

**REGULAR MEETING  
TOWN OF LAKE PLACID TOWN COUNCIL  
FEBRUARY 12, 2007 5:30 P.M.**

Mayor Tom Katsanis called the regular meeting of the Town of Lake Placid Town Council to order on Monday, February 12, 2007 at 5:30 P.M. at Town Hall, 311 W. Interlake Boulevard, Lake Placid, Florida. A quorum was present. The invocation was given by Rev. Richard Norris of the Lake Placid Trinity Lutheran Church. The Pledge of Allegiance was led by students from the Lake Placid Christian School.

**ROLL CALL:**

Mayor Thomas Katsanis  
Council Member Charles Wilson  
Council Member Debra Worley  
Council Member Jim Waller  
Council Member Bill Brantley

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

**APPROVAL OF AGENDA:**

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

**PRESENTATIONS:**

- A. Resolution to Luis Celaya – Mayor Katsanis read a very appropriate Resolution to Luis Celaya who resigned from the Local Planning Agency/Board of Adjustment effective December 31, 2006. Mr. Celaya had been a very loyal member and had served for two terms on the LPA. The Council thanked Mr. Celaya for all his help and especially for volunteering to serve.
- B. Wicks, Brown, Williams & Co. – Annual Audit – John Davis, representing Wicks, Brown, Williams & Co. gave a report on the Town’s annual audit, which Wicks, Brown, Williams & Co. had prepared. Mr. Davis gave the report on the financial status and stated he would return next month after the Council had an opportunity to review the report. Mr. Davis stated the audit found the Town to be in stable financial condition.

## **CONSENT AGENDA:**

- A. Approval of Monthly Reports and Payment of Monthly Bills
- B. Approval of Minutes
- C. Approve Resolution by Florida League of Cities

Council Member Brantley made a motion the Consent Agenda be approved; motion seconded by Council Member Waller. On roll call, motion carried unanimously.

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

### A. Town Attorney –

1. Charter Change – Allow Mayor to vote if conflict of interest arises on Council – Council Member Worley stated she asked for this to be placed on the agenda because of the situation several months ago when several Council Members had a conflict of interest in issues presented. She stated she felt it could be possible the conflict of interests would cause the Council not to have a quorum.

The Council was reminded any changes made to the Charter require a referendum vote. The Council felt it would rather wait until an election so that it would not cost the Town.

Council Member Brantley made a motion to give Atty. Harris the latitude to explore the conflict of interest in allowing the Mayor to vote and to look into data about taxing districts for law enforcement; motion seconded by Council Member Waller. On roll call, motion carried unanimously.

### B. Town Planning Department:

1. Mrs. BuChans informed the Council that she had received a notice from the State of Florida that they found the Large Scale Comprehensive Plan on HIW Development, Highlands Cove and the Large Scale Amendments in compliance. She stated the State is running a Notice of Intent on finding it in compliance. If there are no objections within thirty days, they are approved.
2. Ordinance No. 06-544 – Repealing Sections 155-1 through 155-10 (Adoption only – Two Public Hearings were held December 11, 2006 and January 8, 2007) – **Bullard Regulations** – Atty. Harris stated he had some changes to the Ordinance that were mostly typos. After noting the changes, Council Member Waller made a motion Ordinance No. 06-544 be approved and adopted; motion seconded by Council Member Worley. On roll call, motion carried unanimously.
3. Council Member Worley stated she was excusing herself from the Council at this time.

4. Proposed Ordinance Amending Nonconforming Section in LDR's, Chapter 154, Article III – Mrs. BuChans stated Council Member Worley has some property that she owns and would like to redevelop with workforce housing. She owns several lots in the Hibiscus area. Many lots in this area of Town were platted prior to the Town's LDR's being adopted and as a result are smaller than the minimum lot size for the zoning district it is located. These lots may be developed according to the Nonconforming lots of record section of the code. This section allows lots to be developed even if the minimum lot area, required yard or width cannot be met, however, all other provisions of the zoning district must be met, i.e. front, side, and rear setbacks.

This matter was brought before the Local Planning Agency and they moved to forward to the Town Council in favor of staff's recommendation to consider amending Chapter 154, Article III, nonconforming lot of record as presented. Staff's recommendation is: pursuant to LPA's recommended motion, move to recommend to consider holding public hearing to amend Chapter 154, Article III, nonconforming lot of record as presented.

Mrs. BuChans presented a proposed draft of Ordinance 07-547 An Ordinance of the Town of Lake Placid, Florida amending Chapter 154, Article III and Providing for an Effective Date. Mrs. BuChans stated she wanted to know how Council felt about Section 1. Nonconforming lots of record.

