

**MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
June 16, 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. INVOCATIONⁱ:** Pastor Dave Stull – North Lake Presbyterian 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; Jeannine Michaud, Finance Director; John Pearl, I.T. Director; Pam Winegardner, Assistant Finance Director; Debbie Rodriguez-Lopez, Senior Accounting Clerk; Tia O’Neal, Human Resource Director; Chief Chris McKinstry, Sgt. Greg House, Cpl. Lauren Cashner, Sgt. Shane Barrett, Officer Vernon Wherry, and Officer Charles Gehrsitz, Police Department; Elvira Barrett and Jayne Swanberg, Police Records; and Nancy Slaton, Deputy Town Clerk

Mayor Ruth 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.

- F. PUBLIC COMMENTSⁱⁱ**

Police Chief Chris McKinstry stepped up to the podium to announce that the Police Department has hired a new officer, Charles Gehrsitz. He introduced him, and stated he is an Ocala native and has a background in the United States Secret Service and government service in the Middle East. Everyone welcomed Officer Gehrsitz.

Chief McKinstry also announced that two police officers have received promotions effective today. He introduced Lauren Cashner, who has been promoted to Corporal; and Shane Barrett, who has been promoted to Sergeant after placing number one on the sergeant's test. Chief McKinstry asked that Corporal Cashner's and Sergeant Barrett's families come up to pin their new badges on them. Pictures were taken and the officers were congratulated on their promotions.

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

G. CONSENTⁱⁱⁱ:

Mayor Kussard explained to the public that consent items are considered routine by the Commission. She asked if any consent items needed to be pulled for discussion, and no items were pulled.

1. Minutes – May 19, 2014 – Regular Commission Meeting

2. Budget Amendment to Establish Budgets for Various Grants, the Avenida Central Resurfacing Project, and Line Item Adjustments (Jeannine Michaud)

The background summary for this agenda item (on file in the Clerk's Office) states that this amendment appropriates a FY 2014 budget for three grants (Alternative to Pursuit, Electronic Message Crime Life Protection, and Bullet Proof Vest) and Police Education 2nd Dollar expense. This amendment will increase the revenue and expenses for Village Fire Assessment, and will move money from Contingency to Facilities Maintenance, and appropriate money from Reserves for the Avenida Central Resurfacing Project. The Commission approved the grants, lobby modification, and Avenida Central project at prior Commission meetings on 11/18/13, 3/17/14, 5/5/14, and 5/19/14.

3. Budget Amendment to use the Library Impact Fees to Pay the Library Loan Instead of Special Revenue (Jeannine Michaud)

The background summary for this agenda item (on file in the Clerk's Office) states that the Town's auditor recommended that the Town use its Library Impact Fees to help make a library loan payment as the Library Impact Fees are restricted funds and can only be used on the library. This will free up Special Revenue which can be used to pay off the last wastewater loan payment due in FY 2015 in FY 2014. This will free up Special Revenue in FY 2015. This amendment requires Commission approval because it involves increasing revenues and expenditures and increases the bottom line budget.

Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved Consent Item #G-1 through #G-3, by a vote of 5 to 0.

H. OLD BUSINESS:

4. 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 noted that the cost for this project has been included in the FY 2014 budget.

Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved the Request for Replacement of HVAC Systems for the Town Hall Server and UPS Rooms, by a vote of 5 to 0.

I. NEW BUSINESS:

5. Review/Discussion of Draft Ordinance Pertaining to Regulations and Prohibitions of Medical Marijuana Dispensaries, Non-Medical Marijuana Sales, and Cannabis Farms in the Town of Lady Lake (Thad Carroll)

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's Office). He stated that a draft ordinance was included in the packet for consideration by the Town Commission pertaining to the regulation and prohibition of medical marijuana dispensaries, non-medical marijuana sales, and cannabis farms in the Town of Lady Lake. Mr. Carroll stated the ordinance provides for the following:

- Defines the terms necessary for regulation; these amendments will be reflected in Chapter 2 of the Land Development Regulations, "Definitions and Interpretations".
- Contains language that prohibits the production of medical marijuana within all zoning districts of the Town; these amendments will be reflected in Chapter 5 of the Land Development Regulations, "Zoning District Regulations".
- Provides for the dispensing of Medical Marijuana in the Heavy Commercial (HC) zoning district as a Special Exception Use (SEU).
- Defines the criteria which must be satisfied to qualify as an appropriate location to establish a medical marijuana dispensary in the Heavy Commercial zoning district as a Special Exception Use (SEU); this language will be reflected in Chapter 6 of the Land Development Regulations, "Conditional Uses and Special Exceptions".

