

**MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
April 6, 2009**

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

- A. **CALL TO ORDER:** James Richards, Mayor/Commissioner
- B. **INVOCATION:** Minister William Twaddell, Fairway Christian Church
- C. **PLEDGE OF ALLEGIANCE:** James Richards, Mayor/Commissioner
- D. **ROLL CALL:** Tony Holden, Commissioner Ward 2
Ty Miller, Commissioner Ward 3
Ruth Kussard, Commissioner Ward 1
Paul Hannan, Commissioner Ward 4
James Richards, Mayor/Commissioner Ward 5

STAFF MEMBERS PRESENT: Bill Vance, Town Manager; Derek Schroth, Town Attorney; Chief Ed Nathanson, Police Department; Lt. Lori Davis, Police Department; C.T. Eagle, Public Works Director; Thad Carroll, Senior Planner; Judi Kelch, Town Planner; Marilyn Nesbitt, Library Director; Kristen Kollgaard, Town Clerk; and Jayne York, Staff Assistant to Town Clerk

E. **CONSENT:**

1. **Minutes**

Regular Meeting – March 16, 2009 (on file in the Town Clerk’s office)

2. **Consideration of Request from Lake County Supervisor of Elections to Use the Community Building as a Polling Location for the Primary Election on August 24, 2010 and the General Election on November 2, 2010**

The background summary for this agenda item is on file in the Town Clerk’s office. It states that the Lake County Supervisor of Elections is requesting to utilize the Town’s Community Building located at 237 W. Guava Street as a polling location for the Primary Election on August 24, 2010 and the General Election on November 2, 2010.

3. **Consideration for the Chamber of Commerce to Host the Farmers Market Every Tuesday During the Summer (Betty Bernard)**

The background summary for this agenda item is on file in the Town Clerk’s office. It states that the Lady Lake Area Chamber of Commerce, Parks & Recreation Department

and TNT Events are seeking permission to continue hosting a weekly Farmers Market at the Log Cabin through the summer. The event will continue to use the south side of McClendon Avenue as the staging area. The Farmers Market has grown every week since its beginning and has proven to be very popular with area residents; in addition, it has brought additional patrons to the Chamber and the Historical Society.

4. Consideration for the Lady Lake Historical Society to Host a Car Show at the Log Cabin Park on April 25th (Norma Delaney)

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Lady Lake Historical Society is seeking permission to host a classic car show at the Log Cabin Park in coordination with The Villages Classic Car Club. This will be part of the museum's classic car exhibit. The Parks & Recreation Director will work with the Historical Society the morning of the event.

Upon a motion by Commissioner Kussard and seconded by Commissioner Miller, the Commission approved Consent Items #1, #2, #3, and #4, by a vote of 5 to 0.

F. OLD BUSINESS:

5. Discussion Regarding a Four-Way Stop at Avenida Central and Del Mar Drive (C.T. Eagle)

C.T. Eagle, Public Works Director, stated that he wanted to update the Commission on the status of the discussions regarding the Avenida Central and Del Mar Drive intersection. GMB Engineers (transportation engineers) came out and did a field visit and offered recommendations for the intersection. He stated he just received notification from GMB Engineers that based upon the field test and the criteria outlined in the MUTCD Manual along with the traffic count, they recommended a multi-approach stop control which is, in essence, a 4-way stop.

Commissioner Kussard asked how soon this could be done.

Mr. Eagle stated that Staff needed to coordinate with The Villages representatives to be sure they agree as well with the findings.

Bill Vance, Town Manager, stated that the Commission conveyed their opinion that they would like to potentially see a 4-way stop at that intersection. Staff took that informal direction and investigated in coordination with Janet Tutt (VCCDD) and Mike Tucker with the transportation engineers and they concurred that this would be a good idea. At this time, Mr. Vance has been in touch with Janet Tutt and he would like for the VCCDD to formalize their position on the matter; he stated that they have an excellent working relationship with The Villages and it seems to be better if they work together as opposed to one doing something distinct from the other since The Villages and Lady Lake are interconnected in so many ways.

Mayor Richards asked Mr. Eagle if there were funds available in the Public Works operations budget to cover this and Mr. Eagle responded yes.

Mr. Vance stated that Staff will come back at the next Commission meeting to seek the Commission's direction in this regard.

G. NEW BUSINESS:

6. Discussion/Direction Regarding Request from the American Legion Post 347 to Rename the Section of West Lady Lake Boulevard that is Connected to Rolling Acres Road to American Legion i.e. Way, Lane, Street, etc. (Tom Murphy)

Tom Murphy, Commander of American Legion Post 347, stated that they are requesting to change the name of their portion of West Lady Lake Blvd. to American Legion Way. The major reason for this request is that visiting Legionnaires have a difficult time finding this portion of Lady Lake Blvd. with a GPS system because there is a section of the road that is not developed but the GPS shows it as a thoroughfare.

Commissioner Hannan stated that he wouldn't have a problem with this but that it would probably take about 4 or 5 years for the GPS to actually catch up with road name change.

