on soliciting. Council Member Royce made a motion this matter be referred to the Local Planning Agency; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

B. Recreation Director: No reports

C. Public Works Director:

1. Mr. Fulton handed out a survey done by the County concerning our roads. The list contained streets in Lake Placid that need repairing.
2. Mr. Fulton stated the money we received from the stimulus package only resurfaces South Main Avenue from W. Interlake to Poinsettia. He stated he talked to the County Engineer to see what the chances were that he could do North Main Avenue and the County Engineer stated he could not do anything else.
3. Mr. Fulton also stated he asked the County Engineer if he could do some surveying for the Town. He stated at this time he could not. Mr. Fulton stated he did get a commitment to do a survey of the east and west side of the road from Dal Hall Boulevard to Royal Palm. This would just be a survey to stake the property. He stated we also need to do Green Dragon. He stated the cost would be \$2,200.00.

D. Police Chief: stated he did give out a report on Code Enforcement and that one Council Member asked for ambulance runs because he heard the County would be consolidating the ambulance services on U.S., next to Florida Hospital, with the service in Town.

E. Utility Director:

1. Purchase of Property for New Water Tank – Bryan Paul’s property – Atty. Harris stated he has not heard from the Paul’s since their discussion. He stated if the Town purchases the property the first thing they have to do is get a zoning change on the property. Also there is some question about how far out protection for a water field is to go. Council was uncomfortable with proceeding any further with this matter until Atty. Harris can talk further with the Pauls.
2. Approval of Grant for Engineering Services to Bryan Paul Property – Mr. Freeman asked Council to approve the grant we received from the State. Council asked Mr. Freeman why the grant is being approved now instead of when it was granted. Mr. Freeman stated he thought when the master plan was approved, Council approved him going ahead with engineer study on the Paul property. Council was very concerned because Mr. Freeman had not gotten Council’s approval on the grant. Council Member Royce asked that no more monies be spent on engineering services concerning the Paul property until the property is secured by the Town. Council Member Royce stated he felt the Town should not enter into any contracts without the Town’s attorney reviewing the contract.

Atty. Harris stated if the Pauls come back with a favorable response and are willing to continue, his suggestion would be to do his best to get them

to sign an option contract, which will give us control, but not obligate us to buy, so we can proceed through the process. We would then need to go to the County and file the land use change. Atty. Harris stated we need, before anything else, to find out if a Regional Utility System is viable to our community. If there is, then we need to look at the options to provide cost effective water to the region.

F. Town Attorney:

1. DeVane Park Renovation – Atty. Harris announced we had a public workshop with about 30 citizens attending. Stated he wrote up a really good report on it, but did not get it to the Clerk in time to get it in the package. Atty. Harris further asked that we place this matter on the special meeting we are having for the Regional Utility System. Atty. Harris stated we have about \$750,000.00 in the grant. He stated we might want to move some of that to Green Dragon Drive or Grigsby Road. He stated we have a grant out on Highway 27 which we will know in a couple of weeks if we might want to move it to this grant. Then we will have some really good options whether to use it on Green Dragon Drive or Grigsby Road. He stated it would be Council’s call.
2. FDOT grant for U.S. Highway 27 – Resolution and Agreement – Council Member Royce made a motion that we accept the revised Highway Beautification Grant and enter into a Highway Beautification Council Grant, Landscape Construction, and Maintenance Memorandum of Agreement with the Florida Department of Transportation of \$300,000.00 and Resolution presented; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

PUBLIC HEARINGS:

- A. Ordinance 09-586 – Red Light Cameras Ordinance (2<sup>nd</sup> Hearing) Atty. Harris read Ordinance 09-586 by title only. Council Member Smart made a motion to approve Ordinance 09-586 on second hearing by reading of title only and adopt with \$150.00 being added as the penalty and the violation being listed as a class three; motion second by Council Member Royce. On roll call, Council Member Smart, Council Member Royce and Council Member Wilson voted yes; Council Member Bastardi voted no. Motion carried 3 to 1.
- B. Ordinance 09-591 – Special Magistrate (1<sup>st</sup> hearing) – Atty. Harris read Ordinance 09-591 by title only. Council Member Bastardi made a motion to approve Ordinance 09-591 on first hearing by reading of title only; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

Council Member Smart made a motion to adjourn; motion seconded by Council Member Bastardi. Mayor Katsanis hearing no objections declared the meeting adjourned at 9:40 P.M.

**SPECIAL MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
MAY 4, 2009 5:30 P.M.**

Vice Mayor Charles Wilson called the special meeting of the Lake Placid Town Council to order on Monday May 4, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. The Pledge of Allegiance was led by Vice Mayor Wilson. A quorum was present.

**ROLL CALL:**

Vice Mayor Charles Wilson  
Council Member Ray Royce  
Council Member Steve Bastardi  
Council Member Carol Smart

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

**ABSENT:**

Mayor Tom Katsanis  
Town Public Works Director Jim Fulton  
Town Recreation Director John Komasa

**PRESENTATIONS:**

1. Regional Utility System Plan – County Administrator Mike Wright was present to discuss the possibility of the County, Town and other utility systems in the south end of the County forming a regional utility board. Mr. Wright stated he feels that growth will be coming within the next 18 months to 2 years and definitely feels it will be in the southern end of Highlands County. Mr. Wright stated the County and Town have to be prepared to supply these new residents with infrastructure and the main one will be utilities. Mr. Wright stated he would like to see the Town and County proceed with a feasibility study to determine if it would benefit all concern to form a regional utility system.

After much discussion by Mr. Wright, the Council and citizens of the town, Council Member Royce made a motion we continue to move forward looking at the feasibility of creating a regional utility system and that we ask our utility director to be involved in the process; motion seconded by Council Member Wilson.

Council Member Bastardi made a motion to amend the standing motion to make the utility director the lead person, contact person, for the activity and if a questions is asked of the utility director and he doesn't have the answer he should engage whatever entity of the Town that is required to get the answer; motion seconded by Council Member Smart. On roll call, Council Member Royce and Council Member Wilson voted no, Council Member Smart and Council Member Bastardi voted yes. Motion failed due to a tie vote.

On roll call on the original motion Council Member Smart and Council Member Bastardi voted no, Council Member Royce and Council Member Wilson voted yes. Motion failed due to a tie vote.

Council Member Bastardi made a motion that the Town farther consider the regional utility concept allowing the County, if they are so inspired to drive the process so long as all communication goes through Gary Freeman and Atty. Harris also to be involved and if when they get together and determine they need money to return to the Council with the request; motion seconded by Council Member Smart. On roll call, Council Member Bastardi, Council Member Smart, Council Member Wilson and Council Member Royce voted yes. Motion carried 4 to 0.

2. County-Town Planning Service Agreement – County Administrator Mike Wright stated the County has revamped their planning department and at this time are short-handed. Mr. Wright stated he felt the County has not given the Town everything they have paid for when it comes to planning. Therefore, Mr. Wright was suggesting we amend the Interlocal Agreement for Planning Services between the County and the Town to be only ½ of the fee. Mr. Wright stated the County would continue to help out with everyday issues but they did not have the staff to do anything so involved as the EAR. He stated the County had hired Central Florida Regional Planning Board to complete their EAR and would suggest the Town consider them.

Mrs. Pat Steed, of CFRP, was present and stated the Board would be willing to complete the Town's EAR for \$12,000.00.

Council Member Royce made a motion that we adopt the Interlocal Agreement between Highlands County and the Town of Lake Placid as presented in our packet (that lays out the terms of the Interlocal Agreement); motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

Council Member Royce made a motion that contingent upon the acceptance of the amended Interlocal Agreement by Highlands County Board of County

Commissioners that we enter into an Interlocal Agreement with Central Florida Regional Planning Council to prepare the services as described in our packet primarily the completion of the Evaluation and Appraisal Report (EAR); motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

3. Approve Red Light Cameras Contract with designated company – Council Member Royce made a motion this matter be tabled until Atty. Harris and Chief Williams can review the contract further; motion seconded by Council Member Smart. On roll call, motion carried unanimously.
4. Rate Study – Vice Mayor Wilson stated Mrs. Tuck had spoken with Florida Rural Water and they stated they would do the rate study for no fee. Vice Mayor Wilson stated Mrs. Tuck proceeded with asking Florida Rural Water to go ahead with the study.
5. Keep Lake Placid Beautiful - Resolution of the Lake Placid Town Council Regarding U.S. 27 North – Atty. Harris advised the Council it is not possible to do what was planned with grant monies from U.S. 27 across from Heartland National Bank to the overpass because of rules prohibiting significant trees in the median in the higher speed limit areas. Atty. Harris stated KLPB was recommending the Town Council request the Department of Transportation use the Grants as follows: (1) implement the well and jack and bore under U.S. 27, mainline, control panel and control systems shown on the plans submitted by KLPB; (2) irrigate U.S. 27 medians 1, 2, and 3 (south to north) in the project; (3) include the landscape plan recommended by KLPB; and (4) provide irrigation for the US 27 right-of-way area being landscaped under Florida Highway Beautification County Grant Number. Council Member Bastardi made a motion the Resolution be approved as presented; motion seconded by Council Member Royce. On roll call, motion carried unanimously.
6. Keep Lake Placid Beautiful – Resolution of the Lake Placid Town Council Regarding Grant Number \_\_\_\_\_, DeVane Circle and Multi-Use Paths – Atty. Harris stated KLPB needed to move along with the grant monies designated for DeVane Park. The Resolution states: (1) Money not used in the grant for U.S. 27 be transferred to this Grant for use according to this Resolution; (2) The Town request that \$500,000 be set aside for renovation of DeVane Park (for irrigation, streetlights, landscaping and gazebo) Gazebo cost to be up to but not more then \$150,000.; (3) design to be recommendations by KLPB and Chamber of Commerce; (4) William K. Brantley, II, to be agent to coordinate the project; (5) Town Council approval shall be sought through various stages of plan completion; (6) funds not used for DeVane Park renovation and U.S. 27 North to

be transferred to landscaped path construction; (7) Hosmer L. Compton to be designated Town's agent to implement the landscaped multi-purpose path project; (8) Town Council approval shall be sought through the various stages of the multi-purpose path completion; (9) grant funds to be used for a landscaped multi-purpose path along Grigsby Road if timely constructed. If Grigsby Road is not timely constructed, then the funds for the path should be as follows: West Interlake Boulevard, Green Dragon Drive, North Main Avenue, or Tangerine Drive.

Council Member Royce made a motion to approve the Resolution with West Interlake Boulevard, Green Dragon Drive, North Main Avenue, and Tangerine Drive (in this order) being added to Section 3.4 Road Project; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

7. Keep Lake Placid Beautiful – Resolution of the Lake Placid Town Council Regarding the Department of Forestry Grant to Landscape North Main Avenue – Atty. Harris presented a Resolution for the Town Council's approval. This Resolution asked that Council Member Steven Bastardi be designated to coordinate and manage the project of removing Brazilian Pepper trees, installing a temporary irrigation system around the N. Main Avenue holding pond, and the grassed area south of the holding pond, and planting live oak, scrub oak, saw palmetto, cabbage palm and magnolia. Council Member Royce made a motion the Resolution be approved as presented; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

Council Member Smart made a motion the meeting adjourn; motion seconded by Council Member Royce. Vice Mayor Wilson hearing no objections declared the meeting adjourned at 8: 20 P.M.

**ORGANIZATIONAL MEETING**  
**TOWN OF LAKE PLACID TOWN COUNCIL**  
**MAY 11, 2009 5:30 P.M.**

Mayor Tom Katsanis called the organizational meeting of the Town of Lake Placid Town Council to order on Monday May 11, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. Rev. Steven Bishop gave the invocation and the Lake Placid Christian School led in the Pledge of Allegiance to the Flag. A quorum was present.

**ROLL CALL:**

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

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

**CITIZENS NOT ON THE AGENDA:**

1. Jimmy Wohl – was present and stated his company was interested in purchasing a portion of the property on Heartland Boulevard, previously owned by HIW Corporation, to construct some rental through a Federal Government housing project fund. Mr. Wohl stated the PD Ordinance at present list the property to be used for condominiums. Mr. Wohl stated his company would be interested in having rental units instead of the condominiums. He wanted to know Council would be acceptable to having a phasing in. Council stated they would not want to make any decisions without seeing plans of what is proposed. The Council asked Mr. Wohl to bring back some plans for them to review.
2. Frank Hartzell – stated he was representing the downtown merchants concerning the sewer hookups. Mr. Hartzell again reiterated the merchants cannot afford to put in the sewer and pay monthly bills for the use. He stated his committee was recommending to spread the cost of the sewer, over the widest possible base, i.e.: (1) the sewer system cost would be absorbed into the water bill at an additional \$1.00 per one thousand galls of water usage; (2)

this additional revenue would be used exclusively to pay back the sewer loan; (3) there would be no charge to hook up to the sewer; (4) refund hook up charges already paid; (5) there would be no sewer usage charge; and (6) new or failing systems must hook up, otherwise hooking up to the sewer is at the discretion of the owner. Council felt this was something to consider.

#### 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 2007-2008 Budget Amendment Resolution
- E. Wicks, Brown, Williams & Co. – Annual Audit (set for May 18, 2009 – 5:30 P.M.)

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

#### PRESENTATIONS:

- A. Laura Barben – Mason Smoak Day – Mrs. Barben stated the Mason G. Smoak Foundation would like to request permission to use DeVane Park and Stuart Park on October 2, 2009 and October 3, 2009 to hold 5K/Family Fun Run & Festival for the Foundation. Mrs. Barben stated there would be food vendors, children's games, interactive family activities and entertainment, along with the 5K run.

Council Member Bastardi made a motion the request be granted; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

- B. Corbett Alday – Presentation of CDBG Grant – Mr. Alday stated he was present to inform Council they had officially been notified that the application for a CDBG Grant for the new Civic Center/Hurricane Shelter had been granted. Mr. Alday stated Council just needed to approve the signing of the contract with DCA. Council stated they were concerned if the Civic Center Committee could not raise the balance of the money for the project, the Town would have to pick up the monies which will have been used by that time. Mr. Alday assured the Council any funds used would only be Administrative funds which would not have to be repaid. He stated the only monies that would have to be repaid are once the brick and molder is started.

