

**MINUTES OF THE REGULAR MEETING  
OF THE LADY LAKE TOWN COMMISSION  
LADY LAKE, FLORIDA  
June 2, 2014**

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:** Mayor Ruth Kussard
- D. INVOCATION<sup>i</sup>:** Minister Matt Malott – New Life Christian Church
- E. ROLL CALL:** Tony Holden, Commissioner Ward 2  
Dan Vincent, Commissioner Ward 3  
Paul Hannan, Commissioner Ward 4  
Jim Richards, Commissioner Ward 5  
Ruth Kussard, Mayor/Commissioner Ward 1

**STAFF MEMBERS PRESENT:** Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Mike Burske, Parks and Recreation Director; Chief Chris McKinstry, Police Department; John Pearl, I.T. Director; and Nancy Slaton, Deputy Town Clerk

**F. PUBLIC COMMENTS<sup>ii</sup>**

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

**G. ANNOUNCEMENT:**

**1. Announcement of Qualifying Period (Mayor Ruth Kussard)**

Mayor Kussard read the announcement of the qualifying period as follows: *There is hereby declared a general election for the offices of Town Commissioner for Wards Two and Four for which an election shall be held on November 4, 2014, in Lady Lake, Florida. Candidates for the office of Town Commissioner for Wards Two and Four of the Town of Lady Lake, Florida must qualify for office by filing a written petition pursuant to Section 10.02 of the Town of Lady Lake*

*Charter with the Town Clerk, to be submitted beginning June 16, 2014 at 12:00 noon and ending June 20, 2014 at 12:00 noon.*

**H. CONSENT<sup>iii</sup>:**

**2. Minutes – May 19, 2014 – Regular Commission Meeting**

*Upon a motion by Commissioner Richards and a second by Commissioner Vincent, the Commission approved Consent Item #H-2, by a vote of 5 to 0.*

**I. OLD BUSINESS:** There was no old business.

**J. NEW BUSINESS:**

**3. Consideration and Approval of the New “Distracted Driving Policy” (Tia O’Neal)**

Town Manager Kris Kollgaard stated that Human Resource Director Tia O’Neal was conducting a training session in the Police Department and she gave the background summary for this agenda item (on file in the Clerk’s Office) in her place. She stated that distracted driving is an epidemic on America’s roadways with texting and cell phone use behind the wheel taking your eyes off the road, your hands off the wheel, and your focus off of driving and putting lives in danger.

Ms. Kollgaard stated that employee safety is the Town’s number one priority; therefore, via the Distracted Driving Policy, the Town will no longer tolerate texting or talking on a hand-held or hands-free phone while operating a Town vehicle or when using a Town-issued cell phone while operating a personal vehicle. If an employee must use their cell phone, they must pull over to the side of the road to safely complete the call or text. Ms. Kollgaard reported that this policy was recommended and approved by the Town’s PRM Insurance Attorney Donovan Roper, as it will help protect the Town against liability. She stated that Town Attorney Derek Schroth has recommended an addition to the policy and asked him to review the proposed change.

Mr. Schroth stated that the Town should have an exception for emergency situations and read the proposed language addition to the policy as follows: *This policy does not apply to emergency situations where pulling over to make a cell phone call is not feasible. Emergency Situation is defined as reporting of a crime, reporting of an accident, or reporting of any matter to prevent harm or injury to person or property.* Mr. Schroth stated that if there is a situation where there is an emergency, then an employee would not be violating Town policy with this exception added.

Ms. Kollgaard stated that this policy is for general employees, as the Police Department employees will have their own policy due to the fact they have computers in the police cars, etc.

Commissioner Hannan stated that texting is a separate issue from talking on a cell phone, and that talking on a hands-free cell phone is not much different from talking to a passenger in a car. He suggested that the Town could provide hands-free devices such as a voice activated Bluetooth and that he is not in favor of the Town legislating personal behaviors.

Ms. Kollgaard stated that PRM Insurance considers that hands-free cell phone usage is still a distraction. She stated that this is for employees driving Town vehicles using Town issued cell

phones, or employees driving personal vehicles using Town issued cell phones, and does not govern what employees do on their own time. This policy will protect the Town against liability for using Town issued cell phones in Town vehicles or personal vehicles.

Commissioner Richards stated he is totally in favor of this policy and agrees that talking on a cell phone, even hands-free, is a distraction, and employees should pull over if they need to use them.

Commissioner Holden and Mayor Kussard also agreed.

Commissioner Vincent stated he was in favor of the policy to protect the Town against liability as per the insurance company.

*Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved the New “Distracted Driving Policy” with the language addition as noted above by the Town Attorney, by a vote of 5 to 0.*

**4. Consideration for the Lady Lake Soccer Association to Host Their Annual British Soccer Camp on June 23-27, 2014 at the Rolling Acres Sports Complex and to Donate the Field Rental Fees to the Lady Lake Soccer Association for Scholarships for the Fall Season (Mike Burske)**

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the Lady Lake Soccer Association is seeking permission to once again host their summer British Soccer Camp through Challenger Sports and that the camp gives area children the opportunity to learn soccer skills from very skilled coaches, as they did last year. He stated that by watching how the camp was coordinated through the years, he believes that it is a benefit to the community.

Mr. Burske reported that all participants are given a soccer ball at the camp, and if they sign up early, are also given a shirt, or uniform. He stated you can visit the Challenger Sports website at [www.challengersports.com](http://www.challengersports.com) for more information on who they are and what they teach. He stated that Challenger Sports provides their own insurance and also provides background checks for all of the coaches.

Mr. Burske reported that if approved, Challenger Sports will pay the fee to rent the fields, and last year, the Town donated the field rental fee to the Lady Lake Soccer Association to assist those who are unable to pay to play soccer in the fall season. He stated the funds would come in too late to help those who are unable to pay for the camp. The fee for the use of the fields could amount up to \$1,050.00, plus \$73.60 for tax, as it was last year. Mr. Burske reported that the soccer camp grew from around 35 in 2011 to around 80 in 2012, and was approximately 40 in 2013.

Commissioner Hannan asked if there were any changes from last year.

Mr. Burske replied that there were no changes, and that Challenger Sports sponsored a camp in The Villages and he will note if it effects the number of participants in Lady Lake this year.

*Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved the Consideration for the Lady Lake Soccer Association to Host Their*

*Annual British Soccer Camp on June 23-27, 2014 at the Rolling Acres Sports Complex and to Donate the Field Rental Fees to the Lady Lake Soccer Association for Scholarships for the Fall Season, by a vote of 5 to 0.*

**5. Consideration to Advertise a Request for Qualifications for the Design of the Rolling Acres Sidewalk Project Phase II (Mike Burske)**

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Clerk's office). He stated that the Parks and Recreation Director is seeking permission to advertise a Request for Qualifications for design services for the Rolling Acres Road Sidewalk Project Phase II. Mr. Burske reported that the areas to be designed are as follows: This project includes the design of a 5 ft. wide sidewalk along the north side of Oak Street from Clay Avenue to CR 25 (1,020 ft.) and along the west side of CR 25 from Oak Street to Griffin Avenue (3,350 ft.). He stated that drainage design will be required, including minor ditch re-grading, removal of existing drainage structure, and inclusion of drainage inlets and Mitered End Section (MES). Mr. Burske stated that additional improvements include the construction of driveways (both concrete and asphalt), curb and gutter, curb ramps and pedestrian landings, the removal of an existing retaining wall, and the construction of a gravity wall with guiderail. He stated that all crosswalks, sidewalks, and pedestrian ramps will adhere to ADA standards; and improvements include detectable warning surfaces and required signing and pavement markings.

Mr. Burske stated that the project includes improvements at the intersection of CR 25 at Griffin Avenue, and includes installation of pedestrian signals, push button detectors, installation of traffic loops, updating traffic controller and signal timing to include new pedestrian phasing, and sidewalk connections to existing sidewalk. He stated that no additional ROW is anticipated, but that Utility coordination and adjustment is required and will be evaluated for reimbursement based on the final design.

Mr. Burske stated that project funding shall be reduced to an amount equal to the award of the actual design contract cost. The Town has been awarded \$36,000.00 for this project. The copy of the F.D.O.T. letter from November 6, 2012 is attached for review of what the F.D.O.T. is going to design and construct as part of this project.

Mr. Burske noted that the F.D.O.T. will be putting in a crosswalk to the McDonald's across the street.

Commissioner Hannan asked if the new sidewalk on Rolling Acres Road will have to be torn up when the road is widened

Mr. Burske replied that the sidewalk was designed and placed where it was in the hope that it would not have to be torn up when the road was widened. He agreed that if they did tear it up, F.D.O.T. would have to replace it.

Commissioner Richards asked if the design engineer on the first project bid on this, would he be evaluated on the matrix under experience and qualifications and knowledge.

Mr. Burske replied that he mentioned this, but they did not indicate interest.

Ms. Kollgaard asked if it was due to the last minute changes requested by the County.

Mr. Burske agreed with Commissioner Richards that it was due to the elevations that should have been considered in the design.

Commissioner Vincent asked for clarification on the sidewalk from CR 25 to Griffin to Oak Street.