Commissioner Kussard stated that she was confused about where this road was so she took a ride. This is a very short strip of land that leads to a dirt road and then to a field; however, if you were to continue through the field, you would come out on Lady Lake Blvd. She stated that the Town may want to extend that road some day and that Lady Lake Blvd. has been in the Town for so many years that she thinks a better solution to this would be for the American Legion to change their address to Rolling Acres Road. It wouldn't take 4 or 5 years for people to find it with a GPS system; Rolling Acres Road is well-known and the address would be immediately available on GPS.

Commissioner Holden stated that he is in favor of whatever the American Legion would like.

Commissioner Miller agreed with Commissioner Kussard and thinks that is a good idea.

Mayor Richards asked if there is a requirement that an address has to be on a certain side of a building.

Thad Carroll, Senior Planner, stated that the address has to be visible from the public right-of-way and that he has been contacted by the County on a former adjacent address on West Lady Lake Blvd. addressing the dirt road; County's opinion was that Staff could look at some of these buildings along both Rolling Acres Road and Lady Lake Blvd. and readdress them to Rolling Acres Road because in the future, Lady Lake Blvd. may go through there. He added that any address change that is done at this time will have to go before Lake County to make sure it is in Lady Lake's address range and on Lady Lake's addressing grid. He stated that changing to a Rolling Acres address would certainly be the easier solution.

Mayor Richards stated that he thinks the Rolling Acres Road address is a good idea and was wondering if the Tree Tops Driving Range would want to change also.

Commissioner Hannan stated that he doesn't see a problem in calling that portion of the road American Legion Way; it could go for a quarter of a mile and then continue to be Lady Lake Blvd.

Mayor Richards stated that using American Legion Way brings up the GPS problem as first mentioned by Commissioner Hannan and that the name change could also affect the Tree Tops Driving Range in regard to their use of the Lady Lake Blvd address as their business address.

Mr. Vance asked the Commission if they wanted Staff to come back before the Commission at the April 20th meeting after working with the American Legion and talking to the Tree Tops Driving Range. He thinks it is a valid point in regards to Tree Tops' address. He doesn't know any specifications from the County as to whether or not you have to have an actual point of ingress and egress to be considered for an address off of a county road. He thinks that Staff needs to look into this a little bit more and come back after working with all involved and put forth the most responsible recommendation if Commander Murphy has no problem with that.

Mr. Murphy stated that he has no objection whatsoever.

Mr. Vance stated that the goal this evening was to indicate that there is a problem with the situation.

It was the consensus of the Commission for Staff to look into this further and come back to the April 20th meeting with a recommendation.

7. Update on PD&E Schedule for Rolling Acres Road from GMB Engineers and Planners, Inc. (GMB Planners & Engineers, Inc.)

Darryl Cunningham, with GMB Engineers, stated that he is one of the project managers and that this is a study to review the roadway, find out the issues with it and look to satisfy the future needs of the roadway. He stated that, currently, they are in the data collection phase – a field review with Chief Nathanson, doing traffic counts, looking at stormwater right-of-way and also looking at environmental issues. The first meeting is scheduled for early June and the final meeting will be in late September. He stated that he looks forward to working with Town Staff and the Commission.

8. Consideration of Proposal for the Development of Pavement Management Program for the Town of Lady Lake from E.J. Breneman and KCA (C.T. Eagle)

C.T. Eagle, Public Works Director, gave the background summary from the agenda item cover sheet. He stated that funds were budgeted for the Development of a Pavement Management Program and for the continuation of street resurfacing town-wide this fiscal year. E. J. Breneman has submitted their proposal for the development of this program and after completion of the plans, the findings will be presented to the Commission along with the proposed streets recommended for treatment as well as the treatment options. Mr. Eagle stated that the #1 recommendation that will be given to the engineers performing the survey will be to finish paving the historic side of The Villages.

Bill Vance, Town Manager, stated that a tremendous amount of street resurfacing in the historic area of The Villages was done last year and Staff would like to complete that area this year. The Commission budgeted accordingly and has also budgeted sufficient funds, at the Mayor's direction, to create a Pavement Management Program to recognize the needs and options for the Town over the next few years and this is the initiation of that effort.

Mr. Eagle stated that representatives from both E.J. Breneman and KCA Engineering were present to answer any questions.

Mr. Vance stated that Staff will be coming back with the micro-surfacing recommendation in May.

Commissioner Hannan asked if the \$300,000 that was budgeted was in this fiscal year's budget to which Mr. Eagle responded yes.

Mayor Richards stated that it looks like they took into account whether the roads were arterials or collectors and that there is going to be some consideration given for the amount of traffic a road gets as to what is done first.

Mr. Eagle stated that there is a separation between collectors and arterials but those are pre-designated and the road treatment type will be taken into consideration.

Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved the Proposal from E.J. Breneman and KCA for the Development of Pavement Management Program for the Town of Lady Lake, by a vote of 5 to 0.

Commissioner Hannan stated that the County has paved Shay Blvd. and stopped short of the Shay Gate and was wondering why.

Mayor Richards stated that they had previously paved that area and it wasn't as deteriorated as the area they went over so he assumes that is why they stopped where they did.

Commissioner Hannan asked if Mr. Eagle could find out why they stopped where they did. He also reminded Mr. Eagle that is part of the County and not the Town.

