

**MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
October 20, 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:** Led by Joe Quinn, U.S. Marine
- D. INVOCATIONⁱ:** Pastor H. G. Bevill of the Lake Hermosa Church of God was not present and Mayor Kussard asked everyone to observe a moment of silence.
- 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; Mike Burske, Parks and Recreation Director; C.T. Eagle, Public Works Director; Jeannine Michaud, Finance Director; Chief Chris McKinstry, Police Department; Tia O’Neal, Human Resource Director; John Pearl, I.T. 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. PROCLAMATIONS:

1. Red Ribbon Week (Mayor Kussard/3rd Young Marine Division)

Mayor Ruth Kussard read the proclamation proclaiming the week of October 23rd through the 31st as National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment, and presented it to Corporal O’Steen of the 3rd Young Marine Division.

2. Florida City Government Week 2014 (Mayor Kussard)

Mayor Ruth Kussard read the proclamation proclaiming the week of October 19th to the 25th as Florida City Government Week, and encouraged everyone to do everything possible to ensure that it is recognized and celebrated accordingly.

H. CONSENTⁱⁱⁱ:

3. Minutes – October 6, 2014 – Regular Commission Meeting

4. Consideration and Approval of the Holiday Schedules for FY 2014-2015 (Tia O’Neal)

The background summary for this agenda item is on file in the Clerk’s office. It states that the holiday schedules for FY 2014-2015 were included in the packet and reflect the holidays based on the eight and the ten hour work days. It notes that holiday pay has been included in the budget.

5. Budget Amendment to Increase Police General Operating Expense and Sales of Surplus (Jeannine Michaud)

The background summary for this agenda item is on file in the Clerk’s office. It states that the Police Department purchased six patrol rifles for \$4,650 and traded in a sniper rifle, scope, ammunition and a gun safe for a total credit of \$4,650. This amendment will increase the operating budget for the purchase of the rifles and increase sales of surplus budget for the trade-in credit. This was approved by the Commission on September 3, 2014. It noted that this amendment requires Commission approval because it involves increasing revenue and expenditures and increases the bottom line budget.

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

I. OLD BUSINESS: No old business.

J. NEW BUSINESS:

6. Consideration for the Renewal of the Lease Agreement Between the Town of Lady Lake and the Kiwanis Club of Lady Lake for the Caboose at Veterans Park (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 Kiwanis Club of Lady Lake once again desires to renew its lease agreement with the Town for the Caboose at Veterans Park. He stated the dates on the contract and the deletion of part of the indemnity requirements are the only changes to the document, and that insurance was reviewed by the Town Attorney.

Upon a motion by Commissioner Hannan and a second by Commissioner Richards, the Commission approved the renewal of the lease agreement between the Town of Lady Lake and the Kiwanis Club of Lady Lake for the Caboose at Veterans Park, by a vote of 5 to 0.

7. Consideration for the Renewal of the Lease Agreement Between the Town of Lady Lake and the Lady Lake Soccer Association (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 once again desires to renew its lease agreement with the Town for the use of the soccer field and the concession stand at the Rolling Acres Sports Complex. He stated the dates on the contract, the use of demised premises, and the addition of the indemnity are the biggest changes to this document, and their insurance was reviewed by the Town Attorney. Mr. Burske stated this lease agreement has been changed from a five year term to a one year term beginning this year.

Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved the renewal of the lease agreement between the Town of Lady Lake and the Lady Lake Soccer Association, by a vote of 5 to 0.

8. Consideration of Engineering Services Agreement for the 2015 Wastewater Treatment Plant Florida Department of Environmental Protection Permit Renewal (C.T. Eagle)

Public Works Director C.T. Eagle gave the background summary for this agenda item (on file in the Clerk's Office). He stated that this agreement is for services related to the submittal of the Town's wastewater treatment plant required five year permit renewal, as required by the Florida Department of Environmental Protection (FDEP). Mr. Eagle stated that Mittauer and Associates Inc. is on a Town continuing services contract and is very familiar with the wastewater treatment plant's operation. He also stated that this is a budgeted item.