Council Member Royce made a motion the Council accept the grant under the condition that no more than \$16,000.00 administrative costs is assigned to the

grant prior to November 1, 2009 and that the acceptance be encumbered upon a review by the Town Attorney that the Town is not liable for the reimbursement of any of those administrative costs should the Town and/or the County not go forward with the project; motion seconded by Council Member Smart. On roll call, Council Member Wilson, Council Member Royce and Council Member Smart voted yes; Council Member Bastardi voted no. Motion carried 3 to 1.

Council asked Atty. Harris and Mrs. Tuck to contact County Commissioner Donald Bates and discuss the Town's motion to partner with the County in supporting the Civic Center/Hurricane Shelter Committee with \$25,000.00 each for the engineering fees.

DEPARTMENT HEADS/MAYOR/COUNCIL MEMBER:

A. Town Planner:

1. Set date for Hearing on Hoy Alley Closing (6/1/2009) Council Member Royce made a motion June 1, 2009 be set as the date for the hearing on Mike Hoy's Alleyway Closing Petition; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

B. Public Works Director:

1. NuHope Trailer – Removal – Mr. Fulton informed the Council the NuHope Trailer that is owned by the Town will be removed next week. NuHope advised the Town they would no longer be needing the trailer being as they have added on to their building. The Town Staff felt it should be removed due to the dilapidated condition the trailer was in. Mr. Fulton stated the County had waived the landfill fee and the charge to remove the trailer was \$2,000.00.
2. Survey and Paving of South Main – Mr. Fulton presented a PowerPoint of a survey recently done for the Town of Green Dragon Drive and Main Avenue. The Council was surprised to learn of the Town's right-of-ways which have encroachments by some businesses.
3. Mr. Fulton stated now that we have the survey, he has noticed the very large tree in front of Lake Country Jewelers, which we always thought to belong to the property owners, is actually in the Town's right-of-way. Mr. Fulton stated the roots of the tree are lifting up the sidewalk and deteriorating it. Mr. Fulton stated the tree really needs to be removed. Council Member Bastardi made a motion to remove the tree because of the liability to the Town and to limit the cost of removal to \$1,000.00; move seconded by Council Member Smart. On roll call, Council Member Smart and Council Member Bastardi voted yes,

Council Member Royce and Council Member Wilson voted no. Mayor Katsanis voted yes to break the tie. Motion carried 3 to 2.

C. Recreation Director:

1. Acceptance of bid for shade structure – Mr. Komasa presented two proposals to the Town Council for a Shade Structure at the new Lake June Sports Complex (Miracle League). One bid from Montz Building had three bids: (1) Conventional Construction (wood trusses) with galvanized 24 ga. Standing seam metal roof \$24,450.00; (2) Convention Construction (wooden trusses) with 26 ga. 5-V crimp metal roof \$24,140.00; and (3) All steel columns support structure and roof decking \$27, 820.00. The other bid was from Chapman's Construction Co. 55' 6 ½" x 30' pressure treated poles, custom truss system \$17,500.00. Mr. Komasa stated he had reviewed both bids and both had what was requested in the bid package. Mr. Komasa stated he was recommending we go with the low bid from Chapman Construction Co., Inc. for \$17,500.00.

Mr. Komasa further stated all the funds for the shade structure is coming from the monies received. The Town will not be putting in any funds.

Council Member Royce made a motion to accept the bid from Chapman's Construction Co., Inc. for \$17,500.00 to construct the shade structure at the multi-surface baseball field at Lake June Park; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

2. John Deere – Mr. Komasa presented a picture of the recreation departments present John Deere utility vehicle. He stated his department was in dire need of a new utility vehicle. He further stated he had gotten several quotes for a new Cub Cadet and was asking the Town if he could proceed with purchasing the Cadet. He stated the bid he wanted to go with is a state bid. Council asked Mr. Komasa to hold off until we started discussing the budget, to see if we will have the money in the budget.
3. Council Member Bastardi stated he felt the County should be giving the Town more funds for the Lake June Complex being as the Greater Lake Placid Area is the major users of the fields. It was estimated at least 85% of the users are from the Greater Lake Placid Area. Council

Member Bastardi stated he felt there should be a more equal division of funds given for the persons using the field that live outside the Town. He stated he would like to see an actual accounting of how many inside and outside resident use the complex and see what it is costing our citizens. Mayor Katsanis stated he would talk with Mr. Komasa about this.

D. Police Chief: No reports

E. Town Attorney:

1. Fencing – Atty. Harris stated an issue concerning fencing within the areas of Lake Placid had arisen. Atty. Harris stated our Code Book does not address the issue. He stated he would like permission to review other Towns’ codes and come up with one for Lake Placid.

Council Member Royce made a motion we ask the Town Attorney to look into our fencing regulations and bring us back a proposed ordinance and necessary ordinance changes; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

2. Town Transportation Plan – Atty. Harris stated a situation has arisen that brought to light our transportation plan. Atty. Harris stated he did not remember the Town Council approving the plan, but it might have been done during the Growth Management Plan. Council Member Royce made a motion to grant to Town Staff to get with County Staff to explore what changes may be necessary to the Town of Lake Placid future circulation map; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

F. Utility Director:

1. Approval of Grant for Engineering Services to Bryan Paul Property – After much discussion concerning the purchase of the land, if we will need to resubmit our application for the water use, etc., Council Member Royce suggested we ask Council Member Bastardi, in conjunction with the assistance of Atty. Harris to get with the Paul Family and/or their representative and lets clarify what their options are; are they willing to talk to us and they are not willing to talk to us, is there some number. Council Member Royce further stated he did not think we should spend anymore money until at least Council Member Bastardi and Atty. Harris can come back to us with an option from the Pauls. Mayor Katsanis appointed Council Member Bastardi,

Atty. Harris and Mr. Freeman to meet with the Pauls, at their convenience, at Atty. Harris's office and come back to the June 1, 2009 meeting and give us a report.

2. Approval of Grant – Council Member Royce stated his understanding was that Mayor Katsanis has already signed the grant. Therefore, it has already been done; even if it was done improperly (Council was not asked to vote on the grant). Council Member Royce stated he thought there was no need to deal with approval of the grant.
3. Approval of Engineering Services – Envisors – We have already obviously contracted with the engineers, we obviously already spent a large amount of money, so this contract has also been accepted.

Council Member Royce stated he would ask in the future when we are accepting one half million dollars or any amount that we use the proper procedures to do that.

Atty. Harris suggested when we hear the rate study that we hear from Bryan Paul because there are other possibilities to use that grant if you go down the road of the Regional Utility. Envisors stated if the location of the well is moved, they did not think DEP would care.

Envisors advised they would do some additional site review at no cost.

4. Bid out tank service – Mr. Freeman stated DEP requires us to have service on our tanks. We need to have a contract on the new tank we recently constructed. Mr. Freeman stated he would work Atty. Harris and he would work with the company on a new contract, doing an addendum or go out for bids.

#### G. Town Clerk:

1. Mrs. Tuck stated the Council had approved amending an Interlocal Agreement last meeting which involved reducing the amount of payment to the County for our Planning services. Mrs. Tuck stated the figure of the yearly payment and the amount paid were not listed correctly. She presented a revised Interlocal Agreement with the correct amounts amending the County's planning services agreement. Council Member Royce made a motion the agreement be approved; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

#### PUBLIC HEARINGS:

- A. Ordinance 09-591 – Special Magistrate (2<sup>nd</sup> hearing) Council Member Royce made a motion Ordinance 09-591 be approved by reading of title only on second hearing and tabled for adoption on June 1, 2009, at 5:30 P.M. in these Chambers or as soon thereafter; motion seconded by Council Member Smart. On roll call, motion carried unanimously.
- B. Ordinance 09-592 – Amending 09-590 (2<sup>nd</sup> hearing) – Council Member Bastardi made a motion to approve on second hearing Ordinance 09-592 – An Ordinance of the Town of Lake Placid Amending Town Code Chapter 135, entitled: Water and Sewers; amending the Town’s sewer charges and policies; amending the procedure for water bill credits; providing for an irrigation meter; providing payment options for certain system development charges; providing for severability; and providing for an effective date; and adopt; motion seconded by Council Member Smart.
- C. Ordinance 09-593 – Leaks, Breaks and Errors (2<sup>nd</sup> hearing) – Council Member Bastardi made a motion to approve Ordinance 09-593 on second hearing by reading of title only and adopt; motion seconded by Council Member Smart. On roll call, Council Member Bastardi and Council Member Smart voted yes; Council Member Wilson and Council Member Royce voted no. Mayor Katsanis voted no to break the tie. Motion failed 3 to 2.

#### DEPARTMENT HEADS:

##### A. Town Attorney:

1. Atty. Harris asked Council if they wanted him to bring back an Ordinance concerning the mandatory sewer hook up. Council Member Royce made a motion we ask Atty. Harris to provide us an Ordinance and for the initial draft he consider putting January 1, 2010 as the deadline to hook up to the sewer; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

##### B. Town Council:

1. Council Member Bastardi asked that we put on the next agenda the Recreation Department. He stated he feels we need to go to the County and tell them we need more funds for the Lake June Ballfield Complex. Council Member Bastardi and Council Member Royce stated they are only speaking about Lake June Ballfield and would like to know exactly what it costs to operate Lake June Ballfield Complex. They feel the County and Town should be paying their fair share of the amount. The County for the number of County residents that use it and the Town for the number of Town residents that use it. Mayor Katsanis stated he would talk to Mr. Komasa about coming up with a report on this issue.

Council Member Wilson made a motion the meeting adjourn; motion seconded by Council Member Royce. Mayor Katsanis hearing no objections declared the meeting adjourned at 9:35 P.M.

**SPECIAL MEETING**  
**TOWN OF LAKE PLACID TOWN COUNCIL**  
**MAY 18, 2009 5:30 P.M.**

Mayor Tom Katsanis called the special meeting of the Town of Lake Placid Town Council to order on Monday May 18, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present.

**ROLL CALL:**

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

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

**CONSENT AGENDA:**

- A. Approve of Agenda
- B. Approve the following for the Town's Personal Policy:
  - 1. Delete or holidays from Section 33.08
  - 2. Delete 47.4.3
  - 3. Add Section 33.17
  - 4. Amend Section 37.2

Council Member Royce made a motion this item be moved to the end after the auditors have made their presentation; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

**PRESENTATION:**

- A. Wicks, Brown, Williams & Co. – John Davis and Tanya Canady of Wicks, Brown, Williams & Co. were present to give a report on their 2007-2008 audit of the Town's records. Mr. Davis presented a PowerPoint presentation on the finances of the general fund, infrastructure and enterprise funds (water, sewer, cemetery and sanitation). He stated the general fund and infrastructure accounts were in very good financial standings. He stated the enterprise funds have some problems. Most of the problems dealt with allocations of salaries to the right

departments, loan payments being paid for sewer out of water and costs of cemetery lots needing to be increased.

Council thanked Mr. Davis and Mrs. Canady for a very good presentation. Mr. Davis stated they would have the audits bound and ready for approval at the June 1, 2009 meeting.

CONSENT AGENDA:

B. Approve the following for the Town's Personal Policy:

1. Delete or holidays from Section 33.08 – the consensus was to leave it as is.
2. Delete 47.4.3 – the consensus on this was also to leave it as is.
3. Add Section 33.17 – Council Member Bastardi asked that the Town Clerk check with the Town's insurance company to see what would happen if an employee who does not take breaks (30 minutes) and uses one hour for lunch, does the break time affect any part of workers comp.
4. Amend Section 37.2 – The Clerk was asked to redeliver the wording.

Council asked that Town Staff review these issues and present them at the next meeting.

Council Member Smart made a motion the meeting adjourn; motion seconded by Council Member Bastardi. Mayor Katsanis hearing no objections declared the meeting adjourned at 8:00 P.M.

**REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
JUNE 1, 2009 5:30 P.M.**

Mayor Tom Katsanis called the regular meeting of the Lake Placid Town Council to order on Monday June 1, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. The invocation was given by Rev. Wayne Godwin, who also led in the Pledge of Allegiance to the American Flag.

**ROLL CALL:**

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

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

**CITIZENS NOT ON THE AGENDA:**

- A. Matt Sherwood – Mr. Sherwood stated he owned property on North Main Avenue. He stated just behind his business there is a very large broken area in the pavement. Mr. Fulton stated the area is on Mr. Sherwood's property and there is really nothing he can do.
- B. Ray Tharpe – Mr. Tharpe of Golden Corral stated he had read in the newspaper at the last meeting it was proposed that each water customer pay an additional \$1.00 per thousand gallons of water usage to help defray the cost of the sewer hookups. Mr. Tharpe stated they are with Highlands Utilities for the sewer and the Town for water. He said he did not think it was fair for them or any other business on Highlands Utilities to pay the additional \$1.00 on their water bill because they do not need sewer and never will. Mr. Freeman informed Mr. Tharpe it was just a suggestion and the Town is not concerning any increases at this time. Mr. Freeman did state we are having a revenue generating study done and once that is complete we will look at our rates.

**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

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

**PRESENTATIONS:**

- A. Wicks, Brown, Williams & Co. – Mr. John Davis, of Wicks, Brown, Williams & Co. presented the Council with an update of the Town’s 2008 audit. Mr. Davis stated since their presentation on May 18, 2009 they have had to add a new paragraph to the management letter concerning work being done by an official. Council asked that this matter be placed on the agenda for the next meeting so that they could have a chance to review the new management letter.