9. Consideration of Construction Improvements Proposal from Mittauer & Associates for the Well #3 Retrofit and Implementation of 4 Log Removal (C.T. Eagle)

C.T. Eagle, Public Works Director, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). He stated that the Town Commission previously approved Mittauer & Associates to prepare the design, handle the permitting and administer the bidding/construction of the Well #3 Retrofit and 4 Log Removal Implementation Project.

Jason Shepler with Mittauer & Associates was present to answer any questions.

Upon a motion by Commissioner Miller and seconded by Commissioner Holden, the Commission approved the Proposed Construction Improvements from Mittauer & Associates for the Well #3 Retrofit and Implementation of 4 Log Removal Being Funded by Water Impact Fees, by a vote of 5 to 0.

Mr. Vance stated that those improvements are related to water quality so they are very important.

10. Consideration to Authorize the Lady Lake Police Department to Apply for Grant Funding Through the COPS Hiring Recovery Program (CHRP) (Ed Nathanson)

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Town of Lady Lake Police Department would like to establish eligibility status and determine the number of officer positions that the agency would be allowed to apply for and be awarded grant funding from the COPS Hiring Recovery Program (CHRP). This grant, if awarded, would provide 100% funding for approved entry-level salaries and benefits for three (3) years for newly-hired full-time sworn police officer positions. Grant awards are limited to available funding and there is no local match requirement. Grantees must retain all sworn officer positions under the CHRP Grant for a minimum of twelve (12) months following the three (3) year grant funded period. Chief Nathanson is requesting authorization to apply for grant funding through the COPS Hiring Recovery Program.

Chief Nathanson stated that this has to be completed and submitted to the COPS Office by 11:59 p.m. on April 14th.

Commissioner Miller stated that anything to save money is a good idea.

Mayor Richards thanked the Chief for checking into this because the Town needs more police officers with all of the new development and this may help.

Chief Nathanson stated that the Town is looking for funding for officers; he doesn't know how many officers the Town is eligible to apply for but this program will be funding entry-level full-time officers for 3 years and the Town then would be required to keep them for another year. He stated that he has some other questions to find out about.

Upon a motion by Commissioner Kussard and seconded by Commissioner Hannan, the Commission approved the Authorization for Chief Nathanson to Apply for Grant Funding Through the COPS Hiring Recovery Program, by a vote of 5 to 0.

11. Consideration of Acceptance of Conveyance of a Portion of the Sanitary Sewer Infrastructure and Associated Easement from RaceTrac – US Hwy 27/441 and Teague Trail (Judi Kelch)

Judi Kelch, Town Planner, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). She stated that RaceTrac, Applicant/Owner, received site plan approval for the construction of their building and in doing so were required to construct certain on-site and off-site utility improvements. The Applicant/Owner has constructed those improvements and is donating these improvements and associated easement to the Town at a value of \$19,200. The Town has received certification of conformance, associated easement and maintained bond warranting the construction of the improvements in accordance with the Water and Sewer Developer's Agreement.

Upon a motion by Commissioner Holden and seconded by Commissioner Kussard, the Commission approved the Acceptance of Conveyance of a Portion of the Sanitary Sewer Infrastructure and Associated Easement from RaceTrac, by a vote of 5 to 0.

12. Discussion of Library Staffing Needs (Marilynn Nesbitt)

Marilynn Nesbitt, Library Director, stated that the problem with staffing levels is not a recent event; this has been going on for some time now. She tried to request an additional full-time staff position for this fiscal year but no new positions were allowed; then the budget was cut and one of the cuts included all overtime hours and this meant that her 2 half-time people (who were previously allowed to work 20 to 30 hours per week) were no longer allowed to work over 20 hours per week and this meant a loss of up to 20 hours per week from the part-timers to cover the Library's busy times. There is a young volunteer who has been working for free 10 – 30 hours per week since last September and the Library staff is still having trouble keeping up. Ms. Nesbitt stated that a new half-time position is needed immediately to alleviate the great stress that all of the staff is experiencing. A half-time position would cost the Town \$7,500 for the rest of the fiscal year. In addition, a new full-time position is needed as well, if not immediately, for the next fiscal year. She stated that she would hate to have to cut library hours and services because, with the economic downturn, many more people depend on the library to look for jobs, to create resumes, to do e-government services such as food stamps, temporary cash assistance, Medicaid, scholastic financial aid, etc. and this is in addition to the increase in patrons who use regular library services like checking out books and AV materials. The Library will probably be forced to cut back their hours and service if they don't get some staff relief to help out.

Bill Vance, Town Manager, stated that it was his understanding that the need was really for more of a full-time position plus an additional part-time position which would get Staff to where they need to be as far as providing good service to the patrons as opposed to being overwhelmed by the number of patrons. He recommended that the Commission consider a \$30,000 allocation as opposed to a \$7,500 allocation. If other resources are not attained, Staff is looking to scale back to 35 hours a week that the Library is open instead of the current 39 hours per week. By operating 35 hours per week, Lady Lake will still qualify for the County funding; this would also allow an additional 4 hours of administrative opportunities where the Library would not be open to the public but Staff could attempt to catch up on the things that they need to do but cannot do when they are providing services to patrons who need their assistance.

