

**MINUTES OF THE SPECIAL MEETING  
OF THE LADY LAKE TOWN COMMISSION  
LADY LAKE, FLORIDA**

**March 7, 2016**

The Special 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**
- D. INVOCATION<sup>i</sup>:** Pastor Keith Johnson – Chapel of Christian Faith
- E. ROLL CALL:** Tony Holden, Commissioner Ward 2  
Dan Vincent, Commissioner Ward 3  
Jim Richards, Commissioner Ward 5  
Ruth Kussard, Mayor/Commissioner Ward 1
- ABSENT:** Paul Hannan, Commissioner Ward 4

**STAFF MEMBERS PRESENT:** Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; C. T. Eagle, Public Works Director; Chris McKinstry, Police Chief; Tia O’Neal, Human Resource Director; Pam Winegardner, Finance Director; Julia Harris, Administrative Assistant to Town Manager; and Nancy Slaton, Deputy Town Clerk

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

Mayor Kussard asked if there were any comments at this time.

**G. PROCLAMATION:**

**1. Proclaiming the Month of March 2016 as Irish American Heritage Month (Mayor Ruth Kussard/Representative of The Villages Hibernians)**

Mayor Ruth Kussard proclaimed the month of March 2016 as Irish American Heritage Month. She read the proclamation and presented it to Patrick Kennedy of The Villages Hibernians.

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

Mayor Kussard asked if there were any questions or comments on the Consent items, and hearing none, asked for a motion.

**2. Minutes – February 17, 2016 – Special Commission (Conceptual) Meeting and the February 17, 2016 – Commission Meeting (Special)**

*Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved Consent Item #H-2 by a vote of 4 to 0.*

**I. OLD BUSINESS:** No old business.

**J. NEW BUSINESS:**

**3. Consideration of Approval of Updates and Changes to Human Resource Manual Section 3 – Types and Terms of Employment (Tia O’Neal)**

Human Resource Director Tia O’Neal gave the background summary for this agenda item (on file in the Clerk’s office). She stated that per the police standards and accreditation process, non-sworn personnel must successfully complete a six-month probationary period.

Ms. O’Neal stated that staff recommends amending policies to coincide with the current policies for non-sworn police staff and move from a 90-day probationary period to a six-month probationary period. She stated that staff also recommends reducing part-time hours from 32 hours or less per week to 24 hours or less per week, as this is standard practice now with part-time employees.

Commissioner Richards remarked that he noticed on page 18 of the manual, under Term of Employment, that employees terminated within the first 90 days are not entitled to unemployment per Florida Statute; although the probation period will be six months. He stated that a person who does not make it through the probationary period would not normally qualify for unemployment.

Ms. O’Neal replied that the Town can have a six-month probationary period, although if the employee is let go after three months, they are still entitled to unemployment per the Florida Statute. She stated this will allow the Town to review the employees for a period of six months.

*Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved Updates and Changes to the Human Resource Manual Section 3, Sub-sections 3.03, 3.04, 3.05, and 3.09 – Types and Terms of Employment, by a vote of 4 to 0.*

**4. Consideration of Approval of Deletion of Human Resource Manual Section 23 - Compassionate Leave Donations (Tia O’Neal)**

Human Resource Director Tia O’Neal gave the background summary for this agenda item (on file in the Clerk’s office). She stated that the Town offers adequate and sufficient leave to employees upon hire; including, but not limited to sick leave, vacation leave, and a personal day. She stated that providing compassionate leave is not mandated by law; therefore, Town staff recommends removing this policy completely from the Human Resource Manual.