Mr. Carroll stated that Exhibit C of this ordinance defines all of the criteria that would have to be met under the special exception use.

Mr. Carroll commented that at this time, no formal actions are being requested of the Town Commission, the draft document has been provided as a matter of discussion. A synopsis of House Bill 843/Senate Bill 1030 has also been provided, as well as a copy of the enrolled bill SB 1030. The Town's regulations would be ancillary to the measures provided in the bill. He turned the discussion over to the Town Attorney for any questions.

Commissioner Hannan stated he assumed this is a working document and not the final draft.

Town Attorney Derek Schroth replied affirmatively and stated he had suggested to the Town Manager that the Town have a moratorium if the referendum passes. He stated there are two issues: Bill 1030 allows for the "Charlotte's Web" version of marijuana, which is a low THC type only used for medical purposes. He stated the background information on this was included in the packet and that it is different from what is happening in November. Mr. Schroth stated that the amendment to the constitution is a referendum to allow medical marijuana without any restrictions in the language that is provided. He stated the Town Manager passed this out to the Commissioners prior to the start of the meeting.

Mr. Schroth stated that he thinks this draft ordinance is fine to address the legislation, and that no nursery would comply with the current regulations, and as such, is no threat to the Town. He stated he would suggest the Town enact a moratorium for up to a year if the referendum passes to prohibit any type of marijuana under the referendum; not the "Charlotte's Web" under Bill 1030. He stated this would give the Town time to enact the proper regulations to deal with it after November.

Commissioner Richards asked if the House and Senate would still have to pass legislation to establish all the parameters and have them signed by the Governor before it became law if the amendment passes.

Mr. Schroth replied that the legislature would intervene to enact legislation to the extent that they can to be consistent with the amendment.

Commissioner Hannan asked if the Governor would be able to overrule the amendment if he chose to.

Mr. Schroth replied that the Governor would have veto power, but if it was a mandate from the people, that would go through the courts. He stated he does not envision a scenario of the Governor using his veto power, because any constitutional amendment needs to have consistent legislation. Mr. Schroth stated he believed it will go through the courts, and that the best thing for the Town would be to have a moratorium to see how it hashes out with the legislature and how other cities will be challenged on what they enact.

Commissioner Vincent stated he agrees with Mr. Schroth and that he would not like the Town to be a spearhead for this legislation and that it is better to be prepared with this draft ordinance.

Town Manager Kris Kollgaard reminded the Commissioners that there are two issues: the Charlotte's Web bill that has passed both the House and the Senate, waiting on the Governor, and the amendment coming up.

Mayor Kussard stated that it appears there is a vast difference between the bills that have passed the House and Senate and what is going to be on the ballot. She stated the ballot summary seems to be very open and without regulations. She stated she is concerned that it has been written very broadly; stopping short of ensuring strong regulatory oversight.

Ms. Kollgaard asked if the Commission would like staff to move forward with this ordinance.

It was the consensus of the Commission to move forward with this ordinance.

6. Consideration of Renewing the Town Manager's Employment Contract, and if Renewed, Consideration of Annual Evaluation and COLA/Merit Performance Adjustment (Kris Kollgaard)

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Town Clerk's office). She stated her current employment contract for the Town Manager position expires June 21, 2014. She stated if it is the pleasure of the Commission to renew this contract, she would be agreeable to renewing the contract under the existing terms for another two years. According to the Town Manager's contract with the Town of Lady Lake, an annual evaluation must be done by the Town Commission on the Town Manager's performance, and if it is the Commission's desire, a performance merit adjustment can be made to the base salary.

Ms. Kollgaard stated that she would like to move forward with the employment contract and annual evaluation, but put the merit performance adjustment on hold at this time as staff is still working on the budget. She stated that the Town has had a loss in revenue, and the budget may not allow for increases this year, and that she normally receives the same increase as the general employees.

Commissioner Hannan stated that he can only rate the Town Manager as exceeding expectations under the financial category, regarding the budget. He suggested that the Town's department heads should be able to evaluate the Town Manager because the Commission is not privy to the interactions between them. He commented that they found out about on-going problems with the previous Town Manager back in 2009, and he was eventually let go.

Ms. Kollgaard stated that she has opened up communication between the department heads and the Commissioners, and that they feel free to contact department heads if they have questions. She stated it would probably put the department heads in an uncomfortable position to be evaluating their supervisor.

Commissioner Hannan stated it could be done anonymously, and that although he sees no problem with his interaction with the Town Manager, he does not know how she interacts with staff.