Commissioner Hannan recommended tabling this item until the next meeting.

Commissioner Kussard stated that she doesn't think that this is an item that can be tabled – she is in the Library once a week on average and the increase of patrons in the Library has been phenomenal and because of the current economic situation, it has been even more so because many people can no longer afford to buy the books, CDs, DVDs and computers. This is something that has to be addressed here and now and this is something that the Town owes to the residents, not to cut hours but to do something now.

Commissioner Holden asked what percentage of the loan-outs are DVDs (movies); he asked if it was more than books.

Ms. Nesbitt stated absolutely not – DVDs are about 20% – books are #1, book CDs are #2 and then DVDs and videos. She has always said that she doesn't want the Library to be a Blockbuster so she does not put a lot of DVDs in the Library; she added that the Library Staff is always getting more requests for large print or more fiction books or more CD books, etc.

Commissioner Miller stated that he agrees with Commissioner Kussard and doesn't think that this can be tabled. The Town needs to move forward although he is not for spending extra money but the Town is looking at a new library and providing service. He thinks that the Town needs to do what Marilynn is proposing.

Ms. Nesbitt stated that she had hoped to wait until the new Library opened to hire more personnel but this library project has been delayed about a year and the increase in activity has just gotten to be too much – it already was a lot before and she thought the Town could muddle through with extra volunteers but it is still not working and it really is stressful to all of the Library Staff.

Commissioner Hannan stated that the Town can't spend money that it doesn't have and he doesn't want to go through the reserves fiasco again. He agrees with the Town Manager that if the Staff is under stress because of the hours being put in, then the Staff needs time off. He doesn't want anything to happen to stop the new Library and if the Library has to reduce its hours, then do that. People wanting to come to the Library will still come. Reserves cannot be used and the Town cannot plan on using reserves anymore.

Ms. Nesbitt stated that if hours are cut, then there will be long lines for people waiting to use the computers and long lines at the check-out desk.

Commissioner Hannan stated that it is all about money and asked the audience if they wanted their taxes raised because that is what is going to happen. He asked that when the Town goes into the reserves, where is the money going to come from and stated that it's going to come from the taxpayers.

Mayor Richards stated that this is a definite wake-up call; it's a good example that more population costs more money and not just for police – other areas of government grow as well. This is not the time to increase our government – we've been cut 10% by the State

and 10% by the County on the Library part. Everybody is telling us to “do more with less” and to have fewer people; they don’t want to see us building a great government entity. He also pointed out, from a Daily Sun newspaper article, that The Villages Regional Hospital has 600 volunteers who have donated 90,000 man hours and added that the Town may have to go to volunteers.

Ms. Nesbitt stated that Staff has to be familiar with and stay current with the different reference services; these change all the time and it is hard to keep the volunteers up to date. A lot of the workload involves reference work on the floor and also answering questions on the phone and she doesn’t want the volunteers to handle these reference issues.

Mr. Vance stated that Staff anticipates that between now and the end of the fiscal year that if the Town had an additional full-time Library employee and an additional part-time Library employee, the Town would need approximately \$30,000 out of the reserves and the reserves as of September 30, 2008 stood at \$3.2 million. The Town did invest \$500,000 of the \$3.2 million into paving and into police vehicles so a \$30,000 investment sounds quite reasonable to the Town Manager and Staff in order to enhance these important services at a time of desperate need where people are researching additional educational and job opportunities. He added that the HR Director has helped to negotiate an anticipated \$70,000 savings in the next year’s general fund budget; those resources could potentially be utilized to continue to fund these positions for an additional year. Everybody involved in local government in Florida understands that everything in Florida these days is year-to-year and nothing is guaranteed after that. The \$70,000 savings is some additional flexibility if the Commission would potentially like to utilize it.

- Henryka Presinzano, 1448 W. Schwartz Blvd., stated that she agreed with Mr. Vance that if the resurfacing can be funded from the reserves, then the Town can find \$30,000 for the Library which is a very important institution in this town.
- Gary Jerkovich, Spring Arbor Village, stated that he frequents the Library 3 or 4 times per week and thinks that Ms. Nesbitt is right on with the request. He added that we don’t want to lose sight that the youth use this library a lot.
- Paul Harsh, member of the Library Board for a number of years, stated that Ms. Nesbitt is a very excellent administrator. Dr. Harsh stated that he agrees with Commissioner Hannan in that “you don’t spend what you don’t have” because that is what has gotten the Town into the mess that it is in. But he knows that the Library needs to be run correctly; the load on the personnel is not really based on the hours that the facility is open, it’s based on the number of patrons. Having the Library open fewer hours will not solve the problem if the Library has the same number of patrons. The Library has a good staff right now and he would hate to lose any of them but he has seen burnout and sometimes very, very good people bail out simply because they have given all there is and there is nothing else to give. He believes that you don’t spend money that you don’t have but he also believes that if you have invested in a machine, you keep it running.

- Wendy Ryan, 12600 Weirsdale, stated that the idea of cutting Library hours would cause longer lines; people looking for jobs will get tired of standing in line and will go home and will go on welfare and then we are going to be paying for it anyways. To her, it makes no sense to cut the Library hours.
- Phil Mathias, Lakes of Lady Lake, asked Ms. Nesbitt if volunteers could be trained.