**PUBLIC HEARINGS:**

- A. Closing of Road – Mike Hoy – Mrs. BuChans stated Mr. Hoy had petitioned the Town Council for the closing of an alleyway behind his business on Richfield Drive. Mrs. BuChans stated the alleyway began on East Lake Drive and runs south on the east side of the businesses on Richfield Drive. All the businesses, up to Mr. Hoy’s business, have had the alleyway vacated. Mr. Hoy is now asking that the Town vacate the alleyway east of his business. Council Member Royce made a motion to authorize the Mayor and Clerk to sign a Resolution closing the road and reserving easements; motion seconded by Council Member Smart. On roll call, motion carried unanimously.
- B. Ordinance No. 09-591 – Special Magistrate (Adoption only) Council Member Royce made a motion this Ordinance be tabled until the July 13, 2009 meeting at 5:30 P.M; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.
- C. Ordinance No. 09-594 – Amending text of Capital Improvement Element (CIE) to the Town’s Comprehensive Plan – (Final Hearing) Mrs. BuChans stated the Department of Community Affairs’ Planner had said that the 5- year CIP was found sufficient, however he noted one policy in the CIE that requires a revision in order for the Town’s annual update to its CIE, including the Five-year Schedule of Capital Improvements to be found in compliance with the Florida Statutes and Florida Administrative Code. That revision is in Goal 2: Provide for a financially feasible schedule of capital improvements for Public School Facilities. DCA stated we needed to show the author, date and title of the School District Five Year Facilities Work Program.

Mrs. BuChans stated this matter had been before the LPA and the LPA was recommending amendment to the text of the CIE.

Council Member Royce made a motion to amend the text of the Capital Improvements Element of the Town of Lake Placid Comprehensive Plan, amending Policy 2.A1. to clearly express the intent to adopt the School District Work Plan by reference, including the author, date and title as part of the capital improvements element; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

#### DEPARTMENT HEADS:

##### A. Town Planner:

1. Fencing Ordinance – Mrs. BuChans stated recently she has had some issues come up concerning fencing matters in commercial property and residential areas. Mrs. BuChans stated our Ordinance is not really clear on fencing matters. She stated she has some examples from other areas and wanted to know if the Council wanted her to proceed with this matter. The Council asked Mrs. BuChans to present it to the LPA at the July 2009 meeting.
2. Lake Sirena Shores – Mrs. BuChans stated she has received correspondence from Beth Tucker, who is representing Lake Sirena Shores. She presented Council with a copy of a letter she received from Carnahan, Proctor and Cross, Inc., an engineering firm. The letter is asking for the Town Council to affirm that the Lake Sirena Shores project was approved as a phased project and that the two phases can be developed as distinct and separate phases so long as all of the conditions of the Development Agreement, approved on April 11, 2006, and all other permit conditions are met. Atty. Harris informed the Council he would not be able to be involved in this matter because he has a conflict of interest. The Council asked Council Member Bastardi to work with Mrs. BuChans on this matter.
3. Jimmy Wohl – Mr. Wohl stated he was standing in for his son, Marty Wohl. Mr. Wohl stated they were interested in developing affordable homes on the property presently owned by Ted Schiafone, located on Hillcrest Avenue, just south of Herons Landing. Mr. Wohl stated they were interested in building homes not condominiums, as the present Ordinance calls for. Also the Ordinance calls for 126 units and they only want to build 64 at this time. Mr. Wohl had several documents he requested the Council approve. Atty. Harris stated he felt the Town could work with Mr. Wohl as long as the document followed the Ordinance,

such as 128 units instead of the 64 proposed and as long as Makland Landing was removed and Highlands Cove inserted. Atty. Harris stated Mrs. BuChans cannot certify anything different than what the Council has approved. Atty. Harris further informed Mr. Wohl Mr. Freeman could certify that at this date utilities are available, but we cannot comment until payment is made. Mr. Wohl stated they really didn't want to pay for anything until they were sure the project would fly. Mr. Wohl thanked the Council and stated he would get with Mrs. BuChans.

4. RaceTrac – Mrs. BuChans also stated she was back dealing with RaceTrac. She presented a letter to the Town Council the Florida Department of Transportation that had been sent to her by RaceTrac concerning sidewalks. Council Member Royce observed that the letter did not directly refer to RaceTrac. In fact, the letter was dated December 15, 2008 and referenced as Sidewalks along State Highway System. Mrs. BuChans stated RaceTrac was wanting to put in a 5' path and landscaping of shrubs. She stated in her opinion they wanted to change the site plan by reversing the order of landscaping and paths. She stated she needed directions from the Council. Council stated they wanted the Resolution adopted at the meeting left "as is". Mrs. BuChans stated she would inform RaceTrac.

B. Town Clerk:

1. Personnel Policy Changes – Mrs. Tuck and Chief Williams presented several personnel policy changes:
  - a. Payment of time and one-half – Mrs. Tuck was asking that holidays for the Sanitation Department be figured as worked days so that they could be paid their 1 ½ when they work on Saturdays. Council felt they were getting paid for the holiday that was an incentive for them to work on Saturday for straight time.
  - b. Changing sick leave policy to limit obtainable hours to 960. Staff was asking the Council to approve changing 47.4.4 to read:  
**All employees who retire honorably with ten (10) years or more of uninterrupted service to the town of Lake Placid will receive payment for 50% of unused sick leave, up to 960 hours. All employees who retire honorably with twenty (20) years or more of service to the town of Lake Placid will receive payment of 75% of unused sick leave, up to 960 hours.**

Council Member Royce made a motion 47.4.3 of the policy (Sick leave accrued shall not exceed a maximum of 960 hours (120 eight hour days) shall remain as is and 47.4.4 shall be amended as stated above; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

c. Working hours – Town Staff had requested the policy include the Following:

“Section 33.17 Work Hours – The following hours are to be worked by the Town Employees (excluding the Police Officers), but however may be changed from time to time by the Department Head:

Town Office Staff: 8:00 A.M. until 4:30 P.M.

Field Employees: 7:00 A.M. until 3:30 P.M.

Breaks and lunch time will be followed as designated under the Fair Labor Standards.

This does not apply to salaried employees, as stated under the Fair Labor Standards.

Council felt the office staff was getting paid for 8 hours when they were only working 7 ½ because they take one hour for lunch. Mrs. Tuck and Mayor Katsanis explained they do not take breaks during the morning or afternoon, as other employees do. That is the reason for having one hour for lunch. Council felt they needed to add one half hour to their working day. Mrs. Tuck stated she would bring this policy back next month.

d. Clarify Health Insurance terms:

Mrs. Tuck stated the insurance company had requested we change our policy to read: Health Insurance is not available or in effect until day one of the first full month after 90 days. Mrs. Tuck stated she would bring this policy back also.

e. Holidays – Staff was asking for this change to clarify the Town allows 12 paid holidays a year. Staff had recommended:

**Payment for holidays is a benefit which the Town extends to its employees. Prior to the end of the fiscal year, the Town Clerk shall present a proposed list of 12 days as annual holidays to the Town Council for their approval. The Town Clerk will publish these holidays to department heads for distribution to Employees. This policy will also be presented next month.**

C. Recreation Director:

1. Mr. Komasa presented a PowerPoint to the Council and audience concerning the financing of Lake June Park, the Miracle League and grants. Mr. Komasa showed that the Lake June Park is only 1/3 funded by the Town with Town funds. He stated he was doing the PowerPoint because the Council had requested it at their last meeting. Mr. Komasa further reminded the Council that the County contributes approximately 50% of the operation and maintenances of all the parks in Town, not just Lake June Park. The Council thanked Mr. Komasa for the presentation.
2. Mr. Komasa stated he has been working with the Men's Softball League. The Men's Softball League would like to purchase 9 poles from Progress Energy for lighting at the field. The poles are \$300.00 each. Mr. Komasa stated they have asked if they donated the money if the Town could purchase them so they would not have to pay sales tax and the poles will be delivered for free. Mr. Komasa stated he just wanted to make sure Council was aware of what he was doing.

D. Public Works Director:

1. Debra Worley – SWFWMD – Tower runoff profit – Mrs. Worley stated the County, Southwest Florida Water Management District and the owner of the Tower have come very close to an agreement concerning the runoff water at the Tower and surrounding areas. SWFWMD and the County have agreed to fund the project. Mrs. Worley presented a partial agreement between all the parties, including the Town. She stated she actually just wanted the Town to be aware this matter is getting closer to realization and that she would keep us informed.
2. Removal of Tree in front of North Main Avenue Plaza (Schooni's) – Council Member Royce stated he would like to bring this matter up. He stated he knows the matter was voted on at the last meeting to remove the tree. However, he stated he has had many individuals approach him about not removing the tree. One of the groups being Keep Lake Placid Beautiful. Atty. Harris, as President of KLPB, asked that the Council reverse their vote for one month to allow KLPB to come up with some type of plan for the tree. Council Member Royce made a motion to stay the action on the tree until this Council has heard other options to improve that area for the safety and serving the area in front Schooni's and other businesses in that Plaza; motion seconded by Council Member Wilson. On roll call, Council Member Royce and Council Member Wilson voted yes; Council Member Bastardi and Council Member Smart voted no. Mayor Katsanis voted yes to break the tie. Motion carried 3 to 2.

D. Police Chief:

1. Red Light Camera Contract – Chief Williams stated he would like to proceed with the Contract with American Traffic Solutions. Council Member Smart made a motion to authorize the Mayor to enter into the agreement with American Traffic Solutions subject to the approving of the pricing by the Chief; motion seconded by Council Member Royce. On roll call, Council Member Smart, Council Member Royce, and Council Member Wilson voted yes; Council Member Bastardi voted no. Motion carried 3 to 1.
2. Chief Williams stated last meeting Mr. Fulton showed a power Pointe of the Town’s right-of-ways on North Main Avenue and Green Dragon Drive. Chief Williams stated some of the businesses along North Main Avenue have been using our right-of-way to display their goods. He stated they have not been able to locate in the Code a violation of this matter. Council asked Atty. Harris to see if he could find it in the code and if not to bring back an Ordinance concerning nothing on the Town’s right-of-way, including sidewalks.

E. Utility Director:

1. Update on Purchase of Property for New Water Tank – Bryan Paul’s property – Council Member Bastardi stated he and Mr. Freeman had a meeting scheduled with Mr. Paul and his representatives this week, but the Pauls had to cancel. They now have a meeting scheduled for this coming Wednesday. They will report back at the next meeting.
2. Mr. Freeman and Council Member Bastardi will also report back on the appropriations grant at the next meeting.

F. Town Attorney:

1. Impact Letter from County Attorney - Atty. Harris stated this is basically a request from the County Attorney asking for our comments on the Ordinance changes and wanting to know if we would be willing to waive the sixty days notice required by the Interlocal Agreement. Council Member Smart made a motion to waive the sixty day notice and offer no comments; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

Council Member Wilson made a motion to adjourn; motion seconded by Council Member Smart. Mayor Katsanis hearing no objections declared the meeting adjourned at 9:15 P.M.



**REGULAR MEETING**  
**TOWN OF LAKE PLACID TOWN COUNCIL**  
**MONDAY JULY 13, 2009 5:30 P.M.**

Mayor Tom Katsanis called the regular meeting of the Lake Placid Town Council to order on Monday July 13, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. Rev. Joe Brooks gave the invocation and led in the Pledge of Allegiance to the American Flag. A quorum was present.

**ROLL CALL:**

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

Town Clerk Arlene Tuck  
Town Attorney Bert Harris  
Town Public Works Director Jim Fulton  
Town Recreation Director John Komasa  
Town Utility Director Gary Freeman

**ABSENT:**

Council Member Charles Wilson  
Police Chief Phil Williams  
Town Planner Sue BuChans

**CITIZENS NOT ON THE AGENDA:**

1. Debra Worley – Mrs. Worley was present to give an update on the Lake Clay Stormwater project with Highlands County and Southwest Florida Water Management District. Mrs. Worley stated Atty. Harris had just given her a letter stating the County did not place the funds (\$30,000-\$33,000) for the project in the budget. She stated she had not had a chance to read the letter. She asked Council to schedule a special meeting, during their budget workshop so they could go over the situation in more detail. Mayor Katsanis asked Mrs. Tuck to schedule the meeting for July 20, 2009 at 5:30 P.M.
2. American Legion – Mr. Mack Carroll was present and stated the American Legion would like to place a flag in Stuart Park. Mr. Carroll stated the American Legion would place the pole, put up the electric to face the pole and donate the first flag to the Town. Council asked that the American Legion contact the Caladium Festival organizers and see what is a good location for the flag pole. Atty. Harris stated when Stuart Park was renovated; it was laid out to

accommodate vendors for the Caladium Festival. Council also asked that the American Legion coordinate the placing of the flag pole with Mr. Komasa. Council Member Royce made a motion that the Town accept the offer from the American Legion to place a flag pole and all accompanying electrical hookups and flag , if they reach a satisfactory agreement with the Town's Recreation Director or other appropriate staff member as to the appropriate location to set the flag pole; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

**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 2008 Audit

Mr. John Davis, of Wicks, Brown, Williams & Co., was present to answer questions on the 2008 Audit. Council Member Royce asked if the findings were being corrected. Mrs. Tuck and Mayor Katsanis stated staff had completed some and was working on the remaining ones.

Council Member Bastardi and Council Member Smart stated they were still having trouble analysis the budget items and budget actual. They suggested maybe some different type of accounting reports. Mr. Davis will assist staff with some suggestions.

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

**DEPARTMENT HEADS/MAYOR/COUNCIL MEMBER:**

**A. Town Attorney:**

1. Marty Wohl – Highlands Cove – Mr. Wohl stated he was asking whether or not the Town Council would consider a deferral of utility fees (sewer and/or water) in an amount and for a time period using an appropriate discount rate that result in a net present value of \$40,000.00 This would alleviate any out of pocket contribution for the grant they are trying to secure. Mr. Wohl further stated they would be building 64 units on the property just behind Publix, which would cost approximately \$281,600.00 for sewer and water hookup. If they were allowed 30 months deferral on the cost of hookups, they would have the contribution that is needed to for their application for the grant. By December 15, 2011, if the application is accepted, the Town would receive \$281,600. utility payment.