Mayor Kussard stated that she has never heard of a company or government office that has employees rate their boss, and she does not think it is a good situation. She stated the Commission should not get involved with the Town Manager's management of staff as this is

what she was hired for. Mayor Kussard stated she has never had a problem asking a question of any department head, staff member, or the Town Manager.

Commissioner Holden stated that Commissioner Hannan is speaking of a deficiency within the system, but that there is an intimidation factor. He stated that if department heads had a problem with the Town Manager, they could contact a Commissioner to privately discuss it.

Commissioner Richards stated he understands where Commissioner Hannan is coming from with the previous Town Manager, but that it just does not work that way, and that indications would come from interactions with the Town Manager and sensitive emails, etc. He stated *"It is hard to soar like an eagle when you're working with turkeys."* Commissioner Richards stated that the finished product is a good indication of how things are going, and people appear to be happy, which is a good sign.

Ms. Kollgaard agreed that the department heads can contact the Commissioners, and the Commissioners can contact the department heads at any time; although she stressed that any direction should come from her, not the Commissioners.

Commissioner Richards stated he is more than happy with Ms. Kollgaard's service and professionalism, and that he would be glad to see her receive any increase that the general employees get, if any.

- Joe Quinn of 633 Rainbow Blvd. stated his undergrad and graduate work was in Human Resources. He stated that any time he has seen ratings come from the bottom up, it has been a dismal failure. He stated the citizens of Lady Lake should be able to rate the Town Manager, and she gets his vote.

The Commissioners turned in their evaluations of the Town Manager for filing in the Clerk's Office.

Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved the renewal of the Town Manager's contract for another two years, by a vote of 5 to 0.

J. TOWN ATTORNEY'S REPORT:

7. Ordinance No. 2014-04 – First Reading – Amending the Town of Lady Lake Land Development Regulations (Ordinance No. 94-08); Chapter 1, Article III – Regarding Merging the Parks & Recreation and Tree & Beautification Boards into the Parks, Recreation and Tree Advisory Committee; and Changes to the Technical Review Committee (TRC), Economic Development Advisory Committee, and Special Magistrate (Kris Kollgaard/Thad Carroll/Mike Burske)

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

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the attached ordinance, Ordinance No. 2014-04, amends Chapter 1, Article III (Ord. No. 94-08) of the Town of Lady Lake Land Development Regulations, merging the Parks & Recreation Advisory Board and the Tree & Beautification

Advisory Committee into one board – the Parks, Recreation and Tree Advisory Committee. Changes to the Technical Review Committee (TRC) include cessation of regularly scheduled meetings; allowing the TRC to consider applications at any time. Minor changes were also made to Section 1-83, deleting Code Enforcement Board; now referred to as the Special Magistrate.

Mr. Carroll explained that there were issues with obtaining a quorum at some of the meetings of the Parks & Recreation Advisory Board and the Tree & Beautification Advisory Committee, along with a similarity of agenda items for the boards, staff felt combining the boards would alleviate quorum issues, and reduce the number of meetings. He stated this was proposed to the boards at their meetings in March, 2014 and both boards were in favor of merging into one board.

Mr. Carroll stated that changes to the Economic Development Advisory Committee were originally drafted last November, and staff held off making the changes so all the changes to Article III could be made at the same time. He stated the changes to the Economic Development Advisory Committee include having quarterly meetings instead of monthly, and reducing the number of members to five, with a member of the Growth Management staff acting as liaison rather than as a board member. Mr. Carroll stated that by removing Growth Management staff (himself) from the committee, constraints of the "Sunshine Law" which currently limit communication between staff and committee members, will no longer impede discussions and the relay of information with staff regarding matters being considered by the committee. He stated that at the November meeting of this board, members were in favor of these changes, with the proviso that the chair could call a special meeting if it was their desire.

Mr. Carroll explained that one of the biggest changes was regarding the Technical Review Committee (TRC). He stated it is made up of staff meeting twice a month in the Chambers as a publically noticed meeting, with the Clerk's office providing support for minutes. He stated they meet to discern whether applications are complete and should advance to the next step in the process, but that usually they know this information prior to the meeting and the applicant(s) sometimes travel distances to attend the meeting. Mr. Carroll stated that this change will involve the application circulating to Public Works, the consulting engineer, and the Planning Department. He stated once the first review is complete, the applicant would be notified whether the application was complete and what meetings follow. If not complete, the application would undergo a second submittal. Mr. Carroll stated this change to the TRC will streamline the process of written comments that would go with the application as it advances through the public hearing process, and reduce meetings that take up staff time.

Mr. Carroll explained that the Town does not have a Code Enforcement Board, although it has a Code Enforcement division, and a Special Magistrate presides over those meetings. Language has been corrected under Section 1-83 to provide for accuracy in designating the Special Magistrate as the authority.