*Upon a motion by Commissioner Holden and a second by Commissioner Vincent, the Commission approved the deletion of Human Resource Manual Section 23 - Compassionate Leave Donations, by a vote of 4 to 0.*

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

**5. Ordinance No. 2016-08 – First Reading – Annexation – Daniel O’Neil LLC & Prank Dejsubha – Annexing Four Lots Consisting of Approximately .59 +/- Acres of Land which are Located within Orange Blossom Gardens Unit 1, within Lake County, Florida (Alternate Keys 1482496, 1482208, 1482551, and 1768039) (Thad Carroll)**

Town Attorney Derek Schroth 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 applicant, Daniel O’Neil, on behalf of the Daniel O’Neil LLC and Prank Dejsubha, has filed applications to annex properties consisting of four lots located north of Griffin Avenue and northeast of North Highway 27/441 within the Orange Blossom Gardens Subdivision Unit 1. The annexation application involves 0.59 +/- acres of property proposing a change from unincorporated Lake County into the Town of Lady Lake.

Mr. Carroll stated the four lots are spread out along two different roads and include the following addresses:

- 1016 Aloha Way- Lot 79
- 1005 Aloha Way- Lot 37
- 1305 Teakwood Lane- Lot 91
- 1311 Teakwood Lane- Lot 94

He stated there is presently an existing manufactured home at each site, and staff recommends approval of Ordinance No. 2016-08.

A map and aerial view of the properties was shown, as was photos of the posting of each property.

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the property have been included with the submitted application. All lots will be served by the Village Center Community Development District Central Water and Sewer System, as well as the District’s Fire Department.

Mr. Carroll stated the annexation application was received on Monday, January 4, 2016, and has been reviewed and determined to be complete, satisfying the necessary criteria as required for annexation under statutory requirements. The application was found to meet the requirements of the Land Development Regulations (LDRs), as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (45) within 150 feet of the properties proposed by annexation request were mailed Thursday, January 28, 2016, and the properties were posted Monday, February 1, 2016. He stated that no objections or letters of support have been received to date.

Mr. Carroll stated the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2016-08, provided comments by January 14, 2016, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the February 8, 2016 meeting, the Planning and Zoning Board recommended approval of Ordinance

No. 2016-08 by a vote of 4-0. The Town Commission is scheduled to consider Ordinance No. 2016-08 for second/final reading on Monday, March 21, 2016 at 6:00 p.m.

Mr. Carroll stated that the applicant is present if there are any questions.

Commissioner Richards asked if all four properties currently meet the Town's codes, and if so, will they continue to until such time as a house is built on them.

Mr. Carroll replied that there are no active code enforcement cases on any of the properties to his knowledge, and they appear to be in compliance in the photos that were taken as of last week and today.

Mayor Kussard asked if anyone from the audience had any questions, and hearing none, asked for a motion.

*Upon a motion by Commissioner Vincent and seconded by Commissioner Richards, the Commission approved the first reading of Ordinance No. 2016-08 by the following roll call vote:*

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

**6. Ordinance No. 2016-09 – First Reading – Small Scale Future Land Use Comprehensive Plan Amendment – Daniel O’Neil LLC & Prank Dejsubha – Small Scale Future Land Use Comprehensive Plan Amendment from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density for Four Lots Consisting of Approximately .59 +/- Acres of Land which are Located within Orange Blossom Gardens Unit 1, within Lake County, Florida (Alternate Keys 1482496, 1482208, 1482551, and 1768039) (Thad Carroll)**

Town Attorney Derek Schroth 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 applicant, Daniel O’Neil, on behalf of the Daniel O’Neil LLC and Prank Dejsubha, has filed applications to annex properties consisting of four lots located north of Griffin Avenue and northeast of North Highway 27/441 within the Orange Blossom Gardens Subdivision Unit 1. Mr. Carroll stated that the small scale amendment application involves 0.59 +/- acres of property proposing a change from Lake County Medium Urban Density to Lady Lake- Manufactured Home High Density (MH-HD), and staff recommends approval of this ordinance.