Mr. Burske replied that traffic signals will be installed at Griffin, and there is an existing sidewalk in front of the post office, but a new sidewalk will be installed from the post office to Oak Street, which is almost to the Race Track gas station.

*Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved the Request for Qualifications for the Design of the Rolling Acres Sidewalk Project Phase II, by a vote of 5 to 0.*

**6. Consideration and Approval of Replacement of HVAC Systems for the Town Hall Server and UPS Rooms (John Pearl)**

I.T. Director John Pearl gave the background summary for this agenda item (on file in the Clerk's office). He stated that the current climate control systems in the Town Hall server room are undersized. These systems have not been able to maintain an adequate or consistent cooling set point, and this has created several operational and management challenges.

Mr. Pearl stated this project will provide a redundant, properly sized three-ton cooling capacity for the Town Hall server room and an additional two ton system for the Town Hall UPS room. He stated that the Town will "piggy-back" on the Duval County Public Schools RFP No. 3-12/LG, dated August 16, 2011, and that the complete RFP documentation is available for viewing in the Clerk's office upon request.

Mr. Pearl stated that the cost for this project has been included in the 2014 fiscal budget.

Commissioner Richards stated he looked at the Duval County School bid and it included many price multipliers; he asked why only lump sum prices were in the contract instead showing the breakdown using the cost multiplier.

Mr. Pearl stated that it was his understanding that the Trane sales representative used the multiplier in the RFP to come up with the lump sum price.

Town Manager Kris Kollgaard stated that staff could table this agreement until such time that Trane could provide the breakdown of the figures using the multiplier.

Public Works Director C.T. Eagle stated that he assisted Mr. Pearl with this contract, and that Duval County Schools had the cost plus multiplier of 10% and it was included in the lump sum prices, and that labor was a set rate, and was included in the contract. He stated that they should have included the equipment cost.

Commissioner Richards stated that Trane should show their figures using the multiplier and then they would be legally responsible, and the Town would be shown to have entered into the agreement on good faith while piggy-backing on the RFP.

*Upon a motion by Commissioner Richards and a second by Commissioner Vincent, the Commission tabled the Request for Replacement of HVAC Systems for the Town Hall Server and UPS Rooms until a price breakdown could be obtained, by a vote of 5 to 0.*

**7. Consideration and Approval of a Combined Voluntary Cooperation and Operational Assistance Mutual Aid Agreement Between the Sumter County Sheriff's Office and the Lady Lake Police Department (Chris McKinstry)**

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk's office). He stated that combined Voluntary Cooperation and Operational Assistance Mutual Aid Agreements are accepted practice between law enforcement agencies in furtherance of their respective duties under law for the purpose of facilitating assistance as described with the agreement. Chief McKinstry stated that Town Attorney Derek Schroth has approved the agreement.

*Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved the Combined Voluntary Cooperation and Operational Assistance Mutual Aid Agreement Between the Sumter County Sheriff's Office and the Lady Lake Police Department by a vote of 5 to 0.*

**K. TOWN ATTORNEY'S REPORT:**

Town Attorney Derek Schroth stated he had nothing to report.

**L. TOWN MANAGER'S REPORT:**

Town Manager Kris Kollgaard reported that she attended the American Legion's celebration of Memorial Day this past Friday and it was very nice.

She also mentioned that although there were not many items on this agenda, the next two meetings will have more items because there are several ordinances coming up for adoption.

**M. MAYOR/COMMISSIONER'S REPORT:**

Mayor Kussard asked if the Commissioners had anything to report.

Commissioner Hannan reported that he e-mailed Marty DelBovi from the Village Crossroads to mention that two businesses, Coldwater Creek and TGI Friday's, have recently closed in Lake Sumter Landing in The Villages. He informed Mr. DelBovi that although he does not know why they shut down in The Villages, they would be great to have in Lady Lake. Commissioner Hannan stated Mr. DelBovi replied, thanking him and stated that "we continue to reach out to the brokers and realtors, and I'll find out what caused the closing of these two".

Mayor Kussard stated she also attended the Memorial Day service and that it was very moving, and the American Legion did a wonderful job. She mentioned that June 14<sup>th</sup> is Flag Day and asked everyone to fly their flag.

Commissioner Hannan agreed the Memorial Day ceremony was very nice and that the turnout has increased, and he attributed that to increased media participation.

**N. PUBLIC COMMENTS<sup>iv</sup>**

Mayor Kussard asked if anyone had any further questions or comments. There were no questions or comments.

**O. ADJOURN**

There being no further discussion, the meeting was adjourned at 6:33 p.m.

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Kristen Kollgaard, Town Clerk

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Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

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<sup>i</sup>*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.*

<sup>ii</sup>*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.*

<sup>iii</sup>*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.*

<sup>iv</sup>*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.*