Council Member Bastardi stated he was concerned we would lose our interest in the note and mortgage which is now on the property. The existing note and mortgage were to be paid by June 2008 or it would be defaulted. The owner of the property would then owe the Town \$563,200.00, plus 18% interest from the date of default. Atty. Harris stated we would have to get some type of release from Mr. Ted Schiafione, the owner of Highlands Cove property.

Council Member Royce made a motion the Town make the deferment for Diamond Housing Partners commencing on May 15, 2009 and running through December 15, 2011, contingent upon the Town Attorney and Mayor reaching a legal agreement with all parties involved; motion seconded by Council Member Bastardi. On roll call, Council Member Royce voted yes; Council Member Bastardi and Council Member Smart voted no. Motion failed 2 to 1.

After further review of the note and mortgage and discussion between the Town Council and Mike Gallaher, who has represented Mr. Schiafione in the past, Council Member Smart asked to revisit the motion. After further discussion, Council Member Smart made a motion the Town make the deferment for Diamond Housing Partners commencing on May 15, 2009 and running through December 15, 2011, contingent upon the Town Attorney and Mayor reaching a legal agreement with all parties involved; motion seconded by Council Member Royce. On roll call, Council Member Royce and Council Member Smart voted yes, Council Member Bastardi voted no. Motion carried 2 to 1.

2. North Main Street/SCFE – Council Member Bastardi stated Keep Lake Placid Beautiful had obtained a forestry grant to clear the area along North Main Avenue from Dal Hall Boulevard north to Heartland Boulevard. The project would involve the railroad right of way a distance of approximately 1200 feet from the Town of Lake Placid lift station north to Heartland Boulevard. It would involve removing undesirable vegetation and replanting native trees. Council Member Bastardi stated after contacting the railroad they are requesting the Town sign a release prior to proceeding with the work. The release stated the terms, use of premises, compliance with applicable law, liens, license fee, use of subcontractors, insurance, indemnification, warranties, utilities, assignment and sub-licensing and general provisions. Council Member Bastardi stated he would like for Council to approve the release so that KLPB can move forward with the grant.

Atty. Harris asked that the Town Clerk contact our insurance company to make sure this project will be covered. Council Member Bastardi made a

motion to approve the contract with U.S. Sugar Corporation contingent upon validation that our insurance is adequate to cover any liability and that clause (#8) Indemnification be taken out and clause (#7) Insurance be left in; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

3. Live Oak Tree at Schooni's Shopping Plaza – At our May 2009 Council Member a motion was made, seconded and passed that the large Live Oak Tree in front of the shopping plaza on North Main Avenue be removed. At our Jun 2009 meeting Council Member Royce stated he would like for this matter to be brought back up because he had several complaints about us cutting down trees. At the June meeting a motion to stay the action on the tree until this Council has heard other options to improve the area for the safety and serving the area in front of Schooni's and other businesses in that Plaza was made, seconded and passed.

Mayor Katsanis stated Council Member Bastardi, Town Attorney Harris, Mike Eisenhart and he had met at North Main Avenue around the tree to discuss possible solutions. Mr. Eisenhart was asked to render his opinion on the tree. Mr. Eisenhart suggested for maintaining the health of the tree, accommodate the foot traffic on the adjacent walkway and prevent any impact of root growth to the buildings, the following steps should be followed: (1) Remove all of the existing concrete up to the store fronts; (2) Dig a narrow trench, 24" deep along the store fronts, cutting any roots impacting the store foundations; (3) Install bio barrier in the trench to prevent further root growth into the foundations; and (4) Provide a sand base where the concrete was removed and install pavers or used crushed granite for the pedestrian area. After further discussion, Council Member Bastardi made a motion to give Mr. Fulton the latitude to fabricate or to build a solution for longevity over the subject area, not to exceed \$1,000.00; motion seconded by Council Member Royce. On roll call, Council Member Royce and Council Member Bastardi voted yes; Council Member Smart voted no. Motion carried 2 to 1.

4. Resolution of KLPB - regarding FDOT grants and DeVane Renovation - Atty. Harris presented a Resolution of the Lake Placid Town Council regarding FDOT grants number 407994-1 and 409096-1 (Interlake Boulevard, U.S. 27 medians and multi-purpose paths). Atty. Harris stated KLPB would like for the Town Council to approve the Resolution. Atty. Harris stated the Town will be receiving \$431,500. to extend the U.S. Highway median landscaping north toward the railroad underpass. This

will be for: (1) implementing a well and directional bore under U.S. Highway 27, mainline, control panel, and control systems; (2) to irrigate U.S. Highway 27 medians; (3) to landscape the U.S. 27 medians as recommended by Keep Lake Placid Beautiful; and (4) to provide irrigation for the U.S. Highway 27 right-of-way area being landscaped under Florida Highway Beautification Council Grant.

He further stated we have also been awarded a \$938,000 in grant funds for the renovation of DeVane Park and the balance to be used for multi-purpose paths. The funds will be used in DeVane Park for irrigation, streetlights (consistent with the current Town lighting), landscaping and gazebo renovation/replacement. Up to but not more than \$150,000. should be spend on the open-air gazebo. The project agent will be William K. Brantley, II.

Funds not used for the Interlake Grant and U.S. 27 median grant projects should be transferred to and used for the landscaped path construction. Hosmer L. Compton will be the multi-purpose path agent. The grant funds should be used for a landscaped multi-purpose path along Grigsby Road if timely constructed.

Council Member Royce made a motion to adopt the Resolution subject to removal of the last sentence of the Resolution (Section 3.4) and state the grant funds are to be used for Grigsby Road or to be amended at a later date; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

- B. Town Planner: Mrs. Tuck informed the Council Mrs. BuChans would not be at the meeting.
1. Comments on Special Exception for Diocese of Venice – Allowing Church – Mrs. Tuck stated Mrs. BuChans was asking for comments because this area is in the Town’s joint notification area. Council Member Royce made a motion the Town Clerk notify the Highlands County Planning Department the Council had no comments; motion seconded by Council Member Smart. On roll call, motion carried unanimously.
  2. Lake Sirena Shore Club – Mrs. Tuck stated Mrs. BuChans and Mr. Don Hanna have reviewed this matter. The request was from Carnahan Proctor and Cross, Inc., on before of their client, Heartland National Bank. The letter requested confirmation that the two phases could be developed as distinct and separate phases so long as all the conditions of the Development Agreement, and all other permit conditions were met. Mrs.

BuChans' stated being as Atty. Harris is on the Heartland National Bank Board of Directors he must remain silent on any legal opinion regarding this project. Therefore, Staff was directed to meet with Council Member Bastardi and Mrs. Tuck to address this matter. Mrs. BuChans stated it was Staff's opinion that the Development Agreement is not in effect. Council discussed this matter and felt they had more questions. They felt they needed a legal opinion. Council Member Bastardi made a motion that we seek alternate counsel on this matter to make sure we make the right decision; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

C. Recreation Director:

1. Mr. Komasa stated he was requesting Council's approval to move ahead with asking RPAC for the impact fee monies that have been collected for the Town of Lake Placid for lights at the softball field. Mr. Komasa reminded the Council he had brought before them last week the donation of poles by the Men's Softball League. Now he would like to use the impact fee funds for the lights. Mr. Komasa stated he presented it to the Recreation Committee on Wednesday night and the members present were in favor. Council Member Royce made a motion to allow Mr. Komasa and the Recreation Committee to make application to RPAC about the possibility of utilizing impact fee funds; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

Council Member Royce mentioned to the Town Council that he had been attending some of the County's discussions on the budget. The Cities have been dropped to 25% recovery costs on maintenance costs for recreation, compared to the previous year's 50% recovery. Council Member Royce stated the County and other cities are mentioning user fees for recreation facilities. He stated it might be something we have to think about in the future.

D. Public Works Director:

1. Paving of Roads – Mr. Fulton stated he just wanted to make the Council aware that we had budgeted to pave several roads in Town this year. He stated he would be proceeding to do a bid package for the repaving of Sudbury, Sirena Drive and Marquata. Council Member Royce suggested he contact the County and see if they would be interested in submitting a proposal.

2. Masonic Lodge – Mr. Fulton stated he had been contacted by the Masonic Lodge concerning a problem with the parking spaces in front of their building on Park Street. He stated there is parallel parking on the south side of Park Avenue and diagonal parking on the north side of Park Avenue in front of the Masonic Lodge. Mr. Fulton stated when there are cars parked diagonally, the tires retain the spill off from flowing. He stated it is tearing up the parking area. Council Member Smart made a motion we change the parking from diagonal to parallel parking; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

E. Utility Director:

1. Bob Paul, Inc. – Right-of-way Vacation – Mr. Mike Gallaher, representing the Bob Paul family, stated the Paul family was asking Highlands County Board of County Commissioners to vacate a right-of-way in the unincorporated area. The County requires petitioner to seek letters of consent from all utility providers within the area. Therefore, he sent a letter to Mrs. Tuck requesting the Town's consent as a utility provider. Mr. Gallaher stated he received a letter last week from Mr. Freeman indicating the Town should not consent to the vacation of the right-of-way because of its possible future use for water and sewer lines. Mr. Gallaher asked that the Town Council reconsider and show support for this matter.

Mr. Gallaher stated the right-of-way was done in error many years ago. He stated the person conveying the right-of-way conveyed 25' which she did not own. He stated the right-of-way has never been used by Highlands County as such. Mr. Gallaher stated he would like to appear before the County Commissioners with all positive reports.

Council felt they should support Mr. Freeman. Therefore, no action was taken.

2. Update on Highlands Utilities – Mr. Freeman stated he had met with Council Member Bastardi and Atty. Harris concerning the acquisition of Highlands Utilities sewer plant. He stated Highlands Utilities has shown interest in negotiating with the Town. Mr. Freeman and Council Member Bastardi wanted permission to continue their discussions with Highlands Utilities. Council Member Royce made a motion that we ask Mr. Freeman, Atty. Harris and Council Member Bastardi to continue to work on this situation and if those three

unanimously agree on a potential contract offer that they be empowered to offer a contract that would be subsequently approved by the full Council that we empower them to offer a contract on this and that they continue to work on this as they are working through both the Lake Placid Utilities and how it may fit into a potential long range regional utility; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

F. Town Clerk:

1. Cogsdale Computer System – Mrs. Tuck stated the Cogsdale System is still giving problems and they have recently been notified of an upgrade to the system. When they asked for a quote on installing the upgrade, they were told it would take approximately 88 hours including training. They also stated all other fees according to the maintenance agreement contract would also be charged. The quote was \$11,880.00. Mrs. Tuck stated Staff is ready to throw up their hands. She stated the two staff members who have worked the hardest with the program are still finding problems. This has been going on for over three years. Atty. Harris stated he can see the frustration with the Staff and felt they had been through enough. He suggested writing a letter and requesting our money paid for the program.

Council Member Royce made a motion we ask Atty. Harris to contact the folks at Cogsdale and try to get some sort of rebate or refund and that unless we take further action we do not renew our service agreement or the use of Cogsdale beyond the end of the service agreement we have paid for and that we find the Cogsdale System has not lived up to its represented capacities and has not worked; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

2. Approval of tentative millage rate – Mrs. Tuck stated this tentative millage rate is what will be placed on the TRIM notices that are sent out to the citizens. She stated she was presenting two: (1) Showing 4.5 mils and (2) showing 4.0 mils. She stated after talking to Council Member Royce, he would feel better about sending out the statement with 4.0 mils. Council Member Royce made a motion we move forward with the 4.0 mils; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

Council Member Smart made a motion the meeting adjourn; motion seconded by Council Member Bastardi. Mayor Katsanis hearing no objections declared the meeting adjourned at 9:00 P.M.

**SPECIAL MEETING**  
**TOWN OF LAKE PLACID TOWN COUNCIL**  
**JULY 20, 2009 5:30 P.M.**

Vice Mayor Charles Wilson called the special meeting of the Lake Placid Town Council to order on Monday July 20, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. The Pledge of Allegiance to the American Flag was observed. A quorum was present.

**ROLL CALL:**

Vice Mayor Charles Wilson  
Council Member Ray Royce  
Council Member Steve Bastardi  
Council Member Carol Smart

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

**ABSENT:**

Mayor Tom Katsanis

**TOWN ATTORNEY:**

- A. Debra Worley – Lake Clay Storm water Retrofit – Mrs. Worley stated she had recently received a copy of a letter from Clell Ford, of the Highlands County Lakes Association stating the County had not placed any funds in the Lake Clay Storm water Retrofit for Phase II. Council Member Royce stated, after speaking to Mr. Ford last week, the County does have the funds for Phase I. Mrs. Worley stated she is also still negotiating with the owner of the Tower for an agreement to proceed with Phase I. She stated at this point all she is basically requesting is to continue to work on this project, Phase I and Phase II. Council Member Royce made a motion that the Town of Lake Placid continue to support the efforts to the completion of the Lake Clay project; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.
- B. Highlands Cove – Mr. Marty Wohl was present to discuss their Florida Housing Funding project on Hillcrest (Highlands Cove). Mr. Wohl stated after the last meeting they reviewed what the Council had voted on and discussed with Atty. Harris their options. They stated they were somewhat disappointed to learn that

the Town's attorney's time would be charged to them for time spent helping them with the resolution process with Mr. Ted Schiafone (owner of Highlands Cove). Mr. Wohl stated all they want the Council to approve is the FHFC document verifying the utility fee deferral be signed. Mr. Wohl stated if their request is denied they will withdraw from the contract and application process.