Upon a motion by Commissioner Hannan and a second by Commissioner Richards, the Commission approved the Engineering Services Agreement for the 2015 Wastewater Treatment Plant Florida Department of Environmental Protection Permit Renewal, by a vote of 5 to 0.

9. Consideration of Changing the Planning and Zoning Board Meeting Time to Begin at 5:30 p.m. (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 at the September 8, 2014, meeting of the Planning and Zoning Board, the Board discussed potentially changing the meeting time to 5:30 p.m. He stated that there is nothing specifically written regarding the time the meeting must convene within the Land Development Regulations, and therefore, it does not need to be changed through the amendment of an ordinance;. However, it needed to be formally approved by the Planning and Zoning Board to get the Board's recommendation to carry forth to the Town Commission.

Mr. Carroll stated that the Board unanimously voted to recommend approval to change the time from 6:00 p.m. to 5:30 p.m. at the October 13, 2014 meeting. He stated the change is expected to be favorable for personnel time management as it would reduce after-hours Town business and for safety purposes as daylight savings will end Sunday, November 2, 2014.

Commissioner Hannan stated that in the past, he recollects there was conversation about the meeting time change, and that the 6 p.m. time would be more favorable for those wanting to attend, both developers and the public. He stated he is favor of leaving the meeting time at 6 p.m.

Commissioner Richards stated he has not heard any comments opposing this change, and the Planning and Zoning Board is for it. He stated if there are any complaints about it, the meeting time can be changed back to 6 p.m.

Mayor Kussard commented that she believes the 5:30 p.m. meeting time may be better for the developers and is in favor of trying it as the Planning and Zoning Board is also in favor of it.

Town Manager Kris Kollgaard stated that staff can report back if they receive any complaints from the developers on the new meeting time.

Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved the change of the Planning and Zoning Board meeting time to begin at 5:30 p.m., by a vote of 4 to 1 (Hannan).

K. TOWN ATTORNEY'S REPORT:

Town Attorney Derek Schroth reported he and staff have been looking into some legal issues regarding the Bowersox vacation request. He stated that he, the Town Manager, and Mr. Carroll had a meeting today with Mr. Brown and his lawyers, and they brought up several legal issues which may or may not result in a continuance on Thursday. Mr. Schroth asked the Commission for their guidance after they have been apprised of the issues. He stated the first issue is whether another code applied to the vacation request, and after reviewing, two revisions were found; one in the old Code of Ordinances, and a newer one approved in 2013 in the Land Development Regulations, which overrules the prior one in the Code. Mr. Schroth stated Mr. Brown and his lawyers are stating that the Town is not following their code, but they were looking at an older code that had not been updated by Municode.

Mr. Schroth reported that Mr. Brown has stated he is prepared to file a lawsuit if he is unable to work this out with the Town. He stated that Mr. Brown had submitted plans to Lake County for approval of a development and he had spent about \$100,000 in engineering costs to get that development approved through Lake County. Lake County approved it and sent the Town a preliminary plat at one point in time by e-mail which showed the road and the access to Bowersox and the Town did not object to that. Mr. Schroth stated that even if the Town had objected to it, it probably would not have mattered. He pointed out that Mr. Brown brought this property with these codes in effect and the Town has discretion to vacate the public right-of-way, and Mr. Brown has the ability to access that land through his property to the east. Mr. Schroth stated another issue is that Mr. Brown's reason for doing this might be speculative in nature and there may be concerns that Mr. Brown will dedicate a right-of-way over his land for future traffic to perhaps include golf cart or vehicular access to connect Marion, Sumter and Lake Counties. Mr. Brown has stated that it would benefit the Town to have access through here, particularly golf cart access, as it would open the commercial corridor to a lot of people who use golf carts.

Mr. Schroth stated he believes the Thursday meeting can move forward, but stated he expected a lot of legal arguments. He stated Mr. Brown has said he would agree to a deed restriction on his property limiting vehicular and pedestrian access to only his home and certain guests, but that he wants golf cart access to the public.