Ms. Nesbitt stated that the Library has 24 volunteers. The level of activity that the Library has is not fair to volunteers – it's too much and they can't handle it. The level of questions that are asked is such that volunteers have a very difficult time keeping up with this. The young volunteer has been working a minimum of 4 hours per day and Staff has been training her all along; she is able to keep up and she is very computer-literate and so she can work at the desk. Many times the older volunteers do not have the computer skills needed and one also has to be very fast with the computer skills. In addition, in regards to the reference questions asked, one has to have a great deal of knowledge and Staff is training the young gal in that regard also which requires a lot of training. Also, with volunteers, one day they are in and maybe the next time they can't come. Ms. Nesbitt stated that the 24 volunteers shelve and work the book sale room.

- Karen Hill, 609 Hwy 466, stated that she works on a daily basis with volunteers and they are very good. She suggested contacting the local colleges to see if anyone majoring in Library Sciences could work a clerkship since they should be current on the latest skills.

The tape was changed to Side "B" at 6:45 p.m.

Commissioner Kussard asked if the money is already in the budget for a full-time position because of the recent retirement.

Town Manager Bill Vance stated that Ms. Nesbitt is requesting one additional part-time position but he has concerns about that recommendation because he knows how busy Ms. Nesbitt and her Staff are; he stated that he is aware of the increasing workload on the Library Staff and the need to make sure that the employees are kept healthy. He recommends one additional full-time position and one additional part-time position; \$30,000 would be needed to get to the end of the fiscal year. It appears that the Town has \$70,000 in savings associated with the property liability insurance for the next fiscal year; those 1½ positions could be funded for the next fiscal year as well if the Commission wanted to utilize those resources for that purpose.

Commissioner Kussard stated that what concerns her is that this is not just about staff being stressed out but also about the increase in the usage of the Library and its services. She thinks that this is something that the Commission needs to address and she favors hiring one additional full-time position plus one additional part-time position if the money is there from the savings in HR; it's not like it is being taken from somewhere that we don't have.

Mr. Vance stated that the Commission would have to take the \$30,000 from the reserves. As of September 30, 2008, the reserves stood at \$3.2 million and \$500,000 of that has been allotted for purposes for this fiscal year.

Mayor Richards asked if budgetary line items could be changed if brought before the Commission.

Mr. Vance stated that money can be transferred from one line to another but we have to be realistic about whether or not we are still going to have needs from that line item from whence that money came.

Commissioner Miller stated that he doesn't think the Town has a choice but to get the extra people so we can continue to move forward in a very positive direction. He stated that we have heard from the people in the audience and he thinks that they agree with that.

Commissioner Miller made a motion which was seconded by Commissioner Kussard to Approve the Addition of 1½ New Library Positions Immediately.

Commissioner Miller then amended his motion to read "to Approve the Addition of 1½ New Library Positions Immediately Not to Exceed \$30,000 from the Reserves this Fiscal Year." The motion was seconded by Commissioner Kussard. The motion failed to pass by the following roll call vote:

<i>HOLDEN</i>	<i>NAY</i>
<i>MILLER</i>	<i>AYE</i>
<i>HANNAN</i>	<i>NAY</i>
<i>KUSSARD</i>	<i>AYE</i>
<i>RICHARDS</i>	<i>NAY</i>

Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved the Request for One Additional Half-Time Library Position Immediately, by the following roll call vote:

<i>HOLDEN</i>	<i>AYE</i>
<i>MILLER</i>	<i>AYE</i>
<i>HANNAN</i>	<i>NAY</i>
<i>KUSSARD</i>	<i>AYE</i>
<i>RICHARDS</i>	<i>AYE</i>

Mr. Vance asked if the Commission would like for him to continue to work with Ms. Nesbitt and her staff to make sure that they are in a healthy work environment for all involved and also if any hours need to be adjusted, that will be conveyed to the Commission and to the public.

Commissioner Hannan added that the stress is an issue that really needs to be addressed by Human Resources.

Mayor Richards stated that he is looking for the professionals here to find a way around it rather than just throwing their hands up and saying that they need more people – inventive ways are needed to get around the situation. He stated that he suggested one way and that was using volunteers. If the Library is going to be able to supply the services that it needs to in an operation that is not paying as it goes, the one way to do that is to find inventive ways around it and that's what the Town is looking for especially if building a new library. He stated that ten new people may be needed to fill up that space so where is the money going to come from.

Ms. Nesbitt stated that she was planning to get a lot more volunteers for the new Library but she stated again that volunteers can be there for a while and then they are gone – it's continual training all the time.

Commissioner Hannan asked if a special assessment tax on all of the citizens of Lady Lake could be created in order to supply the Library with all of their needs.

Derek Schroth, Town Attorney, stated that he doesn't think so; Libraries are not considered to increase property values and a special assessment tax is related to what increases your property values – there can be a fire assessment or a stormwater assessment. There is no Library assessment.

Ms. Nesbitt also added that if the Library charges for its services, the Town will lose its state aid. The County is reducing its reimbursement but Lady Lake would lose the County cataloging and the County supporting the automation system giving them all of their reference data bases and that would be a big deal if the Town lost that.