After discussion by the Council, Council Member Brantley made a motion to approve 154-14 (d). Nonconforming lots of record of the Ordinance subject to the removal of the last line (The planning and zoning official shall have the authority to grant a twenty-five (25) percent variance to the front, side and/or rear setbacks) and replace it to allow more consistency with Highlands County's R1 District, approve the remainder of the Ordinance and advertise for public hearing; motion seconded by Council Member Waller. On roll call, Council Member Waller, Council Member Brantley and Council Member Wilson voted yes; Council Member Worley abstained from voting due to a conflict of interest. Motion carried 3 to 0.

5. Proposed rezoning request from R1-A to R-1 – Mrs. BuChans stated Council Member Worley initiated the request for zoning change. She stated Council Member Worley would like the Town to consider rezoning from R1-A to R-1 the area south of Interlake Boulevard, west of U.S. 27, east of Oak Street and North of Plumosa. Mrs. BuChans stated staff supported Council Member Worley's request. Mrs. BuChans stated there are many lots in this area of town that were platted prior to the Town's LDR's being adopted and as a result are smaller than the minimum lot size for either of these zoning districts.

Mrs. BuChans stated this matter was presented to the LPA and the LPA moved to forward to Town Council in favor of staff's recommendation to change zoning boundary south of Interlake Boulevard, west of U.S. 27, east of Oak Street and north of Plumosa from R1-A to R-1. Staff recommends that pursuant to LPA's recommended motion, move to consider recommending changing zoning boundary south of Interlake Boulevard, west of U.S. 27, east of Oak Street and north of Plumosa from R1-A to R-1.

Council Member Waller made a motion to accept staff's recommendation, prepare Ordinance changing zoning from R1-A to R1 and advertise for public hearings; motion seconded by Council Member Brantley. On roll call, Council Member Wilson, Council Member Waller and Council Member Brantley voted yes; Council Member Worley abstained from voting due to a conflict of interest. Motion carried 3 to 0.

6. Garage/Storage for New Homes – Mrs. BuChans stated some LPA members felt garages should be required of new homes. Others believed if that were the case, they should be required in all zoning districts, not just this one. If parking should be required, in what Code Section and how many garages and any restrictions added? As a result the following motion was made: **LPA's Recommended Motion: Move to forward to Town Council to recommend Town Council study whether or not garages or storage facilities be required for each new home in the Town of Lake Placid.**

Council Member Brantley made a motion Mrs. BuChans study requiring garage/storage facilities on new development and also study parking, additional parking and required parking; motion seconded by Council Member Wilson. On roll call Council Member Brantley, Council Member Wilson, Council Member Waller and Council Member Worley voted yes. Motion carried 4 to 0.

6. Re-appointment of new member to Local Planning Agency/Board of Adjustment – Council Member Worley stated it had been brought to her attention that when the Council selected the new LPA member the alternates were not advised of the procedure. Mayor Katsanis stated he had announced at the December 11, 2006 meeting that Luis Celaya had resigned from the LPA as of December 31, 2006 and the Town Council was accepting resumes for anyone who wanted to serve on the LPA. Mayor Katsanis stated at the January 8, 2007 meeting we had two resumes: one from Steve Bastardi and one from Jackie Edgemon. He stated Town Council selected Steve Bastardi.

Council Member Worley stated she thought the position should have been advertised. Mason Smoak, who is an alternate, stated he was not aware of having to submit a resume. He stated he really did not know what the procedure was. Mrs. Barger, whose husband Robert Barger is an alternate,

stated she felt the position should have gone to one of the alternates. She stated she did not feel the matter was handled properly.

Council Member Brantley made a motion to set the following policy: all open positions on any Town committee will be advertised, all individuals will be required to submit a resume, all individuals will have to appear before the Town Council and be interviewed and the Town Council will decide from the interviews who will serve on the committee; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.

C. Recreation Director:

1. Naming of Serenity Subdivision Park – Mr. Komasa stated the park the Town is building in Serenity Subdivision is nearly complete. He stated he would like to have a dedication ceremony March 3, 2007 at 12:00 P.M. Mr. Komasa also stated staff was suggesting the park be named after Darrell and Veronica Taylor. The Taylors live in Serenity Subdivision and have been very instrumental in the beautification project around town. Council Member Waller made a motion the new park at Serenity Subdivision be named “**Taylor Park**”; motion seconded by Council Member Wilson. On roll call, motion carried unanimously.
2. Playground equipment for Lake June Park – Mr. Komasa informed the Council the auditors felt he needed to inform the Council and Council needed to accept the purchase of playground equipment for Lake June Park. Mr. Komasa stated he found a \$30,000 grant for playground equipment; however the documents had to be in within one week. So he went ahead and applied for the grant. The Town was granted the grant and he purchased \$60,000 worth of playground equipment for \$30,000. The \$30,000 will come out of the FRDAP. Council Member Worley made a motion to accept the grant applied for by Mr. Komasa and for it to be applied to playground equipment; motion seconded by Council Member Waller. On roll call, motion carried unanimously.