Commissioner Hannan asked if The Villages has any concerns regarding this issue.

Mr. Schroth replied that The Villages does have a concern as they own both houses on either side, and when a right-of-way is vacated by operational law, the adjacent owners end up owning to the center line. He stated The Villages was notified, but it was short notice, although he believes they will attend Thursday's meeting.

Commissioner Hannan asked what will stop golf carts from other communities coming in if Mr. Brown allows golf cart access.

Mr. Schroth said nothing will stop them other than if there is a restriction put in place.

Commissioner Richards stated that he does not believe that anyone can make a community maintain a right-of-way if they choose to vacate it. He stated that Mr. Brown does not currently access The Villages through there as he had access to it from the other side. Commissioner Richards stated he is comfortable the Town has firm footing on this.

Mr. Schroth agreed that the Town has discretion to vacate a right-of-way, and that Mr. Brown agreed that he accesses his land from his other property and confirmed this on an aerial view.

Mayor Kussard asked Mr. Schroth if he had ever heard of a case where public access was granted through a gated community.

Mr. Schroth stated these roads were dedicated to the public by plat, but the interesting issue with The Villages is that when you have these parts that are gated and owned by The Villages, normally you cannot block a public right-of-way. He replied that he has not seen it before, and The Villages is a fairly unique situation where they have been able to accomplish that in multiple subdivisions.

The Commissioners agreed they were ready to move forward with Thursday's meeting.

L. TOWN MANAGER'S REPORT:

Town Manager Kris Kollgaard reminded the Commissioners of the special meetings scheduled for Tuesday at 10 a.m. and Thursday at 9 a.m.

M. MAYOR/COMMISSIONER'S REPORT:

Commissioner Hannan asked the attorney if he wanted to discuss the medical marijuana ordinance.

Mr. Schroth replied that he sent out a memorandum regarding the fact that many municipalities are putting regulations in place for something that might not even happen regarding medical marijuana. He explained that if the medical marijuana amendment is passed and the Town passes an ordinance for a moratorium, it will allow the Town time to see what other communities are doing and what is working and they will have time to thoughtfully draft ordinances regulating it.

Ms. Kollgaard stated staff will bring the ordinance for the medical marijuana moratorium before the Commission for first reading at Thursday's meeting, and for second reading at the November 3rd meeting, which will be the day before the election.

Commissioner Hannan announced that he spoke with Jack Johnson of the Disabled American Veterans (DAV) and has volunteered to provide guard duty at night for the Veteran's Memorial Wall when it comes to Town next year.

Commissioner Richards commented that he noticed that the Chamber of Commerce is starting up their breakfast meetings again, with one tomorrow at Harbor Hills at 7:30 a.m.

Ms. Kollgaard asked the Commissioners to check their junk e-mail as some of her Chamber notifications have been turning up there.

Commissioner Vincent announced that he attended the Florida League of Cities Transportation Intergovernmental Committee meeting, and the purpose of it was to draft some things to take to Tallahassee. During the meeting, they discussed the medical marijuana issue, and a lot of other cities have drafted a medical marijuana moratorium ordinance as well. He stated that the League of Cities is supporting rail initiatives for transportation as many ships will be coming into deep ports, but have no way other than by interstate to transport items. He also stated that Uber is trying to get state legislation and bypassing municipalities.

Mayor Kussard announced that she attended the Public Safety Awareness Day at Home Depot this past Saturday, and it was a nice event and will be continued.

N. PUBLIC COMMENTS^{iv}

Mayor Kussard asked if anyone in the audience would like to speak on any item.

- John Gauder of 142 Costa Mesa announced that he is Chairperson of the Planning and Zoning Board, and that although they had concerns also about the meeting time being changed to 5:30 p.m., some of the developers who attended were for the change. He stated if there are any complaints by the public, they may request to change it back in the future.

O. ADJOURN: There being no further discussion, the meeting was adjourned at 6:30 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.

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