The four lots are spread out along two different roads and include the following addresses:

- 1016 Aloha Way- Lot 79
- 1005 Aloha Way- Lot 37
- 1305 Teakwood Lane- Lot 91
- 1311 Teakwood Lane- Lot 94

Concurrency Determination Statement: The applicant wants to remove the existing manufactured homes on the above mentioned lots and would like to construct similar size conventional site built homes. There will be no increase in services, traffic, population or recreation as shown below.

Mr. Carroll reviewed the impact on Town services as follows:

- Potable Water – No impact, lots are served by the Village Center Community Development District Central Water System.
- Sewer – No impact, lots are served by the Village Center Community Development District Central Sewer System.
- Schools – Not factored for project – no foreseen impact of students as the project is located within an active adult retirement community.
- Transportation – No impact, the existing home will be replaced with a new home. There will be no change in average daily trip generation.
- Parks & Recreation – The annexation, small scale future land use amendment, and the rezoning applications will not cause P&R Level of Service to be exceeded since the project is for the replacement of existing homes. Additionally, The Villages provides its residents with all Park and Recreation Amenities.
- Stormwater – Project will be required to adhere to SJRWMD guidelines and of Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

Applications have been reviewed and determined to be complete. The applicant has submitted all appropriate material in compliance with the Land Development Regulations (LDRs), and the application is ready for transmittal to the Town Commission. Additionally, the application was reviewed and determined to be in compliance with the directives of the adopted Comprehensive Plan in accordance with the sought designation. A Concurrency Determination Statement has also been included as part of the Small Scale Comprehensive Plan Amendment Application, which the applicant submitted to explain expected impacts on Town Services.

The subject properties involve approximately 0.59 ± acres and lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. The Future Land Use of the adjacent properties is as follows:

**Future Land Use**

Subject Properties	Lake County Medium Urban Density
<b>Future Land Use of Adjacent Properties</b>	
West	Lake County – Medium Urban Density & Lady Lake- Manufactured Home High Density (MH-HD)
East	Lake County – Medium Urban Density
North	Lake County – Medium Urban Density & Lady Lake- Manufactured Home High Density (MH-HD)
South	Lake County – Medium Urban Density & Lady Lake- Manufactured Home High Density (MH-HD)

Comments:

- 1) Annexation and Rezoning applications have been submitted concurrently with this Small Scale Future Land Use Amendment application.
- 2) The project will be required to adhere to St. John's River Water Management District guidelines and the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

Mr. Carroll stated that the Small Scale Future Land Use Map Amendment application was received on Monday, January 4, 2016, and has been reviewed and determined to be complete, satisfying the necessary criteria as required. The application was found to meet the requirements of the Land Development Regulations (LDRs), as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (45) within 150' of the property of the proposed annexation were mailed on Thursday, January 28, 2016, and the properties were posted Monday, February 1, 2016. There have been no objections or letters of support received to date.

Mr. Carroll stated that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2016-09, provided comments by January 14, 2016, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the February 8, 2016 meeting, the Planning and Zoning Board recommended approval of Ordinance No. 2016-09 by a vote of 4-0. He stated that the Local Planning Agency considered Ordinance No. 2016-09 earlier this afternoon and voted 4-0 in favor of approval. The Town Commission is scheduled to consider Ordinance No. 2016-09 for second/final reading on Monday, March 21, 2016 at 6:00 p.m.

Mr. Carroll stated the applicant is present if there are any questions.

Mayor Kussard asked if the Commissioners or anyone from the audience had any questions, and hearing none, asked for a motion.