Council Member Bastardi stated he still felt the Town should proceed with reviewing options for the foreclosure on the property do to the default of the note and mortgage. Council Member Royce asked Atty. Harris if we proceeded with Mr. Wohl's request would it jeopardize our control of the note and mortgage which we hold on the Highlands Cove. Atty. Harris stated he felt it would. Council Member Royce made a motion the Town deny the request of Diamond Housing Partners to sign the verification documents at this time; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

Council Member Bastardi made a motion that we instruct the Town Attorney to due diligence on this to understand what our issues are and what our potential revenues are and I would ask the Clerk to advertise this issue for the next scheduled regular meeting and to advise Mr. Schiafone and his attorney that we will be taking this matter up and further that the Mayor is authorized to call it as an executive session if allowed by law on the opinion of the Town Attorney; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

- C. Town Planner – Vice Chairman stated Mark Hill, Planning, Building and Zoning Director was present and would like to speak with the Council concerning the upcoming end to the Interlocal Agreement the Town has with the County for Planning services. Mr. Hill stated his department was still very much interested in staying as the Town's Planner. Council Member Royce stated he did not feel the Town was in need of a full time Planner at this time, but was interested in having Mr. Hill come up with a scope of work which would include grant writing, planning, revising LDRs and possibility Code Enforcement. Vice Mayor Wilson asked the other Council Members if they felt coming up with a scope of work would be something they were interested in. The other Council Members felt they would like to proceed with such a project. Council Member Royce made a motion that we ask the Council, due to time is of the essence, to appoint Atty. Harris to deal with Mr. Hill in the development of a possible agreement, scope of work and budget as it relates to Town planning services and other services as may be possible; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

Council Member Bastardi made a motion the meeting adjourn; motion seconded by Council Member Smart. Vice Mayor Wilson hearing no objections declared the special meeting closed at 6:30 P.M.

The Council then held their first budget workshop. The workshop consisted of the Police Department, Transportation, Sanitation, Cemetery, Recreation, Administrative Expenses and Administrative Revenue budgets. The final decision on the 2009/2010 budget will be made on September 21, 2009.

**SPECIAL MEETING**  
**TOWN OF LAKE PLACID TOWN COUNCIL**  
**JULY 22, 2009 5:30 P.M.**

Vice Mayor Charles Wilson called the special meeting of the Lake Placid Town Council to order on Wednesday July 22, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. Vice Mayor Wilson led in the Pledge of Allegiance to the Flag.

**ROLL CALL :**

Vice Mayor Charles Wilson  
Council Member Ray Royce  
Council Member Steve Bastardi  
Council Member Carol Smart

Town Clerk Arlene Tuck  
Town Attorney Bert Harris  
Town Public Works Director Jim Fulton  
Town Utility Director Gary Freeman  
Town Planner Sue BuChans

**TOWN ATTORNEY:**

- A. Highlands Cove – Marty Wohl – Mr. Wohl was present and informed the Council after the last meeting (July 20, 2009) Diamond Partners, Inc. contacted Ted Schiafione, owner of the Highlands Cove property, and Mr. Schiafione stated he would be willing to pay attorney's fees. Mr. Wohl stated he was back asking that the Town sign the local government contribution form subject to the Town and Lake Partners being able to agree upon an agreement that would not jeopardize the mortgage or note. Council Member Royce made a motion we authorize Atty. Harris to speak with and negotiate with representatives of Lake Partners and Diamond Housing Partners in order to try to resolve all issues concerning the certification of the government contribution form as requested by Diamond Housing Partners and mortgage attached to the property on Hillcrest Boulevard and bring that back to the Town Council on August 10, 2009, as long as a satisfactory method of compensation for the Town Attorney's legal services are made in advance; also leave it to Atty. Harris's best judgment how to handle guarantee of payment to the Town; motion seconded by Council Member Smart. On roll call, motion carried unanimously.
  
- B. County Planner – Atty. Harris stated he met with Sue BuChans and Mark Hill, Human Development Director of the County concerning the Town's Planning

issues. Atty. Harris stated they had come up with some issues he would like the County to consider helping us with in the planning department. Council asked that Atty. Harris come up with an Interlocal Agreement containing matters to be considered as part of our planning contract and report back to the Town Council on August 14, 2009.

Council Member Smart made a motion the meeting adjourn; motion seconded by Council Member Bastardi. Vice Mayor Wilson hearing no objections declared the meeting adjourned at 6:10 P.M.

The Council then went into the 2009-2010 budget workshop to discuss administrative expenses, recreation, sanitation, infrastructure, sewer and water.

**SPECIAL MEETING**  
**TOWN OF LAKE PLACID TOWN COUNCIL**  
**AUGUST 3, 2009 5:30 P.M.**

Mayor Tom Katsanis called the special meeting of the Town of Lake Placid Town Council to order on Monday August 3, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. The meeting was to discuss the proposed 2009-2010 budget.

**ROLL CALL:**

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

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

The Council reviewed the 2009-2010 proposed Administrative Revenues/Expenses, Transportation, Recreation, Police, Sanitation and Infrastructure budgets and tentatively approved them to be presented for the first hearing on September 14, 2009.

Mayor Tom Katsanis stated he had recently had several complaints about the cemetery maintenance. He stated he spoke with Mike Eisenhart and Mr. Eisenhart stated a contracted individual should be able to maintain the cemetery in an excellent condition for around \$19,000. Mayor Katsanis stated he felt the Town should try putting the maintenance of the cemetery out for bids and see if we get any proposals. The Council felt it would not hurt to see if we could get some proposals. Mayor Katsanis stated he would get with Mr. Fulton and Mrs. Tuck and come up with a draft for an advertisement.

Town Utility Director Gary Freeman presented his revised water and wastewater budget. The Council had many questions and suggestions. After all the suggestions, Council Member Smart made a motion Council accept Mr. Freeman's original budget keeping all employees; motion seconded by Council Member Wilson. Council Member Royce stated he would be voting no on the motion because at the last meeting Mr. Freeman stated he could run the water and wastewater plants at the same level of service with one less person. Council Member Royce stated he did not feel keeping extra employees when less could do the same job was doing right by the electors. On roll call, Council Member

Wilson, Council Member Bastardi and Council Member Smart voted yes; Council Member Royce voted no. Motion carried 3 to 1.

Meeting adjourned at 7:00 P.M.

**REGULAR MEETING**  
**TOWN OF LAKE PLACID TOWN COUNCIL**  
**AUGUST 10, 2009 5:30 P.M.**

Mayor Tom Katsanis called the regular meeting of the Lake Placid Town Council to order on Monday August 10, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. Rev. Ray Cameron gave the invocation and led in the Pledge of Allegiance to the Flag.

**ROLL CALL:**

Mayor Tom Katsanis  
Council Member Steve Bastardi  
Council Member Carol Smart  
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

**ABSENT:**

Town Police Chief Phil Williams  
Town Utility Director Gary Freeman  
Town Recreation Director John Komasa

**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. Resolution – Recognizing Back to Basics

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

**DEPARTMENT HEADS/MAYOR/COUNCIL MEMBERS:**

- A. Town Planner:
  - 1. Update on Shore Club of Lake Placid – Mr. John McClure stated he had been contacted by Mrs. Tuck, as requested by the Town Council, to review the April 11, 2006 Developers Agreement entered into between the Town of Lake Placid and Lake Sirena Estates. Mr. McClure stated the

property is now owned by Heartland National Bank, of which Town Atty. Harris is a Director, and therefore, unable to provide an opinion.

Mr. McClure stated Carnihan, Proctor and Cross, Inc., the project engineers, have requested clarification from Town Council as to whether Phase I and Phase II of the preliminary plat can be separately developed as distinct and separate phases so long as all the conditions of the Development Agreement and other permit conditions are met. Mr. McClure stated the Town has requested his legal opinion regarding the status of the viability of the Development Agreement and whether the property may be separately developed in two phases.

Mr. McClure stated in rendering his opinion, he had reviewed the Developers Agreement, the June 18, 2007 meeting minutes of the Lake Placid Local Planning Agency/Board of Adjustment and the July 9, 2007 Town Council meeting minutes, met with Don Hanna and Sue BuChans of the County Planning Staff and talked to several Council Members. He stated it was his opinion that the project can be developed in separate phases, but there are several prerequisites that would be required before this can be accomplished. These contingencies are: (1) road right-of-ways mentioned in paragraph 7(c) of the Development Agreement; (2) Water Use Agreement which was to be entered into with the Town within 60 days of preliminary plat approval; (3) Drainage areas serving Phase I and Phase II. Two areas designated as drainage areas overlap. It is not clear that the portion in Phase I is sufficient to serve the storm water retention requirements of Phase I, and it does not appear that it is to be split or separately developed.

Mr. McClure stated it was his opinion that failure of the developer to comply with the rights of way dedication and completion of the Water Use Agreement could be grounds for the Town to determine that the preliminary plat approval is no longer viable. He stated he would recommend that the Town respond by requiring that the preliminary plat be amended to separately show the retention areas servicing each phase so as to allow separate phase development. It does not appear that road access or other issues exist. Further, upon resubmission of the required revised preliminary plat, dedication of the rights of way as depicted in Paragraph 7(c) of the Development Order, entry into the water capacity assignment and depiction of the water line easement on the preliminary plat, the Town should approve the revised preliminary plat. Final plat approval would be contingent upon compliance with the Developers Agreement and the additional requirements set forth in the minutes of the Town Council of their July 9, 2007 meeting.

Mr. McClure further noted there is a requirement for contribution of \$15,000.00 for a multi-use path along the westerly side of Green Dragon Drive, as well as a requirement to construct Marquata Drive from Green Dragon Drive to the proposed entrance for the Phase II area of the plat to Marquata Drive. Both of these improvements are tied to the

development of Phase II pursuant to the Development Agreement. While it is Mr. McClure's opinion the Development Agreement remains in effect and that upon compliance with the matters addressed, the property can be developed in separate phases in compliance with the Development Agreement and other requirements set forth by the Town, the better way to complete the matter would be to convert the project to separate Planned Unit Developments (PUD).

Mr. James Clinard, representing Heartland National Bank, was present and stated they had given the Highlands County Planning Department a new set of preliminary plans, construction plans and water and sewer, and he thought they were exactly like the ones on file with the Planning Department. Mr. Clinard stated he felt it was advisable to go back to the planning and stop all further action and ask what does it take with the intend of this subdivision to be Phase I and Phase II. What does it take to draw a line and say you can get your final plan recorded on Phase I when you do the infrastructure that is necessary. He stated that was clearly the intent. Heartland National Bank is just interested in what will it take to get the preliminary plat designated as Phase I and Phase II and what will it take to be able to procedure with Phase I at this time and later go to Phase II.

Council Member Royce made a motion that we move down the course of asking our Planning Staff to continue to investigate this along the lines as explained by Mr. Clinard and the Town retain Attorney McClure to the extend necessary after the Planning Department has taken another look at this, but before, if in the opinion of the Clerk or the Mayor or the Planning Staff we need to delve really far off course before we start to incur really serious legal bills or engineering bills that it be brought back to the Council; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously. Council Member Royce further advised Mrs. BuChans she should notify H. L. Bennett, the Town's Engineer, and advise him he should stop any work he may have started on this project until Heartland National Bank and the Planning Staff can meet.

Mrs. BuChans asked if she could summaries. She stated her understanding was:

1. Tomorrow she will call H. L. Bennett and put everything with him on hold
2. Planning Staff is going to meet with Heartland National Bank in the planning department.
3. Review the plat to see what is there and what are the inconsistencies are.
4. Heartland National Bank will meet with their engineers to see how the plan needs to be modified due to the inconsistencies
5. Then Heartland National Bank will direct the Planning Staff when it is ready to be sent off to the engineers

6. Once the engineer has reviewed, then the Planning Staff will again meet with Mr. McClure.

Council Member Royce stated he felt once Heartland National Bank returned after their engineers had corrected any inconsistencies, the Planning Department should be able to take it from there.

B. Public Works Director:

1. Envisors – LAP certification – Mr. Steve Elias, of Envisors Engineering, was present and stated he had been working with staff on becoming Local Agency Program (LAP) certified. The LAP program allows local agencies to identify project specific needs within their community. He stated he had sent Staff a Resolution that needs to be approved by the Council so we can move forward. Council Member Royce made a motion that the Town Council of the Town of Lake Placid, Florida hereby authorizes Mayor Katsanis and staff to execute the Local Agencies certification qualification agreements as well as other documents necessary to seek and ultimately obtain Local Agency Program approval; motion seconded by Council Member Smart. On roll call, motion carried unanimously.
2. Bid Opening on Road Project – Mr. Fulton stated we had received four bids from our advertisement to repave roads, as follows:
  - a. Excavation Point, Inc. \$89.09 per ton
  - b. Dalyn Real Estate Deve. \$95.00 per ton
  - c. Better Roads, Inc. \$98.00 per ton
  - d. Empower Construction, Inc. \$107.92 per ton

He stated Staff was recommending the low bid by Excavation Point. Council Member Bastardi made a motion the Town accept the low bid of Excavation Point; motion seconded by Council Member Smart. On roll call, motion carried unanimously. Mr. Fulton was asked to check and see if the bid could be secured for a period of time.

3. Maurice Wilson – owner of a rental unit in Serenity Subdivision was present complaining about the washout in his yard. Mr. Wilson stated every time it rained, it washed out the sand in his yard and caused large holes. Mr. Fulton stated Mr. Wilson has complained about this matter several times and the Town has repaired the situation. Mr. Fulton stated last time the Town leveled the area with sand and sod. However, Mr. Wilson had several dogs that dug up the sod and the area and caused large holes. Mr. Fulton stated we could not continue repairing the area because

it is really Mr. Wilson's problem. Council Member Bastardi recommended Mr. Wilson contact the office and get the telephone number for Southwest Florida Water Management District and file a complaint concerning the drainage problem. Mrs. Debra Worley stated she felt the problem is caused because after the subdivision was constructed several residents paved the alleyway for driveways. Because of the paving there is no place for the water to soak into the ground and it runs down the street.