Mr. Carroll asked if there were any questions.

Commissioner Richards asked who will be the contact for the Technical Review Committee.

Mr. Carroll replied that the Town Planner in Growth Management would be the contact or TRC coordinator.

Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved Ordinance No. 2014-04 – First Reading – Amending the Town of Lady Lake Land Development Regulations (Ordinance No. 94-08); Chapter 1, Article III – Regarding Merging the Parks & Recreation and Tree & Beautification Boards into the Parks, Recreation and Tree Advisory Committee; and Changes to the Technical Review Committee (TRC), Economic Development Advisory Committee, and Special Magistrate, by the following roll call vote:

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

8. Resolution No. 2014-112 – First/Final Reading – Authorizing the Town Manager to Execute and Sign the State of Florida Department of Transportation (FDOT) Traffic Signal Maintenance and Compensation Agreement (C.T. Eagle)

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

Public Works Director C.T. Eagle gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the State has programs that allow the maintaining agency (Town of Lady Lake) to be reimbursed for a portion of the cost to maintain highway traffic signals. A previous agreement was entered into by the Town in 2002 via Resolution No. 2002-103. Staff is requesting the authorization to enter into this agreement. The resolution authorizes the Town Manager to execute and sign said agreements.

Commissioner Richards asked how close the F.D.O.T.’s fee is to the County’s for maintaining the traffic signals.

Mr. Eagle stated it is close, with the range being 50-60% for the maintenance.

Upon a motion by Commissioner Richards and a second by Commissioner Vincent, the Commission approved Resolution No. 2014-112 – First/Final Reading – Authorizing the Town Manager to Execute and Sign the State of Florida Department of Transportation (FDOT) Traffic Signal Maintenance and Compensation Agreement, by the following roll call vote:

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

K. TOWN MANAGER’S REPORT:

Town Manager Kris Kollgaard thanked the Commission for renewing her contract, and stated she is glad to be staying for another two years.

Ms. Kollgaard reported a new library director has been hired and she will be starting on June 23, 2014. She stated that her name is Marsha Brinson, and that she has over 14 years of library experience, with 10 years as a branch supervisor, and a Bachelor of Science degree in education and philosophy. Ms. Kollgaard stated that the current library director will stay on for a few weeks to train her, and Ms. Brinson will be introduced at the next Commission meeting.

L. MAYOR/COMMISSIONER'S REPORT:

Mayor Kussard asked if the Commissioners had anything to report.

Commissioner Hannan asked the Town Attorney if there are any laws regarding harassing emails.

Town Attorney Derek Schroth stated he had received Commissioner Hannan's email regarding this, and that it depends on the nature of the emails; whether they are threatening or inappropriate materials are being sent, and that a stalking statute could apply.

Commissioner Hannan stated that he believes Mr. Kusky has been harassing Town staff for information needed to feed his obsession, and that it needs to stop. He asked if the Town Manager could be asked to stop communicating with him, and that communications from him should be directed to the attorney and he could be charged attorney's fees.

Mr. Schroth asked if the Commissioners remembered Richard Hendrick from a few years ago. He reminded them that Mr. Hendricks repeatedly communicated with the Town, and would often bring lawsuits against the Town, The Villages, Starbucks, Office Depot, etc. He stated the Town was able to have him determined to be a vexatious litigant, but that Mr. Kusky does not appear to have crossed that line and he has a right to ask for public records, and even if it went through the attorney, he could not be charged attorney's fees. Mr. Schroth stated if the Town felt staff time was being wasted, they could make a policy that only the Town Manager responded to public records requests as required under FS 119.

Ms. Kollgaard stated that Mr. Kusky's questions are not constant, and that the questions she has received recently are different than before and that she has replied to them.

Commissioner Holden stated that he believes he is just a nuisance and he has marked his emails as spam.

Commissioner Richards stated that "no" is the strongest word in the English language and it is an answer.

Commissioner Vincent stated that Mr. Kusky is still a citizen and his requests should be given consideration.

Ms. Kollgaard stated that anything that takes a lot of research time would be considered a public records request, but that she has always been accessible to the public for questions.

Mayor Kussard agreed that a taxpayer has a right to ask the Town for information he needs, no matter that it might be an irritant.

Commissioner Richards commented that there was a speeding problem on the road that Mr. Kusky has been concerned about, and that the Police Department has taken care of that problem.

M. PUBLIC COMMENTS^{iv}

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

N. ADJOURN

There being no further discussion, the meeting was adjourned at 6:43 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

ⁱAny 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.

ⁱⁱThis 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.

ⁱⁱⁱAll 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.