*Upon a motion by Commissioner Holden and seconded by Commissioner Vincent, the Commission approved the first reading of Ordinance No. 2016-09 by the following roll call vote:*

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

**7. Ordinance No. 2016-10 – First Reading – Rezoning – Daniel O’Neil LLC & Prank Dejsubha – Rezoning from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) for Four Lots Consisting of Approximately .59 +/- Acres of Land which are Located within Orange Blossom Gardens Unit 1, within Lake County, Florida (Alternate Keys 1482496, 1482208, 1482551, and 1768039) (Thad Carroll)**

Town Attorney Derek Schroth 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 applicant, Daniel O’Neil, on behalf of the Daniel

O'Neil LLC and Prank Dejsubha, has filed applications to annex properties consisting of four lots located north of Griffin Avenue and northeast of North Highway 27/441 within the Orange Blossom Gardens Subdivision Unit 1. He stated that the rezoning application involves 0.59 +/- acres of property proposing a change from Lake County Residential Medium (RM) to Lady Lake- Mixed Residential Medium Density (MX-8), and staff recommends approval of this ordinance.

The four lots are spread out along two different roads and include the following addresses:

- 1016 Aloha Way- Lot 79
- 1005 Aloha Way- Lot 37
- 1305 Teakwood Lane- Lot 91
- 1311 Teakwood Lane- Lot 94

A map of the subject property was shown.

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the property have been included with the submitted application. All lots will be served by the Village Center Community Development District Central Water and Sewer System, as well as the District's Fire Department. The zoning designation of the subject properties and adjacent properties are as follows:

### Zoning

Subject Property	Lake County Residential Medium (RM)
<b>Zoning of Adjacent Properties</b>	
West	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)
East	Lake County Residential Medium (RM)
North	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)
South	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)

Mr. Carroll reported that the Rezoning application was received on Monday, January 4, 2016, and has been reviewed and determined to be complete, satisfying the necessary criteria as required. The application was found to meet the requirements of the Land Development Regulations (LDRs), as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Mr. Carroll stated that notices to inform the surrounding property owners (45) within 150 feet of the properties proposed by annexation request were mailed Thursday, January 28, 2016, and the properties were posted Monday, February 1, 2016. He stated there have been no objections or letters of support received to date.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2016-10, provided comments by January 14, 2016, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the February 8, 2016 meeting, the Planning and Zoning Board recommended approval of Ordinance No. 2016-10 by a vote of 4-0. The Town Commission is scheduled to consider Ordinance No. 2016-10 for second/final reading on Monday, March 21, 2016 at 6:00 p.m.

Mayor Kussard asked if the Commissioners or anyone from the audience had any questions, and hearing none, asked for a motion.

*Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved the first reading of Ordinance No. 2016-10 by the following roll call vote:*

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

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

**8. Consideration of Two Reappointments to the Parks, Recreation and Tree Advisory Committee (Kris Kollgaard)**

Town Manager Kris Kollgaard reported that the terms of two members of the Parks, Recreation & Tree Advisory Committee expired in February of 2016. She stated that Betty Cantelmo and Linda Denby are current members and both wish to be reappointed. She noted that there are no new applications on file for consideration of appointment to this committee.

Mayor Kussard asked if either of the two members is here today.

Ms. Denby stated from the audience that she was present.

Mayor Kussard thanked Ms. Denby for wanting to serve on the board, and asked if she wanted to speak; she did not.

Ms. Kollgaard asked the Commissioners to make their selections, and the following results were read into the record and tallied:

Commissioner Vincent voted for Betty Cantelmo and Linda Denby.  
Commissioner Holden voted for Betty Cantelmo and Linda Denby.  
Commissioner Richards voted for Betty Cantelmo and Linda Denby.  
Mayor Kussard voted for Betty Cantelmo and Linda Denby.

*As a result, Betty Cantelmo and Linda Denby received four votes each and were re-appointed.*

**9. Consideration of Two Reappointments to the Planning and Zoning Board (Kris Kollgaard)**

Town Manager Kris Kollgaard reported that the terms of two members of the Planning and Zoning Board expired in February of 2016. She stated that Michael McKenzie and Peter Chiasson are current members and both wish to be reappointed. She noted that there are no new applications on file for consideration of appointment to this board.

Mayor Kussard commented that she did not see either member in the audience.

