

**MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
January 5, 2015**

The Regular Meeting of the Lady Lake Town Commission was held in the Commission Chambers at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida with Mayor Ruth Kussard presiding. The meeting convened at 6:00 p.m.

- A. CALL TO ORDER:** Mayor Ruth Kussard
- B. PROCEDURAL:** *Citizens are encouraged to participate in the Town of Lady Lake meetings. Speakers will be limited to three (3) minutes. Additional time may be granted by the Mayor. Citizen groups are asked to name a spokesperson and the Mayor, at his/her discretion, may allow longer than three minutes. Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone. The order of agenda items may be changed if deemed appropriate by the Town Commission. Please be respectful of others and put your cell phone on silent mode.*
- C. PLEDGE OF ALLEGIANCE:** Led by Joe Quinn.
- D. INVOCATIONⁱ:** Rev. Carolyn J. Thomas, Lady Lake United Methodist Church
- E. ROLL CALL:** Tony Holden, Commissioner Ward 2
Paul Hannan, Commissioner Ward 4
Jim Richards, Commissioner Ward 5
Ruth Kussard, Mayor/Commissioner Ward 1
- ABSENT:** Dan Vincent, Commissioner Ward 3

STAFF MEMBERS PRESENT: Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Chief Chris McKinstry, Police Department; Jeannine Michaud, Finance Director; Tia O'Neal, Human Resource Director; and Nancy Slaton, Deputy Town Clerk

F. PUBLIC COMMENTSⁱⁱ

Mayor Kussard asked if anyone in the audience would like to speak on any item. There were no comments.

G. CONSENTⁱⁱⁱ:

Mayor Kussard asked if the Commissioners wanted to pull any consent item for discussion.

- 1. Minutes – December 15, 2014 – Special Commission Meeting
– December 15, 2014 – Regular Commission Meeting**

Commissioner Hannan reported an error in the minutes of the special meeting on December 15, 2014 on page 2, line 20; it should read Lake City instead of Ocala. He also stated he felt it was

important that Commissioner Richards' comment regarding the Hwy 27/441 bridge by Tire Kingdom being slated to come down in 2019 be included in the minutes on page 5, near line 29.

Commissioner Richards agreed that he stated the road was due to be completed in 2019.

The Deputy Town Clerk confirmed that she would make these two changes to the minutes.

2. Budget Amendment to Move Budgeted Computers Items from Capital to Operating Expense (Jeannine Michaud)

The background summary for this agenda item is on file in the Town Clerk's office. It states that Amendment BT15-001 increases General Operating and decreases Capital Equipment in both the General Fund and the Utility Fund. These computers were budgeted in Capital Equipment because they were over \$1,000.00 each and that is the threshold for a Capital/Fixed Assets purchase. The IT Director has found better pricing (less than \$1,000.00 each), therefore these computer purchases no longer meet the Capital purchase threshold. This budget amendment moves the budget for the purchases only to General Operating.

3. Renewal of Client Services Agreement Between the Town of Lady Lake and Attorney Mark L. Van Valkenburgh, P.L., for Labor and Employment Legal Services (Tia O'Neal)

The background summary for this agenda item is on file in the Town Clerk's office. It states that Mr. Van Valkenburgh currently is and has been working as the Town's legal counsel for labor and employment purposes. The proposed contract for legal services has not changed from the previous year and the \$3,500.00 retainer has been included in the 2014-2015 budget under Town Attorney Professional Services. The agreement was included in the packet for review.

4. Consideration of Approval to Host the Town's Spring Art-in-the-Park Event on January 31st and February 1st, 2015 (Mike Burske)

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Lady Lake Chamber of Commerce and the Parks and Recreation Department are once again seeking permission to host an arts and crafts show at the Log Cabin/Veterans Park. TNT Events Inc. will coordinate the planning for the event while paying a percentage of the proceeds to the Chamber. Vendors will begin setting up on January 30th around 4 p.m. The crafts will be sold on the January 31st and February 1st. There will be a security trailer on site for both evenings sponsored by T.N.T Events. As always, Parks and Recreation and the Police Department will be assisting with this event.

Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved Consent Items #G-1 through G-4 by a vote of 4 to 0, with the changes to the minutes as noted.

(H. – Item number missed on original agenda.)