Commissioner Holden stated that if the DVD movies were dropped, that would free up 20%.

Mr. Vance stated that Ms. Nesbitt has been extremely creative and has gone without longer than any other department; she is working 10 – 11 hours a day and on the weekends. He added that Staff did not get a whole lot of notice to deal with this so Staff is attempting to do so as responsibly as possible but when an issue comes to Staff's attention, Staff has no choice but to deal with it as quickly as possible and that is what Staff is trying to accomplish here.

Ms. Nesbitt stated that she kept thinking that this was just a "little bump in the road" and that things would slow down; usually it slows down in the summer, but it did not slow down last summer so they didn't get to do any of their projects that they usually do when it is slow in the summer and that is because the level of activity keeps increasing. She stated that she was trying to work this along and wait until the new library was built but it has become too stressful.

Mr. Vance stated that Staff will continue to prioritize and, hopefully, will be able to provide as many services as have been provided in the past; if there are any changes in the hours or the services provided, Staff will make absolutely sure that information is conveyed to the Commission and to the public in a timely manner.

Mayor Richards stated that with all of the cuts that are coming down from the State level, all of this can't be made up at the local level – it's too much to ask the taxpayers to do.

Mr. Vance stated that Staff has come here with options – the Town either funds additional positions to continue to provide the level of service the Town has or the Town reduces the operations of the facility. Staff understands that the Commission gives policy direction and that is what Staff is seeking.

Commissioner Hannan stated that there is no guarantee that if the extra staff is added to the Library that the stress is going to go away and it probably won't. He stated that he still has big concerns regarding the stress because stress is a medical problem and he is very concerned about that.

H. TOWN ATTORNEY'S REPORT:

13. Ordinance No. 2009-03 – Second/Final Reading – Amending Ordinance No. 2007-22 Regarding Water Conservation

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

There were no questions or comments from the Commission or the public.

Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved Ordinance No. 2009-03 – Second/Final Reading – Amending Ordinance No. 2007-22 Regarding Water Conservation, by the following roll call vote:

<i>HOLDEN</i>	<i>AYE</i>
<i>MILLER</i>	<i>AYE</i>
<i>HANNAN</i>	<i>AYE</i>
<i>KUSSARD</i>	<i>AYE</i>
<i>RICHARDS</i>	<i>AYE</i>

14. Ordinance No. 2009-05 – First Reading – Amending Land Development Regulations-Chapter 7 “Site Development Plan Regulations”

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

The background summary for this agenda item is on file in the Town Clerk's office. It states that the site development plan regulations were originally adopted in 1994 as part of the Lady Lake Land Development Code. Since that time, Chapter 7 has not been reviewed or revised in an effort to stay current with development trends, demographic data and the growing needs of the community.

Revisions included in this amendment are:

- The parking space requirements; to allow the reduction in parking space width and length, which would decrease paved area thus increasing open area, to count towards the required vehicle use landscape area;
- Reduce stacking requirements at bank and utility business office drive-thru's;
- Increase stacking requirements for restaurant drive-thru's;
- Require the submittal of calculations for average monthly water usage for irrigation;
- Cleaned up concurrency application language;
- Changed procedure for site plan extension approvals for site plans that have not begun construction to allow the Town Manager to approve an extension as long as no adverse affect to concurrency or surrounding development will occur and no major changes to the Land Development Regulations affecting the site plan have been adopted.

The Planning & Zoning Board reviewed the application on March 9, 2009 and recommended approval and forward to the Commission with a vote of 5-0; the Second/Final Reading before the Town Commission is scheduled for April 20, 2009.

Judi Kelch, Town Planner, stated that Chapter 7 of the LDRs has not been reviewed in quite a while and Staff wanted to update it based on current demographics, current changes in trends and also there was the need for some general housekeeping. She spoke with Commissioner Kussard earlier and they would like to make a change; on page 17, Staff had considered reducing the stacking area for financial institutions down to 3 rather than the 5. Commissioner Kussard would like to keep it at 5 spaces for stacking. Ms. Kelch asked if any of the other Commissioners had an opinion about that, but there were none.

Mayor Richards had some concerns about changing the width of parking spaces.

Ms. Kelch stated that Staff did take a look at the parking spaces and did make some revisions based upon the ITE Parking Generation Manual which is a compilation of parking studies throughout the United States. Based upon that, there were a few changes; mostly, Staff moved the required minimum parking spaces up to 1 space per 200 or 250 square feet. Staff also looked at the general commercial designations HC and LC and tried to make them all the same in order to better accommodate the different uses within a complex. The standard parking space size is 10' X 20' and reduction in the size of parking spaces to 9' X 18' is allowed if approved by the Commission.

Commissioner Kussard stated that she was very concerned about the size of parking spaces and would like to keep them at the 10' X 20' size unless a change is approved by the Commission.

Ms. Kelch stated that Staff could take a look at changing that where it has to be.....right now, it is allowed if they need to reduce their pavement to meet their impervious/pervious ratio but it can be changed to having to be "Commission approved."

Mayor Richards asked if this was in reference to page #15 of the ordinance, items #2-A & #2-B which Ms. Kelch responded yes.