4. Lake Clay Watershed Project – Mrs. Debra Worley presented Council with a proposed Easement Agreement for Lake Clay, Resolution and proposal for the treatment of runoff into Lake Clay. The treatment would be construction of a drainage project to be funded by Southwest Florida Water Management District. Mrs. Worley stated the project was ready to move forward. Council Member Royce made a motion that if the Town Attorney and Mayor were satisfied that the legalese and insurance requirements and other associated details to this agreement were satisfied and protected the Town adequately, the Mayor is then authorized to execute the agreement and go forward and let the project with the County and the Water Management District and the owner go forward; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.
5. Ben Tucciarone – was present to complain that he is having more problems with water going into his store because the sidewalk is not built up. Mr. Tucciarone owns the building on the corner of North Main Avenue and Park Drive. Mr. Fulton stated he does not know of anyway to correct the problem. Council Member Royce made a motion we spend a couple hundred dollars and raise the curb and try to make it work; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously. Atty. Harris asked Mr. Tucciarone if that was acceptable with him and he agreed it was.
6. Schooni's Tree – Mr. Fulton stated he had gotten an estimate to place a small ramp across the open space next to the tree in front of Schooni's. The estimate would be around \$1,200.00. Council Member Bastardi made a motion the Town remove the tree; motion seconded by Council Member Smart. On roll call, Council Member Bastardi and Council Member Smart voted yes; Council Member Wilson and Council Member Royce voted no. Mayor Katsanis voted yes to break the tie. Motion carried 3 to 2.

C. Police Chief:

1. Ordinance No. 09-591 – Special Magistrate (Adoption only) Council decided to wait until the Police Chief (who was not present at the meeting) could be at the Council meeting.
2. Ben Tucciarone – Code Enforcement – Mr. Tucciarone stated he had received a citation from the Code Enforcement Officer that he had to remove all his goods for sale from the front of his store on the corner of North Main Avenue and Park Street, because it has been determined that the sidewalk belongs to the Town. The Town’s Code states no one is to use public property for sale of items. Mr. Tucciarone asked why some businesses have benches, flower pots, newspaper racks, etc. He was told by Atty. Harris as long as it is not an item for sale and it is something the public can benefit from, it is allowed on the sidewalk.

D. Utility Director:

1. Sewer Connections – Staffs’ Recommendation – Several property owners from North Main Avenue were present to complain about the sewer. They stated when they were told they had to hook up to the sewer, they did it. They do not feel it is fair that they have spent their money to hook up and others are getting by without hooking up. They felt their impact fee should be returned to them. Mrs. Tuck stated Mr. Freeman was at a class and could not attend the meeting. However, Mr. Freeman and she met with the individuals and staff felt the following recommendation was appropriate:

Return the impact fee monies to anyone who has paid it since January 1, 2007, place a moratorium on the impact fee for one year and revisit it in one year, and start charging sewer base rate and usage to anyone who can be connected to the sewer, whether they are connected or not. Council stated they felt we should have another meeting to discuss this matter. The Clerk was asked to schedule a special meeting on Monday August 31, 2009 at 5:30 P.M.

E. Town Attorney:

1. Ted Schiafone – Mortgage and Note – Atty. Harris stated he had been in contact with Mike Gallaher, Ted Schiafone’s attorney, concerning the mortgage and note signed by Mr. Schiafone to the Town on the water/wastewater impact fees. Atty. Harris presented a proposed Forbearance agreement to the Council from Lake Partners, LLC. The Agreement would allow the property to be sold, but our note and mortgage would stand until the property was sold. If the property does not sell, our note and mortgage remain in place. At the sale of the property, Mr.

Schiafone would pay the Town \$281,600.00 for a satisfaction of his note and mortgage. This would allow Heartland Real Estate Corp. to purchase the land. Council Member Royce made a motion to authorize the Mayor to enter into the Forbearance Agreement upon recommendation of the Town Attorney and authorize the Town Attorney to make the appropriate changes consistent with the intent discussed at this meeting; motion seconded by Council Member Wilson. On roll call, Council Member Smart, Council Member Wilson and Council Member Royce voted yes; Council Member Bastardi voted no. Motion carried 3 to 1. Mr. Wohl stated within 30 months Heartland Real Estate Corp., if they receive the funding from the State for their Affordable Housing Grant will pay the Town \$281,600.00.

2. Marty Wohl – Mr. Wohl was present and asked if the Council would now approve their Local Government Contribution Exhibit. Council Member Smart made a motion to approve and enter the Local Government Contribution Exhibit contingent upon entering a side agreement with Heartland Real Estate Corp. addressing the promise to pay the balance thirty months out and recognition that there is no assurance of a modification to the site plan or PD Ordinance and whatever other reasonable contingencies to affect those concepts; motion seconded by Council Member Royce. On roll call, Council Member Smart, Council Member Royce and Council Member Wilson voted yes; Council Member Bastardi voted no. Motion carried 3 to 1.

F. Town Clerk:

1. Lake Placid Ridge Civic Center & Disaster Shelter – Mrs. Tuck stated the Town had agreed to give the Lake Placid Ridge Civic Center an amount equal to the County’s contribution up to \$25,000.00 for the engineering on the civic center. She stated when the project was presented to the Highlands County Commissioners it had been advertently listed as \$20,000.00. She stated she would like the Council to restate their motion leaving out “equal to the County’s contribution. She further stated the Town’s portion would probably end up being less than \$25,000.00. Council Member Royce made a motion to donate \$25,000.00 to the Lake Placid Ridge Civic Center for engineering purposes; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.
2. General Fund, Cemetery, Sanitation Line Item Adjustments – Mrs. Tuck reminded the Council this is something that is done each year to even out the categories in the departments that may need additional funds. Council Member Bastardi made a motion the Resolution be approved; motion

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

G. Mayor/Town Council Members:

1. Letter to County Engineer requesting Safe Route to School – Council Member Royce stated the County Engineer states they prioritize roads around school areas for construction or repair through a Safe Route to School project. Council Member Royce stated the County now has two schools that have moved up to #1 and #2 that do not need sidewalks due to the fact there are no walkers. Council Member Royce made a motion the County revise their priority list to place Tangerine Drive, Green Dragon Drive, West Interlake Boulevard and/or the areas immediately surrounding Lake Placid Elementary School, Lake Placid Middle School and Lake Placid High School; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

PUBLIC HEARINGS:

- A. Resolution 09-01-001 – Mrs. Tuck presented Resolution 09-01-001 adopting a non-ad valorem assessment roll for the Town of Lake Placid. Council Member Royce made a motion the Resolution be adopted as presented; motion seconded by Council Member Smart. On roll call, motion carried unanimously.
- B. Tentative Rate Resolution – Mrs. Tuck presented the Tentative Rate Resolution, along with a list of assessments and property owners names. Council Member Bastardi made a motion the Resolution be adopted; motion seconded by Council Member Smart. On roll call, motion carried unanimously.
- C. Ordinance 09-595 – Amending Licensing Administrative Fee (1<sup>st</sup> Hearing) – Mrs. Tuck stated this Ordinance was not changing the Business License Tax Fee, it was only adding \$5.00 to the Administrative Fee. Council Member Bastardi made a motion Ordinance 09-595 be approved on first hearing by reading of title only; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

Council Member Smart made a motion the meeting adjourn; motion seconded by Council Member Wilson. Mayor Katsanis hearing no objections declared the meeting adjourned at 9: 35 P.M.

**SPECIAL MEETING**  
**TOWN OF LAKE PLACID TOWN COUNCIL**  
**AUGUST 31, 2009 5:30 P.M.**

Mayor Tom Katsanis called the special meeting of the Town of Lake Placid Town Council to order on Monday August 31, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. The meeting was called to further discuss the handling of sewer problems.

**ROLL CALL:**

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

Town Clerk Arlene Tuck  
Town Attorney Bert Harris  
Town Utility Director Gary Freeman

**ABSENT:**

Council Member Carol Smart

**CONSENT AGENDA:**

- A. Approval of Agenda – Council Member Bastardi made a motion the agenda be approved as presented; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

**PRESENTATION:**

- A. Town of Lake Placid Sewer Discussion – The Mayor turned the meeting over to the Sewer Committee which was composed of Council Member Bastardi, Atty. Harris, Arlene Tuck and Gary Freeman. The Committee had been appointed by the Mayor.

Council Member Bastardi gave a little bit of an update and what the Committee had been asked to consider. That being possible options of getting customers to hook up to the Town's sewer system. Council Member Bastardi stated the Committee had come up with an availability charge of \$30.00 to \$40.00; this being an average of what the average flow per household is a month. Also to return all system development charges to individuals who have paid but not

actually hooked up to the sewer. And, to those who have hooked up and have been using the sewer system, to give them a credit or refund of \$500.00.

Council Member Royce stated he would like to take each item separately, beginning with the availability charge. Council felt the availability charge was a good idea, but not to use it on the flow, to use it on the base charge. Mr. Freeman stated the base charge at present was \$19.00 for residential, \$29.85 for commercial-inside, and \$19.00 for master meters, plus \$18.25 for each additional unit on the master meter.

Council Member Royce made a motion a service availability fee be charged to customers who have the service available, but have not hooked up; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

Council Member Royce made a motion the service availability fee be added to customers bills beginning with the January 1, 2010 bill; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

Council Member Royce made a motion the cost of the service availability fee be the base rate charged to customers; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

Council Member Bastardi made a motion the meeting adjourn; motion seconded by Council Member Wilson. Mayor Katsanis hearing no objections declared the meeting adjourned at 9:30 P.M.

**SPECIAL MEETING**  
**TOWN OF LAKE PLACID TOWN COUNCIL**  
**SEPTEMBER 8, 2009 5:30 P.M.**

Mayor Tom Katsanis called the special meeting of the Town of Lake Placid Town Council to order on Monday September 8, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present.

**ROLL CALL:**

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

Town Clerk Arlene Tuck  
Town Attorney Bert Harris  
Town Utility Director Gary Freeman

**CONSENT AGENDA:**

- A. Approval of agenda – Council Member Royce made a motion the agenda be approved as presented; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

**PRESENTATION:**

- A. Heartland Real Estate Corp. – Marty Wohl – Atty. Harris gave an update on the Agreements between Ted Schiafone, Heartland Real Estate Corp. and the Town of Lake Placid. Atty. Harris stated the agreements require Mr. Schiafone to pay the Town, at closing of his property on Hillcrest, \$281,600.00; and Heartland Real Estate Corp. to pay the Town \$281,600.00 within 30 months. Atty. Harris reminded the Council it did not provide for the delinquent interest now on the note and mortgage. He just wanted to reconfirm Council was willing to forgo the interest and proceed with requiring the principle to be paid. Council stated they wanted to proceed with the vote taken at the August 10, 2009 meeting (*Motion made by Council Member Smart to approve and enter the Local Government Contribution Exhibit contingent upon entering a side agreement with Heartland Real Estate Corp. addressing the promise to pay the balance thirty months out and recognition that there is no assurance of a modification to the site plan or PD Ordinance and whatever other reasonable contingencies to affect those concepts; motion seconded by Council Member Royce. On roll call, Council Member*

*Smart, Council Member Wilson and Council Member Royce voted yes; Council Member Bastardi voted no. Motion carried 3 to 1).*

- B. Town of Lake Placid Sewer Discussion – Gary Freeman, Steve Bastardi – Mr. Freeman and Bastardi gave a power point presentation on information they had gathered since the last meeting, August 31, 2009, which was requested by the Town Council. Council Member Bastardi stated they were suggesting 100% of the impact fee monies collected be given back to the low pressure customers, who have paid, but not hooked up and that 50% of the impact fee monies collected on the gravity system be returned to the customers who have not hooked up. Council Member Bastardi stated this recommendation is only for the customers on the new line (line put in on 2005-2006).

After discussion between the audience and Council, Council Member Bastardi made a motion that Atty. Harris draw an Ordinance which would consider the refunding of 50% of the gravity system development charge for the folks that are outlined in the spreadsheet provided and refund 100% of the grinder pump system development charge and that the ordinance be drafted to further reflect those fees in perpetuity for that line (*2006 line*); motion seconded by Council Member Royce. On roll call, motion carried unanimously.

Being as this was a special meeting called just for these two items, no further business was considered. Council Member Smart made a motion the meeting adjourn; motion seconded by Council Member Wilson. Mayor Katsanis hearing no objections declared the meeting adjourned at 7:30 P.M.

**REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
SEPTEMBER 14, 2009 5:30 P.M.**

Mayor Tom Katsanis called the regular meeting of the Town of Lake Placid Town Council to order on Monday September 14, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. Rev. Stephen Bishop gave the invocation and students of Lake Placid Christian School led in the Pledge of Allegiance to the Flag. A quorum was present.

**ROLL CALL:**

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

Town Clerk Arlene Tuck  
Town Attorney Bert Harris  
Town Utility Director Gary Freeman  
Town Recreation Director John Komasa  
Town Police Chief Phil Williams  
Town Planner Don Hanna

**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 Proclamation for Habitat for Humanity
- E. Approval of Wicks, Brown, Williams & Co. Management Letters

Council Member Royce made a motion that the consent agenda be approved; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

**PRESENTATION:**

- A. Lake Placid Merchants Association – Robert Brown, a representative of the Lake Placid Merchants Association, informed the Council they were starting a new campaign to prompt the Lake Placid businesses. The campaign involves a sticker, with a green palm tree, reminding everyone to shop in Lake Placid. He also asked Council if it was permissible to place a two sided sign on SunTrust's property

promoting the merchants. Council asked Atty. Harris to get with Mr. Brown and see what the Town's Code states.

Mr. Brown stated the Lake Placid Merchants Association would again be sponsoring the Fall Festival on October 31, 2009 in DeVane Park. Council thanked Mr. Brown and his organization

DEPARTMENT HEADS/MAYOR/COUNCIL MEMBERS:

A. Public Works Director:

1. Shannon Purvis/Desiree Wiggins – Oak Hill Cemetery – Mrs. Purvis and Mrs. Wiggins stated they have children buried in Baby land and are concerned about the condition of the property. They stated chemicals have been sprayed on the ground and killed the grass, some of the stones have been damaged and grass has not been mowed. Three other individuals approached and stated they also had problems with the condition of the cemetery. Council felt we needed to update our rules for the cemetery. Mayor Katsanis stated he would be forming a Cemetery Committee to come up with a list of rules for the Cemetery. He stated he would serve on the Committee and would like to have about seven other individuals who are interested to serve on the Committee. He asked anyone who is interested to please contact him.