I. OLD BUSINESS: No old business.

J. NEW BUSINESS:

5. Consideration to Utilize Funds from the Sale of Surplus Property to Assist with the Purchase of One Additional Unmarked Police Vehicle (Chris McKinstry)

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk's office). He stated that the current five year Police Department vehicle rotation plan provides for the purchase of four police vehicles and one specialty vehicle each year to maintain the police fleet in a state of operational readiness and to ensure that all vehicles are covered under an extended warranty to manage repair costs more effectively. Chief McKinstry stated that due to an unforeseen circumstance this fiscal year, the vehicle rotation replacement was reduced to two fully equipped marked police vehicles at a cost of \$77,000. Subsequent to this FY budget approval, a more pressing need to replace unmarked vehicles developed. He stated that the cost to replace and fully equip two unmarked vehicles is substantially less than for marked units at \$59,336, leaving an available remaining budgeted balance of \$17,664.

Chief McKinstry stated that on August 18, 2014, the Commission approved using Gideon Auctioneers for the sale of surplus vehicles, and two auctions this fiscal year (October 13th and December 9th) have yielded a \$14,530 return to the General Fund. He stated the price point for a fully equipped, unmarked vehicle is \$30,016, and given that unmarked vehicles were purchased this year instead of marked units, the budgeted \$17,664 is still available in the police budget for use to maintain the vehicle rotation plan as closely as possible.

Chief McKinstry stated the Police Department still has a pressing need to replace eight year old vehicles which are out of warranty. He requested to use proceeds from the last two auctions, not to exceed a total of \$12,500, to enable the PD to purchase one additional marked vehicle to replace a full-time detective's 2007 Impala this fiscal year. He stated this request is financially neutral to the Police Department's approved budget.

Upon a motion by Commissioner Holden and seconded by Commissioner Richards, the Commission approved the Consideration to Utilize Funds from the Sale of Surplus Property to Assist with the Purchase of One Additional Unmarked Police Vehicle, by a vote of 4 to 0.

K. TOWN ATTORNEY'S REPORT:

6. Ordinance No. 2014-11 – Second/Final Reading – A Request for Voluntary Contraction (Deannexation) of the Town Boundary by Deannexing +/- 3.18 Acres of Real Property – Generally Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place (Thad Carroll)

Derek Schroth, Town Attorney, read the ordinance by title only.

Growth Management Director Thad Carroll stated that the applicants, Richard and Christine Stine, owners of property addressed as 224 Moore Place, have filed a request to voluntarily deannex their property from the Town of Lady Lake, which includes 3.18 ± acres of property, and are present this evening if there are any questions. Mr. Carroll stated the Commission approved the first reading of this ordinance on December 15, 2014, and staff has not received any comments either in support or opposition of this ordinance since that time.

The background summary for this agenda item is on file in the Clerk's office, and is as follows:

The nearest Town residence on the south side via Lake Griffin Road is .66 miles away; the nearest residence Lake Griffin Road on the north side is .44 miles, and from Lake Griffin Road via Dulgar Road/Moore Place is .25 miles. The applicants have provided a letter of justification dated November 20, 2014 outlining their reasons for the request to de-annex (see attached).

The Town annexed a portion of the subject property by Ordinance No. 84-18-(120) on December 3, 1984 and the remainder by Ordinance 90-28 on November 5, 1990. In 1990, the previous owners of this property requested to be annexed in because one of the owners was in poor health and was concerned about ambulance response. The property was sold to the Stine's in 2003 and they had requested at that time that the property be de-annexed in 2004 because they were paying Town taxes; however, receiving no Town services. The Town denied the request in 2004 in fear that they would be setting precedent for subsequent deannexation requests; additionally, there were plans to extend water and sewer service as this was expected to be an area of large growth for the Town of Lady Lake. Another concern at the time they had made their prior request to de-annex was that there would have to be a referendum vote to de-annex the property. It has since been determined by Town Attorney Derek Schroth that no referendum vote is required as there is only one person in the area instead of the 15% of qualified voters required to request that it go on a referendum.

This property fails to meet the following criteria of Florida Statute 171.043 and is therefore eligible for municipal contraction. Reasons as to how the property fails to meet the standard are noted in bold text:

2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries. **The subject parcel has two residents and the property is 3.18 acres, this density does not achieve two persons per acre.**

(b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size. **The subject property and the adjacent properties are equal, and in a majority of instances greater than, one acre in size.**

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size. **In accordance with the definition below, the subject property and adjacent properties are not used intensively to qualify under this definition.**

F.S. 131.031 (10) "Urban purposes" means that land is used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels of land retained in their natural state or kept free of development as dedicated greenbelt areas.