Mr. Vance stated that this was the First Reading so Staff has the flexibility to take direction from the Commission.

There were no questions or comments from the public.

Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved Ordinance No. 2009-05 – First Reading – Amending Chapter 7 “Site Development Plan Regulations” of the Land Development Regulations with the Stacking Area for Financial Institutions to Remain the Same at 5 and that Items 2-A and 2-B on Page 15 Must Come Before the Commission for Approval, by the following roll call vote:

<i>HOLDEN</i>	<i>AYE</i>
<i>MILLER</i>	<i>AYE</i>
<i>HANNAN</i>	<i>AYE</i>
<i>KUSSARD</i>	<i>AYE</i>
<i>RICHARDS</i>	<i>AYE</i>

I. TOWN MANAGER’S REPORT:

Bill Vance, Town Manager, had nothing to report.

J. MAYOR/COMMISSIONER’S REPORT:

15. Discussion of Lake County Arts and Cultural Alliance (Mayor Richards)

Mayor Richards stated that in response to a copy of a letter received from the Lake County Board of Commissioners in regards to the Lake County Arts & Cultural Alliance, Lady Lake will not be sending a representative this year as the smaller communities send a representative on a rotating basis and it is not Lady Lake’s turn – it is Groveland’s turn.

Mayor Richards stated that when a legal announcement is made and he was referring to the land development issues and in particular the Comprehensive Plan Amendment that was recently approved by DCA, the Sentinel is used for the advertising and he asked if the Daily Sun could be used to keep the local residents informed.

Bill Vance, Town Manager, stated that the Comprehensive Plan Amendment announcement actually was coordinated by the DCA. He thinks that Lady Lake getting to the point of essentially posting all of these announcements in the Lake Sentinel is tried and true. The Town has tried all and it is thought that the most success the Town has had on a continual basis has been with the Orlando Sentinel as far as reaching people and the accuracy of the ads.

Kristen Kollgaard, Town Clerk, added that all of the information has been put on the Town website. At one point, Staff did look at advertising in The Daily Sun for things

that affected that area but with all of the cuts, the advertising has been cut back also and the Town is just using the Lake Sentinel which is all that is required legally.

Mayor Richards stated that the orange signs are still posted on properties so anybody concerned about something would know even if they didn't get the Orlando Sentinel.

Ms. Kollgaard stated that surrounding property owners are also notified by certified mail.

Commissioner Hannan had nothing to report.

Commissioner Kussard had nothing to report.

Commissioner Holden had nothing to report.

Commissioner Miller had nothing to report.

K. OPEN FORUM:

- Lowell Saxton, Oak Grove Subdivision and President of the Lady Lake Historical Society, stated that the Historical Society would like to hang some pictures of the Commission in their museum and was asking permission to take some photos during one of the meetings. He stated that right now, there is not one photo of any commissioner in the museum.

Commissioner Hannan stated that was an excellent idea.

- Mr. Saxton also mentioned that the Lady Lake Historical Society is going to be sponsoring a golf tournament as a fundraiser on May 30th. He invited everyone to participate and stated that it would take place at the Lake Miona Golf Course.

Commissioner Hannan stated that the Lake Miona Golf Course is not in the Town of Lady Lake and suggested the possibility of holding the fundraiser at the Lakes of Lady Lake Golf Course which is in Lady Lake.

- Mr. Saxton stated that the committee would be meeting the next day to finalize plans and he would make that suggestion to the committee at that time. He stated that the Commissioner's point is well-taken and he is 100% for doing business in the Town.
- Philip McPhee, 223 Gibson Street, stated that he was speaking on behalf of his wife whose grandfather had left her some property at this address. There was a lot of confusion as to the fines that had been assessed by the Town over the years. Right now, the Town has a lien on the property and the McPhee's recently received a letter from the County stating that this property was going to be put up for auction because of the back taxes owed. He stated that it is a small piece of property but it is adjacent to the property where he and his wife just built a house so it is actually 2 lots that are combined. His wife was under the impression that she had been paying the taxes on both lots. The amount of the back taxes is

\$1,300 owed to the County and the Town also has a lien on the property for approximately \$4,000. It is a small piece of property but it has a lot of sentimental value to his wife. They have the money for the back taxes and are hoping that they can set up a payment plan with the Town to pay off the lien.

Derek Schroth, Town Attorney, stated that this property at 221 Gibson Street (empty lot) will go to the foreclosure sale on May 12th if the Commission doesn't act on this and the lien that the Town placed on this property is in regard to the street paving assessments that are owed.

Mr. Vance, Town Manager, stated that Staff needs to double check this but he thinks that at one point in the past, there were payment arrangements set up and potentially some issues with those. If the foreclosure is going to take place in May, there is time to investigate the past and coordinate with the McPhee's in order to move forward.

Mayor Richards, speaking on behalf of the Commission, stated that the Commission would be receptive to a payment plan as long as the Town holds the Quit Claim Deed until all payments are made.

Mr. Vance stated that Staff has no objection to such an arrangement and that Staff will come back before the Commission on April 20th.

- Mr. McPhee asked if he should go ahead and pay the property taxes.

Mr. Schroth recommended that the McPhee's pay the taxes and then before the next meeting, something could be worked out which might mean a mortgage on the property where they would make payments toward the debt.