D. Town Utility Director:

1. Director’s report on downtown sewer from 1-29-07 meeting – Mr. Freeman stated he was asked to review and come up with figures for the following:
  - a. To do something for the individuals on the grinder pump system; i.e. give them a credit towards the system or pay for the system.
  - b. On applying an assessment to the taxes and over how many years.
  - c. Come up with a time certain on hookups – grinder vs. gravity system
  - d. Come up with an assessment for vacant lots.

The following is what Mr. Freeman came up with:

1. To do something for the grinder pump system customers: *If the Town pays the \$1,616 for the grinder package it will cost approximately \$129,290 (this is 80 units x \$1,616). If we give them a credit of \$1,616 toward the impact fee, it will leave \$1,184 that they would owe the Town. Note: \$1,616 is 42.29% of \$2,800.*
2. Apply utility assessment for the SDC over how many years?  
*Ten Years – 280 total units (includes vacant lots) are calculated this way: \$2,800 x 280 = \$784,000 and divided by ten (10) years equals \$78,400 per year. The customer’s annual assessment would be \$280.*  
  
*Fifteen Years - \$784,000 divided by fifteen (15) years equals \$52,267 per year. The customer’s annual assessment would be \$186.67.*
3. Come up with time certain on hook ups – grinder vs. gravity.  
*Suggest one (1) year for the gravity connections and two (2) years for the grinder.*
4. Come up with an assessment for the vacant lots.  
*They need to be assessed the full amount of \$2,800 over the allotted years.*

Council Member Brantley stated he felt something needed to be done for the individual having to purchase the grinder. He stated the present water customers are the ones who actually paid for the sewer plant. When the plant was built, there were no funds in the sewer account, therefore the water account had to fund the building. Also when the Town applied for the loan to build the new sewer plant, the bids came in so high some of the projects had to be deleted from the scope of service. Therefore, this caused individuals to have to go with a grinder. Council Member Brantley stated he did not feel it was right making these individuals pay for a problem the Town might have caused.

Council Member Waller made the following motion: Atty. Harris is to prepare an Ordinance allowing the following as long as it complies with the State Revolving Loan:

1. Individuals on grinder pumps do not have to pay the system development fee of \$2,800 if they connect to the sewer within one year; the individual will be responsible for future service of the grinder pump;
2. Individuals on gravity will only have to pay \$1,400 for the impact fee if they connect to the sewer within six (6) months;

Motion seconded by Council Member Brantley. On roll call, Council Member Brantley, Council Member Waller and Council Member Wilson voted yes; Council Member Worley voted no. Motion carried 3 to 1.

3. Discussion on Tomoka Heights Water/Wastewater Facility – Mr. Freeman stated the County would be discussing the Town of Lake Placid acquiring the Tomoka Heights Water/Wastewater Facility at their meeting tomorrow. Mr. Freeman stated he has toured a portion of the facilities and has reviewed some of the financial statements. However, he stated our auditors need to review the financials and the Town needs to hire an engineering firm to do major inspections of the facilities. Atty. Harris asked the Council how they wanted Mr. Freeman and him to proceed at the meeting. The Council asked both of them to attend the meeting but not commit to anything for the Town.
4. New water plant land engineering study – Mr. Freeman stated he has been in negotiations with Bryan Paul for the purchase of 4 acres of his land south of the Town’s cemetery for a new water plant. He stated the Paul family is willing to sell us four acres at \$50,000 per acre with an option for a water line. Mr. Freeman stated he is looking into applying for a Small Community Development Block Grant/Ed at the end of the year. He stated he is hoping to get the grant, which will pay for the project. Mr. Freeman stated he needs to have an engineering study done to determine if the land is suitable for the plant.

Council stated they would prefer to have some type of option with the Paul family prior to moving ahead. Council Member Worley made a motion the Town enter into an option contract with the Bryan Paul family for four acres of land south of the Town’s cemetery at a price of up to \$50,000 per acre and also allow Mr. Freeman to go forward with the engineering study for \$21,000; motion seconded by Council Member Brantley. On roll call, Council Member Brantley, Council Member Worley and Council Member Wilson voted yes; Council Member Waller had to leave the meeting prior to the vote. Motion carried 3 to 0.

E. Town Public Works Director: No comments

F. Police Department: No comments

G. Town Clerk:

1. Christmas Parade – Mrs. Tuck informed the Council the Jaycees have informed the Chamber of Commerce they will no longer be handling the Christmas Parade. The Chamber called and asked the Town if they would be willing to co-sponsor the parade with the Chamber. Mrs. Tuck stated Lt. Honeywell and she met with the Chamber concerning this matter and if no one had a problem with the Town assisting with the parade, she would continue attending the meetings with the Chamber.

H. Mayor/Town Council Members:

1. College Sewer – Atty. Harris stated Council Member Worley had been in contact with the South Florida Junior College and they informed her State law exempts them from system development fees for sewer hook up. Atty. Harris stated he wanted to inform the Council of this matter. Council Member Worley stated she did not feel the law exempted the college and they should be required to pay the fee, which is approximately \$40,000. Council stated they would review this further at the next meeting.

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