(3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area. **There are no municipal services of water and sewer lines to the east, unincorporated lands, of the property, nor are there areas developed for urban purposes anticipated to be developed.**

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2). Urban purposes are not in existence along 60% of the external boundary. **There are no abutting adjacent properties to the subject property; currently, adjacency is only being met via a water body.**

Regarding services provided to the Stine property, water and sewer is not currently serving the property; should these utilities ever be extended along Lake Griffin Road the lines would not be within the 200 feet required by the Land Development Regulations to connect. Also, the Stine's are getting no police services from the Town as the Lady Lake officers do not patrol near their property. Additionally, code enforcement officers have been confused in the past, under the belief that the subject property was unincorporated. Upon evaluation of the aforementioned facts and circumstances, staff is in agreement with the applicants that the property exhibits characteristics that are consistent with unincorporated areas.

The Future Land Use and Zoning of the property and adjacent properties are as follows:

Future Land Use

Subject Property	Lady Lake – Rural High Density (1 dwelling unit per acre)
Future Land Use of Adjacent Properties	
West	Lady Lake – Single Family Low Density, up to 3 du/acre
East	Lake County – Urban Low
North	Lake County – Urban Low
South	Lake County – Urban Low

Zoning

Subject Property	Agriculture Residential AG-1
Zoning of Adjacent Properties	
West	Lady Lake – Residential 3 du/ac (RS-3)
East	Lake County – Rural Residential (R-1)
North	Lake County – Rural Residential (R-1)
South	Lake County – Rural Residential (R-1)

At the November 17, 2014 Town Commission meeting, after discussion, it was the consensus of the Commissioners that they would be in favor of this de-annexation. On November 26, 2014, Town Attorney Derek Schroth approved Ordinance No. 2014-11 as to form as prepared. The Technical Review Committee (TRC) reviewed the application for deannexation and Ordinance No. 2014-11 independently and no comments were received. It was determined that the application was complete and ready for transmittal to the Planning and Zoning Board. At the December 8, 2014 meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance No. 2014-11 to the Town Commission with the recommendation of approval. At the December 15,

2014 meeting, the Town Commission voted 5-0 to approve Ordinance No. 2014-11 upon First Reading.

Mayor Kussard asked if there was any public comment on this ordinance, and hearing none, asked for a motion.

Upon a motion by Commissioner Hannan and seconded by Commissioner Richards, the Commission approved Ordinance No. 2014-11 – Second/Final Reading – A Request for Voluntary Contraction (Deannexation) of the Town Boundary by Deannexing +/- 3.18 Acres of Real Property – Generally Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place, by the following roll call vote:

<i>HOLDEN</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

L. TOWN MANAGER’S REPORT:

Town Manager Kris Kollgaard reported that the I.T. Department switched over the e-mail server and there has been a disruption in e-mail service, but the I.T. Director will be getting in touch with the Commissioners to make sure they are up and running okay.

Ms. Kollgaard stated that Chief McKinstry received a letter from Governor Rick Scott. She read the letter regarding his request that Florida leaders honor first responders and their families during Florida First Responder Appreciation Week from January 5th – 9th, 2015 to let them know how much they are valued for their service to the cities, counties and state. In the letter, Governor Scott thanked the Chief and members of the Lady Lake Police Department for all they do to keep the community safe.

M. MAYOR/COMMISSIONER’S REPORT:

Mayor Kussard reported that there will be a pro-police rally at Lake Sumter Landing on Wednesday, January 21, 2015 at 1:00 p.m. She stated she hopes that everyone will attend to support not only the Lady Lake Police Department, but the police and Sheriff’s Departments of the surrounding communities.

N. PUBLIC COMMENTS^{iv}:

Mayor Kussard asked if anyone in the audience would like to speak on any item. There were no comments.

O. ADJOURN

There being no further discussion, the meeting was adjourned at 6:11 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

ⁱ *Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.*

ⁱⁱ *This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.*

ⁱⁱⁱ *All items listed under consent are considered routine by the Town Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Town Commissioner so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.*

^{iv} *This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.*