- Mr. McPhee stated that they just wanted an opportunity to pay off the debt and promised that they would. He thanked the Commission.
- Paul Harsh, Senior Pastor of the First Baptist Church of Lady Lake, stated that the reason he was speaking was because of an issue raised by Bill Calhoun. He referenced several e-mails, that are public record, that were sent to the Commission from Mr. Calhoun stating that he was registering a complaint relative to the use of a religious invocation at Commission meetings indicating that this practice violates the separation of Church and State as set forth in the U.S. Constitution.

Dr. Harsh had distributed his presentation (on file in the Town Clerk's office) to each Commissioner prior to the meeting. His packet contained information concerning the offering of prayers at public events and governmental affairs. The information was broken down into the following four parts:

- The first part was a brief and partial documentation on the History of Governmental Prayer in the United States of America. It showed that the framers of the Constitution and the early leadership of the United States saw

absolutely no problem with the contact between government and religion and understood the futility of any attempt to separate the two.

- The second part was a brief and partial notation of some of the Supreme Court cases and comments concerning the relationship between government, prayer and Christianity in America.
- The third part showed the origin and historical background for the phrase “under God” in the Pledge to the Flag of the United States of America.
- The fourth part included some of the Biblical arguments to clarify the reason why Biblical Christians are so adamant about praying in the name of Jesus.

In conclusion, Dr. Harsh stated that there is absolutely no support to the supposition that the United States of America was ever conceived by her founders as a secular nation. He stated that it is a historical fact that every one of those in laying the foundation of this country and government were either Christians or were profoundly impacted by the Bible. In addition, he stated that there is no evidence to indicate that there was ever intended to be a “wall of separation” between government and religion.

Dr. Harsh had contacted the Christian Law Association and asked them for the governing policy concerning Florida. In their response to Dr. Harsh, it was stated that “The Supreme Court’s *Marsh* decision is still good law today and it, along with the Eleventh Circuit *Pelphrey* decision, is the only law that citizens of Florida are required to follow as precedent. These two decisions allow your City Council to invite volunteers from city churches to open their legislative sessions with prayer and these volunteers may invoke the name of Jesus or any other deity so long as the prayers are not proselytizing or used to promote one particular religion or to disparage another.” Dr. Harsh stated that this very clearly indicates that what the Town Commission has been doing is legal and he added that the Town is on very firm legal ground, certainly on firm historic ground and he is certain that the Town is on very firm popular ground.

The tape was changed to Tape #2 at 7:30 p.m.

Commissioner Hannan thanked Dr. Harsh for his presentation as did Commissioner Kussard.

- Willard Benedict, an associate pastor with First Baptist Church, stated that he concurs with Dr. Harsh and also commented that this issue is not relegated to just here. He was a pastor in Ft. Myers for 14 years and opened the Commission meetings there many times with prayer and this was never an issue in Lee County. In Dodge County in Wisconsin, it was reported that the Board Chairman received a letter from the atheist group Freedom From Religion Foundation claiming prayer is illegal and suggested that the meetings be opened with a Moment of Silence. It was decided in that case that prayer was legal. He stated that the issue tonight for the Town is not one of legality; its one of morality and he believes that

the Town is totally within the law and wanted to confirm his support of having a prayer at the beginning of a Town Commission meeting.

- Maria Sauerwald, Lady Lake, stated that she sent an e-mail to the Mayor and Commissioners proposing that they take a 10% or more reduction in their salaries due to the Town's tight budget that is really affecting various departments. This would surely show all of the employees who are diligently performing a great job under stress that the Commission is working with them in these hard times and showing good faith. She quoted the Mayor as saying "this is a great opportunity to lead the way" and stated that she hopes that the Commission takes this proposal seriously and considers it especially when doing the budgets.
- Lowell Saxton stated that there is a Jewish member of the Historical Society so they leave out Jesus and pray to God; he is a member of the American Legion as well and the name Jesus is never mentioned. He stated that this is something to think about and just pray to God.

Derek Schroth, Town Attorney, stated Dr. Harsh's statements are correct legally – the Commission can have an invocation and invoke the name of Jesus and if the Commission doesn't want an invocation, it doesn't have to have one. People get confused because prayers are not allowed in public schools – the distinction there is that is not a voluntary act; you have to attend school if a minor unless home-schooled and it can be truancy if you leave. An invocation at a Commission meeting is voluntary; if someone doesn't like it, they can step up and leave.

- Kim Twiss introduced herself and stated that up until 4 weeks ago, her husband was employed by the Lady Lake Police Department. He was on probation and 4 weeks before he was going to be vested with the department, he was fired. She encouraged the Commission to pull his personnel record and look at it; she stated that Brian has been on and off with the Lady Lake Police Department since 1999; he has 16 accommodations; and he was the sergeant in charge of the Investigations Unit. She stated that the Town Manager took Brian's career away from him and she doesn't think it should be tolerated and thinks that the Commission should look at his personnel file. She thanked the Commission for their time.

L. ADJOURN: There being no further discussion, the meeting was adjourned at 7:40 p.m.

Kristen Kollgaard, Town Clerk

James Richards, Mayor