B. Town Planner:

1. Town of Lake Placid/Highlands County Planning Agreement – Don Hanna, representing the Highlands County Planning Department presented a proposed Agreement between the Town of Lake Placid and Highlands County for Planning Services for October 2009 to September 2010. Council Member Royce made a motion the Council enter into the Interlocal Agreement between the Town of Lake Placid and Highlands County for planning services for 2009/2010; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

- C. Recreation Director: Mr. Komasa stated he really did not have anything to bring up except to remind the Council this Saturday September 19, 2009 would be the grand opening and dedication ceremonies for the new Miracle League Field.

D. Police Chief:

1. Ordinance 09-591 – Special Magistrate (Adoption Only) Council Member Royce made a motion Ordinance 09-591 be tabled until the next regular Town Council Meeting; motion seconded by Council Member Bastardi. On roll call, Council Member

Royce, Council Member Wilson and Council Member Bastardi voted yes; Council Member Smart voted no. Motion carried 3 to 1.

E. Utility Director:

1. Approval of Utility Service Co., Inc. – Mr. Freeman stated he was presenting an agreement for service to the 25,000 gallon water storage tank located at 905 Lake Drive East. He stated we have been working with Utility Service Co., Inc. for several years and are very pleased with their service. He stated the agreement fee is \$4,262.00 for the first ten years and \$4,337.00 for the remainder of the agreement. Atty. Harris stated the Town Clerk questioned the whether or not the agreement should be bid out being as it is for a period over five years. Atty. Harris said it does have a statement that the Agreement can be terminated each year. Council asked Atty. Harris and Mr. Freeman to review the Contract and Atty. Harris to determine whether or not he thinks the Town needs to advertise the agreement. Mr. Freeman was also asked to check with the Company and see if they would do an annual contract.

F. Town Attorney:

1. Ordinance increasing Dumpster/Non-Residential Fees – Atty. Harris stated he would bring something back at the next meeting for Council's review.

G. Town Clerk:

1. Population Estimate – Mrs. Tuck stated she had received our annual population estimate from BEBR. She stated she does not feel the estimate is correct (1720), but with the census being taken in six months, she felt we could wait until a true estimate comes out. But she would like Council to give her the go ahead to sign the form and send it back to the University of Florida. Council agreed.

H. Mayor/Town Council Members:

1. Council Member Royce – Grigsby Road, South Tangerine Road and related matters - Council Member Royce made a motion we instruct our Town Attorney to write a letter to the County Engineer and the Highlands County School Board, directed to the attention of Mr. Avert, to remind the County and informs the School Board that there are parties currently working on whatever you might want to call it, South Tangerine and/or Grigsby Road, of the possibly of constructing and modifying those roads and that we would like the School Board to become actively involved at this time in planning for that construction and modification; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

**PUBLIC HEARINGS:**

- A. Ordinance 09-595 – Increase of Administrative Fee on Tax Receipts (2<sup>nd</sup> hearing)  
– Mrs. Tuck read the title of Ordinance 09-595. She stated this Ordinance would increase only administrative fees on the tax receipts from \$5.00 to \$10.00.  
Council Member Smart made a motion to approve Ordinance 09-595 on reading of title only on second hearing and adopt; motion seconded by Council Member Royce. On roll call, motion carried unanimously.
- B. Ordinance 09-597 – Approval of 2009-2010 Mileage Rate for the Town of Lake Placid, Florida (1<sup>st</sup> hearing) Mrs. Tuck read the Ordinance in its entirety. Council Member Royce made a motion Ordinance 09-597 be approved by reading of the Ordinance on first hearing; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.
- C. Ordinance 09-598 – Approval of 2009-2010 Town of Lake Placid Budget – Mrs. Tuck read the Ordinance in its entirety. Council Member Wilson made a motion Ordinance 09-598 be approved by reading of the Ordinance on first hearing; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

Council Member Smart made a motion the meeting adjourn; motion seconded by Council Member Wilson. Mayor Katsanis hearing no objections declared the meeting adjourned at 7:35 P.M.

**SPECIAL MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
SEPTEMBER 21, 2009 5:30 P.M.**

Mayor Tom Katsanis called the special meeting of the Town of Lake Placid Town Council to order on Monday September 21, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present.

**ROLL CALL:**

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

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

**PUBLIC HEARINGS:**

- A. Ordinance 09-597 – Millage Rate for 2009-2010 (2<sup>nd</sup> hearing) Town Clerk Arlene Tuck read the title of the ordinance and informed the Council that the fiscal year 2009/2010 operating millage rate for the Town is 3.8100 mills, which is less than the rolled-back rate of 4.1396 mills by -8.0%. Council Member Wilson made a motion Ordinance 09-597 be approved on second hearing by reading of title only and adopted; motion seconded by Council Member Bastardi. On roll call, Council Member Bastardi, Council Member Smart, Council Member Wilson and Council Member Royce voted yes. Motion carried 4 to 0.
- B. Ordinance 09-598 – 2009/2010 Budget (2<sup>nd</sup> hearing) Town Clerk Arlene Tuck read the title of the ordinance. Council Member Bastardi made a motion Ordinance 09-598 be approved on second hearing by reading of title only and adopted; motion seconded by Council Member Smart. On roll call, Council Member Smart, Council Member Bastardi, Council Member Royce and Council Member Wilson voted yes. Motion carried 4 to 0.

Council Member Smart made a motion the meeting adjourn; motion seconded by Council Member Bastardi. Mayor Katsanis hearing no objections declared the meeting adjourned at 6:30 P.M.

**SPECIAL JOINT MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
AND  
TOWN OF LAKE PLACID LOCAL PLANNING AGENCY/  
BOARD OF ADJUSTMENT  
SEPTEMBER 21, 2009 5:30 P.M.**

Mayor Tom Katsanis called the special joint meeting of the Town of Lake Placid Town Council and the Town of Lake Placid Local Planning Agency/Board of Adjustment to order on Monday September 21, 2009 at 5:30 P.M. A quorum was present. The meeting was called for Central Florida Regional Planning to present the draft of the Town's EAR (Evaluation and Appraisal Report).

**ROLL CALL:**

Town Council:

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

Local Planning Agency:

Chairman Hoz Compton  
Member John Holbrook  
Member Eddie Oxer  
Member Philip Moore  
Alternate Member Cheryl Davis

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

**PRESENTATION:**

Jennifer Cobo-Salisbury, representing Central Florida Regional Planning Council was present to present the Town of Lake Placid's EAR. Mrs. Salisbury gave a power point presentation of the report. The Town Council and Local Planning Agency were then given a chance to ask questions and make suggestions.

LPA Member John Holbrook made a motion to recommend to the Town Council that they adopt Resolution 09-02-03 and submit for review to the Florida Department of Community Affairs the Town of Lake Placid's 2009 Evaluation and Appraisal Report

(EAR), and to include the revisions necessary to the Town's annexation maps and other maps; motion seconded by LPA Member Philip Moore. On roll call, motion carried unanimously.

Council Member Royce made a motion that we adopt Resolution 09-02-03 and submit for review to the Florida Department of Community Affairs the Town of Lake Placid's 2009 Evaluation and Appraisal Report (EAR), and to include the visions necessary to the Town's annexation map and other maps; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

Council Member Royce made a motion the meeting adjourn; motion seconded by Council Member Wilson. Mayor Katsanis hearing no objections declared the meeting adjourned at 6:30 P.M.

**REGULAR MEETING**  
**TOWN OF LAKE PLACID TOWN COUNCIL**  
**OCTOBER 12, 2009 5:30 P.M.**

Mayor Tom Katsanis called the regular meeting of the Town of Lake Placid Town Council to order on Monday October 12, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. Rev. Drew Severance gave the invocation and Hannah Waller of the Lake Placid Christain School led in the Pledge of Allegiance to the Flag.

**ROLL CALL:**

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

Town Clerk Arlene Tuck  
Town Attorney Bert Harris  
Town Police Chief Phil Williams

**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. Appoint Arlene J. Tuck, Municipal Clerk, as Census liaison

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

**DEPARTMENT HEADS/MAYOR/COUNCIL MEMBERS:**

- A. Town Attorney:
  - 1. Red Light Cameras Agreement – Chief Williams stated he would like to look more into this matter. He is concerned about the public records demands. Council Member Royce made a motion that the Council not enter into this particular agreement at this time and that we ask the Town Attorney and Police Chief to continue to explore this, the possibilities of the association of entering into this type of agreement and bring it back to the Town Council when in their discretion they feel it is appropriate to do

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

2. Highlands Utility System – Atty. Harris stated he, Mr. Freeman and Council Member Bastardi had met several times on this matter, as instructed by the Council at a previous meeting. Council Member Bastardi stated they have had several discussions with the owners and he believes we can deliver a contract that is favorable to the Town and that has been achieved by science; we can define specifically how we came to the numbers. Council Member Royce made a motion that the Town Council allow Council Member Bastardi, on our behalf, negotiate and sign a one-sided option contract with the utility provider if he feels it is appropriate to do so; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

PUBLIC HEARINGS:

- A. Ordinance No. 09-591 – Special Magistrate Ordinance (Adoption Only) Council Member Royce made a motion we adopt Ordinance No. 09-591, as amended tonight by the Town Attorney and including additions to 26.51, 26.48, 26.482 and the deletion of 26, Section 154.10 covering swimming pools; motion seconded by Wilson. On roll call, motion carried unanimously.
- B. Ordinance No. 09-596 – Increase of Non-residential Sanitation Collection & Dumpsters – Council pulled this matter off the table being as Atty. Harris felt Council needed to see the changes highlighted that were made in the Ordinance. Council asked that this matter be put back on the agenda next meeting.

DEPARTMENT HEADS/MAYOR/COUNCIL MEMBER:

B. Utility Director:

1. Reuse Project Public Access – FDEP Permit - Mr. Freeman gave the Council a memo that the part of the Cooperative Funding Agreement with SWFWMD is complete. However, the District has notified us that in order to receive reimbursement of the final payment that has been paid to the contractor, there has to be an approved FDEP permit to go to Public Access Reuse. The permit must be completed by a Florida Professional Engineer. Mr. Freeman stated one of our Engineers, Dale Polston, is familiar with the reuse application process and the complications involved. Mr. Freeman stated he was asking Council to approve the following engineering cost and permit application fee:

Consulting Engineers	\$14,500.
FDEP Permit Application Fee	<u>3,750.</u>
Total:	\$18,250.

Mr. Freeman stated the funds will have to be taken out of the Capital Funds Reserve that has a current balance of \$47,360.61. When we receive the permit and can prove to SWFWMD that it is complete, then this fund will be reimbursed with the \$76,298 that SWFWMD owes us. Council Member Bastardi made a motion to approve the contract with Dale Polston Engineering as outlined in Mr. Freeman's memo; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

Council asked that Mr. Freeman give them an update on the reuse system at the meeting when the acquisition is discussed.

C. Council Member Bastardi:

1. Update on North Main Street Project – Council Member Bastardi gave the Council an update on the North Main Street Project. He reminded the Council this is a forestry grant that has been given to the Town.

D. Town Clerk:

1. Mrs. Tuck stated the Christmas Parade Committee had met and was asking Council to approve vendors for the Christmas Parade to be only non-profit organizations within the Greater Lake Placid Area and stationed only at Stuart Park. Council Member Royce made a motion that any vendors who intend to sell any product must register with the Lake Placid Police Department and that no vending shall be allowed at any time on the parade staging route and that no vending will be allowed on the public right-of-way after the parade has commenced; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

E. Police Chief:

1. Chief Williams stated he had a police vehicle (1998 Crown Vic) he would like declared surplus so he can sell it on Gov.net. Council Member Royce made a motion that the 1998 Crown Vic, as described by Chief Williams be declared surplus; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

Council Member Bastardi made a motion the meeting adjourn; motion seconded by Council Member Smart. Mayor Katsanis hearing no objections, declared the meeting adjourned at 7:30 P.M.



**REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
NOVEMBER 9, 2009 5:30 P.M.**

Mayor Tom Katsanis called the regular meeting of the Lake Placid Town Council to order on Monday November 9, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. Invocation was given by Thelma Becker, of the Memorial United Methodist Church – Manna Ministries and the Pledge of Allegiance was led by Lake Placid Christian School Student Council.

**ROLL CALL:**

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

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

**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

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

**DEPARTMENT HEADS/MAYOR/COUNCIL MEMBERS:**

- A. Town Attorney:
  - 1. Direct Legislative Utility Grant – Atty. Harris presented a Resolution concerning the Direct Legislative Grant that was awarded to the Town of Lake Placid for the purpose of implementing the new water production facility and related lines situated on the north side of the Town of Lake Placid. Since awarded the Direct Legislative Grant, utility needs of the Town of Lake Placid have changed dramatically. It appears that a privately operated wastewater treatment system within and around the Town of Lake Placid is nearing failure. It is in the best interest of the

citizens of Lake Placid that the Town of Lake Placid acquire the privately operated facilities for incorporation into the Town's wastewater treatment system. Therefore, the Resolution requests the re-appropriation of the Direct Legislative Grant to be used by the Town for a wastewater treatment system or water system. Also, the Resolution states the Town intends to use the grant funds to purchase and rehabilitate that part of the Highlands Utility Wastewater Collection and Treatment System in and around the Town of Lake Placid, Florida. Council Member Royce made a motion the Resolution be approved; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.

2. Cogsdale – Atty. Harris presented a letter he had sent to Cogsdale Corporation concerning the computer program purchased by the Town three years old. Atty. Harris stated he had not received a response to his letter and wanted to know in what respect the Town wanted him to proceed. Council Member Royce made a motion that Atty. Harris follow through one more time and unless in his opinion he receives some sort of information that leads him to believe that we have a case that we not spend anymore money in chasing this matter; motion seconded by Council Member Wilson. On roll call motion carried unanimously. Atty. Harris was asked to work with the Town Clerk and Utility Department to come back with the problems that have been encountered.
3. Building Permits not to be issued without Sewer Hookups – Atty. Harris stated the Resolution being presented is to flag the Highlands County Building Department concerning sewer hookups. The Resolution requires that the Building Department, acting under the Interlocal Agreement between them and the Town, respectfully enforce Section 135-51 of the Code of the Town of Lake Placid which provides that any residential, commercial or industrial building situated within 200 feet of a Town sewer line shall be connected to the Town's wastewater system. Council Member Bastardi made a motion the Resolution be approved; motion seconded by Council Member Royce. On roll call, motion carried unanimously.
4. Ordinance 09-600 Sewer Policies - Atty. Harris stated this Ordinance was being presented to clean up some issues in our present Ordinance. He stated this Ordinance is for public hearing in December 2009 and January 2010.