Ms. Kollgaard asked the Commissioners to make their selections. The following results were read into the record and tallied:



Commissioner Vincent voted for Michael McKenzie and Peter Chiasson.  
Commissioner Holden voted for Michael McKenzie and Peter Chiasson.  
Commissioner Richards voted for Michael McKenzie and Peter Chiasson.  
Mayor Kussard voted for Michael McKenzie and Peter Chiasson.

*As a result, Michael McKenzie and Peter Chiasson received four votes each and were re-appointed.*

**10. Update on Conference Call with Department of Revenue Regarding Communication Services Tax (Kris Kollgaard)**

Town Manager Kris Kollgaard reported that she, Commissioner Richards, and Town Attorney Derek Schroth participated in a conference call with the Florida Department of Revenue this past week. She stated it was very interesting and asked that Mr. Schroth give a recap of it.

Town Attorney Derek Schroth stated that they were subject to confidentiality provisions under the statute and also under a confidentiality agreement they were required to sign before the DOR staff would talk to them. The agreement indicated that they were familiar with confidentiality provisions under the statute and that the information they obtained would remain confidential. He stated he talked to the DOR's lawyer during the conference and reached out to him again today, although he did not speak to him as it was later in the day.

Mr. Schroth stated they can disclose information learned provided that such disclosure is made to other persons or entities with direct responsibility for budget preparation, auditing, revenue or financial administration, or legal counsel. He stated that some information can be disclosed based under the provision of Section 213.03538(T), and he informed Commissioner Richards before the meeting of that.

Commissioner Richards stated he felt the state's fiduciary responsibility on this case was somewhat lax as they accepted what they were told was monthly income. He stated that he does feel the state now has the right figures and the correct amount has been calculated as to what the Town owes. Commissioner Richards stated the Town is not allowed to do an audit of its own per state statutes.

Ms. Kollgaard commented that staff verified that the customers were billed correctly. She stated she does not feel a trip to Tallahassee would be beneficial at this time as the Town cannot audit the state's audit.

Commissioner Vincent asked if there was an explanation for the error.

Commissioner Richards replied that an error did occur and it went to another government agency that has taxes; the wrong county and the wrong town. He stated that it is like a lot of people wrongly assume that all of The Villages is encompassed in Lady Lake.

Ms. Kollgaard stated the third party that did the collection also used the wrong calculation.

Ms. Kollgaard stated that the Town is due to receive a letter in November which will identify the other agency, and the Town will then be able to either decide to distribute payments to the DOR, or perhaps the Town can contact the other agency and make arrangements to pay them off.

Mayor Kussard asked if this has to be paid off in 2017, can it be paid in a bulk payment or spread out.

Ms. Kollgaard replied this repayment can be spread out over three years.

Commissioner Holden commented that he understands the Town has the funds in reserve to pay this off. He asked if it would be beneficial to pay it off and eliminate it.

Ms. Kollgaard stated it would be up to the Commission. She stated the first payment is due to be made in March of 2017, and she suggested that staff contact the other agency after the letter is received in November and offer to pay off everything that is owed in a lump sum, less a discount.

Mayor Kussard confirmed with the Town Manager that the Town will be charged no interest on the repayment regardless.

Commissioner Richards stated that the other entity charges less than the Town, and perhaps they should be paid just the amount they would have received.

Mayor Kussard and Ms. Kollgaard said it is something to think about prior to November.

Commissioner Holden commented that it appears that the Town's representatives that have handled this have done their best.

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

Mayor Kussard commented that she attended the Scam Jam Shred-a-Thon last weekend and it was a huge success. She stated she also attended the opening days of soccer and Little League and the children were very enthusiastic.

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

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

- Joe Quinn of 633 Rainbow Blvd. commented that the paint job in the Commission Chambers looks great.

Town Manager Kris Kollgaard asked Mr. Eagle to thank his staff for their work.

**O. ADJOURN:** The meeting was adjourned at 6:28 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.*