D. Utility Director:

1. Magnolia Well – Mr. Freeman informed the Council we have been having problems with our Magnolia well. He stated for over one month, the water samples have not passed. He said DEP has been contacted.

However, the last few samples that have been taken, are coming back better. Mr. Freeman stated he feels we need to pull the well and check the casing. He had two bids he presented to the Council. Mr. Freeman stated DEP recommended we pull the well and telescope the line. Council Member Bastardi stated his motion would be to declare an emergency, to try to take advantage of this clause in the ordinance, and then to validate that it does in fact exist and the direction I would recommend in my motion is that we allow these tests to continue without taking any action as far as any of these bids, in hopes that it will come clean by itself and then if that proves not to be the case, understanding the reason we are declaring an emergency is that we have one well and an interconnect with Placid Lakes in providing potable water; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

2. Council Member Royce stated he does not know the well driller other than David Cannon, but he does know David drilled the first well and he is very confident in Mr. Cannon and he does they know what they are doing. He stated unless the other well driller comes extremely recommended he would like to see us stay with the original well driller. Council Member Bastardi made a motion to authorize expenditures up to \$10,000.00, to be transferred from the computer services to water plant maintenance, for a budgetary standpoint until we further find out we still have contamination; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

Council Member Royce made a suggestion to Mr. Freeman that once Cannon Well Drilling has done this he would strongly encourage Mr. Freeman to ask some representative of their company to come here, that are experts in televising a well and talking about casings. Council Member Royce stated we needed to have some experts to come in to talk with us.

E. Public Works Director:

1. Richard Sadler – Consider restrooms in Town – Council Member Royce made a motion that we ask our Public Works Director and Utility Director to explore the options of creating public restrooms in the downtown parks and the first option would be the shuffleboard court; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously. Council Member Royce stated he would be very comfortable with tearing down the shuffleboard court building and rebuilding something with restrooms. Council Member Royce further stated that maybe we should go to the Country Fair, Caladium Festival, Mural Society and ask for they

donations towards the restrooms being as these functions bring in so many visitors that need the facilities.

F. Mayor/Town Council Members:

1. Council Member Bastardi – Gave an update on the Cemetery Committee. He stated they have one problem that has come up and it involves whether the Town actually sales the land or are they selling burial rights. He stated he felt a lot of the decisions to be made hinge on what method the Town uses. He stated he has asked the Town Attorney to look into this matter.

PUBLIC HEARINGS:

- A. Ordinance 09-596 – Increase of Non-residential Sanitation Collection & Dumpsters (1<sup>st</sup> hearing) Council Member Bastardi made a motion Ordinance 09-596 be approved on first hearing by reading of title only; motion seconded by Council Member Royce. On roll call, motion carried unanimously.
- B. Ordinance 09-599 – Miracle League Trust – Council Member Wilson made a motion Ordinance 09-599 be approved on first hearing by reading of title only; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

Council Member Royce made a motion the meeting adjourn; motion seconded by Council Member Smart. Mayor Katsanis hearing no objections declared the meeting adjourned at 9:00 P.M.

**REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
DECEMBER 14, 2009 5:30 P.M.**

Mayor Tom Katsanis called the regular meeting of the Town of Lake Placid Town Council to order on Monday December 14, 2009 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. Rev. Tim Taylor 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 Ray Royce  
Council Member Charles Wilson  
Council Member Carol Smart

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

**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 request from Lake Placid Arts and Crafts Country Fair
- E. Approval of Interlocal Agreement for Impact Fee from Highlands County (lights at Lake June Ballfield)

Council Member Royce made a motion the consent agenda be approved; motion seconded by Council Member Wilson. On roll call, Council Member Royce, Council Member Wilson and Council Member Bastardi voted yes; Council Member Smart had not yet arrived at the meeting. Motion carried 3 to 0.

**PUBLIC HEARINGS:**

- A. Ordinance 09-596 – Increase of Non-residential Sanitation Collection & Dumpsters (2<sup>nd</sup> hearing) Council Member Bastardi made a motion Ordinance 09-596 be approved on second hearing by reading of title only and adopted; motion seconded by Council Member Royce. On roll call, Council Member Bastardi,

Council Member Wilson and Council Member Royce voted yes; Council Member Smart had not yet arrived at the meeting. Motion carried 3 to 0.

- B. Ordinance No. 09-599 – Miracle League Trust Fund – (2<sup>nd</sup> Hearing) – Council Member Wilson made a motion Ordinance 09-599 be approved on second hearing by reading of title only and adopted; motion seconded by Council Member Bastardi. On roll call, Council Member Royce, Council Member Wilson and Council Member Bastardi voted yes; Council Member Smart had not yet arrived at the meeting. Motion carried 3 to 0.

#### DEPARTMENT HEADS/MAYOR/COUNCIL MEMBER –

##### A. Police Chief:

- 1. Hiring of Magistrate – Chief Williams reminded the Council they had approved the Ordinance to proceed with a magistrate form of Court and we now needed to secure a magistrate. Council Member Royce made a motion Chief Williams and the Mayor proceed with whatever steps are necessary to secure a magistrate for the Town of Lake Placid; motion seconded by Council Member Wilson. On roll call, Council Member Bastardi, Council Member Wilson and Council Member Royce voted yes; Council Member Smart had not yet arrived at the meeting.

##### B. Recreation Director:

1. Tangerine Road – Council Member Royce discussed Tangerine Road and that the Town should approach the county to take over the maintenance of Tangerine Road. It was brought to the Council attention that if and when Grigsby Road is constructed this would be a benefit to the county in their transportation projects. Actually Grigsby Road and Tangerine Road serves county residents. Council Member Bastardi made a motion Atty. Harris prepare a Resolution to be sent to the county requesting Tangerine Road be accepted as a county maintained road, that the county seek a long term fix for the intersection of Tangerine and Heartland, that the County use or create a safe corridor to school along the east side of Tangerine Road (between West Interlake Boulevard and Lake June Park); and if Grigsby Road is not constructed in the near future, the Lake Placid Impact Fee monies should be used to acquire right-of-ways to fix the intersections discussed and for sidewalks and/or paths; motion seconded by Council Member Royce. On roll call, Council Member Royce, Council Member Wilson and Council Member Bastardi voted yes; Council Member Smart had not yet arrived at the meeting. Motion carried 3 to 0.

- 1. Debra Worley – Public Restrooms – Mrs. Worley stated she had been working on public restrooms for the Town. She stated her son, who is an architect, had donated his time to draw some proposed views of a

restroom. She felt the Tourist Club Building should be removed and the new restrooms placed there. Mr. Komasa stated the Tourist Club Building is in very bad disarray and needs to be removed. Mr. Komasa stated he would like to get with Mr. Freeman, our utility director, and see what the cost would be to bring sewer to the restrooms, and get with some builders to come up with a price. Council Member Royce stated he was in favor of the design presented, but that he would like to see about 8' added on the back of the building for storage of supplies for the restrooms and storage of supplies for the Tourist Club Members. Council Member Royce made a motion the Town Council set the restoration of the restrooms at Stuart Park as an urgent priority and encourage Mr. Komasa, with the assistance of Mrs. Worley, to come back to us in thirty days with an action plan; motion seconded by Council Member Wilson. On roll call, Council Member Bastardi, Council Member Wilson and Council Member Royce voted yes; Council Member Smart had not yet arrived at the meeting. Motion carried 3 to 0.

2. Debra Worley – Watershed program – Mrs. Worley stated she had been contact by the SWFWMD that we were about to loss the funds we received for this program. She stated Atty. Harris was to draw up a proposal for the project and she had never seen it. Atty. Harris stated he had contacted SWFWMD several months ago and had never heard back from them. Council asked Atty. Harris to proceed with this project in whatever way he could.

C. Public Works Director:

1. Cemetery Well - Mr. Fulton informed the Council our big well at the cemetery was down. He stated he placed an “Invitation for Bids” ad in the newspaper and received two bids. One from Bush Welling Drilling (\$15,693.00) and one from Riles Drilling (\$18,887.00). After much discussion and many unanswered questions, Council asked Mr. Fulton to contact Southwest Florida Water Management District and check on if the Town would have to purchase any permits. Council asked that this matter be brought back to the Council at their next meeting.
2. Cemetery Employee Job Description – Mr. Fulton stated it had been brought to his attention there was a job description for the cemetery employee that was not appropriate. He asked that Council review the existing description and replace it with the one he was presenting. The current job description states: “Cemetery Worker – Groundworker – heavy manual work assisting lineman in maintenance, repair and construction of overhead and underground transmission and distribution

lines, occasionally under adverse weather conditions. Work is performed on the ground and subject to close supervision by the foreman. Digs pole holes, sets poles and anchors; passes tools to lineman, trims trees. Requires completion of the sixth grade.” Mr. Fulton’s proposed job description for a cemetery employee is: “1) mowing and trimming of all burial spaces where possible. Large open areas for future use will be maintained with a bush hog mower as needed. 2) Removal of any trash, old flowers, tree trimmings etc., placed grave side or in the cans provided around the cemetery. 3) Repair and maintain the irrigation system, hose bibs and check the pumps. 4) Be available to help with the cleaning and maintenance of mausoleum crypts and niches which includes opening and closing of the crypts and niches. 5) Be knowledgeable of cemetery boundaries, lots, blocks, and spaces and be able to answer questions and give directions as needed. 6) Be knowledgeable of procedures and rules to be able to help with or be able to mark spaces for interment and headstones as needed. 7) Be able to show prospective buyers the areas where they can purchase property as needed. 8) Be able to do minor service of equipment. Grease mower, change and sharpen blades, change belts as necessary.” Council Member Bastardi made a motion the current job description be deleted and we use the one presented by Mr. Fulton; motion seconded by Council Member Royce. On roll call, motion carried unanimously.

3. Main Street – Mr. Fulton stated the County will soon be repaving South Main Street and he would like to get them to pave South Main Street (which goes off to East Lake Drive) just south of Sides Aluminum while they are here. He stated it would run about \$3,500.00. Mr. Fulton was asked to delete this area he was planning on paving. Council did not think it was a necessary road.

#### D. Utility Director:

1. Mr. Freeman informed the Council the tests for the Magnolia well is still failing. He stated he contacted DEP and Envisors and they are suggesting we do a Four-Log Virus Treatment of Groundwater program. Roger L. Homann, of Envisors, informed the Council of the program and stated this would cover the tests that keep failing. He said this program is one that is highly recommended by DEP. Mr. Homann stated their services would cost \$8,000.00 and it would be to set up the program. Council Member Royce made a motion that we enter into the Consultant Contract with Envisors to provide the services as described as both phases of the report and that Mr. Freeman also then be authorized to expend the cost of up to \$10,000.00 for necessary meters and hardware upon the recommendation

that he receives from Envisors; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

2. Utility Services, Inc. – 25,000 gal. tank maintenance agreement – Mr. Tim McDaniel of Utility Services, Inc. was present to inform Council of his proposed Contract. Mr. McDaniel stated the contract could be terminated by the Town on a yearly basis or it could continue to run the full term of the Contract which is for seven years. The total of the contract for the seven years would be \$47,092.00. Council Member Royce made a motion that we enter into the contract with Utility Service Co.; motion seconded by Council Member Bastardi. On roll call, motion carried unanimously.
3. Easement of Bryan Pauls Property – Mr. Freeman stated he had received notice from the County that the Pauls had requested a vacation of a right-of-way on property north of the railroad tracks on U.S. 27; outside the town limits but within our notification limits. Mr. Freeman stated he was opposed to it in case someday we might want to place a well in that vicinity. After much discussion on this matter, Council Member Bastardi made a motion that the Town go on record as opposing the vacating of the easement; providing the red line connects to another right-of-way either south, north or west today; motion seconded by Council Member Smart. On roll call, motion carried unanimously. Council asked that Mr. Freeman and Atty. Harris represent the Town at the County Commissioners Meeting.

E. Town Attorney:

1. Contract with Griffin Trees, Inc. – Atty. Harris stated Mr. Griffin found a good price on some larger trees to be used in the Highway Beautification Project and was asking Council to amend the existing contract to allow use of the larger trees. Council Member Royce made a motion the Town amend their contract with Griffin Trees to allow for the larger trees; motion seconded by Council Member Smart. On roll call, motion carried unanimously.

F. Town Clerk:

1. Impact Fee Review Committee – Mrs. Tuck stated she had received a letter asking the Town Council to submit a name of an individual to sit on the Impact Fee Review Committee. Council Member Royce stated the appointments are usually on a rotation basis and it is Sebring's time to have a member. He stated he already sits on the Committee in another function and could keep the Council advised on the Committee. Council

asked Mrs. Tuck to advise the County Engineer we would not be submitting a name.

2. Highlands County Tourist and Convention Bureau – Mrs. Tuck stated she received a letter from the Highlands County Tourist and Convention Bureau asking for a nominee for a vacancy on the HCTCB. Mayor Katsanis stated he would be willing to serve. Mrs. Tuck was asked to advise the Committee of the Mayor being willing to serve.

G. Mayor/Town Council Members:

1. Discussion on Oak Island Road – Council Member Royce stated he really didn't have much to report. He stated hopefully at the next meeting he would have a report from the Oak Island Homeowners Association concerning Grigsby Road.

Council Member Wilson made a motion the meeting adjourn; motion seconded by Council Member Bastardi. Mayor Katsanis hearing no objections declared the meeting adjourned at 9:00 P.M.