

**MINUTES OF THE REGULAR MEETING  
OF THE LADY LAKE TOWN COMMISSION  
LADY LAKE, FLORIDA  
May 4, 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 Ron McQuinn with Villages Church of Christ
- 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; Guy Shields, Human Resources Director; Mike Burske, Parks & Recreation Director; Thad Carroll, Senior Planner; Judi Kelch, Town Planner; Wendy Then, Growth Mgmt. Technician; Marilyn Nesbitt, Library Director; Karen Rickelman, Finance Director; Kristen Kollgaard, Town Clerk; and Jayne York, Staff Assistant to Town Clerk

E. **PROCLAMATION:**

1. **“Poppy Days” Proclamation – Presented to the American Legion Auxiliary (Mayor Richards, Ruth Sovern and Nancy Davis)**

In reading the proclamation, Mayor Richards proclaimed May 22<sup>nd</sup> and May 23<sup>rd</sup> as “Poppy Days” in the Town of Lady Lake and urged all citizens “to pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy on these days.” Mayor Richards presented the framed proclamation to Ruth Sovern and Nancy Davis who represented the American Legion Auxiliary and passed out a Memorial Poppy to each Commissioner as they made their donations to the organization.

F. **CONSENT:**

2. **Minutes**

Special Meeting – April 9, 2009 at 6:00 p.m. (on file in the Town Clerk’s office)

Regular Meeting – April 20, 2009 (on file in the Town Clerk’s office)

*Upon a motion by Commissioner Hannan and seconded by Commissioner Kussard, the Commission approved the Minutes for the Special Commission Meeting on April 9, 2009 as Presented and the Minutes for the Regular Commission Meeting on April 20, 2009 as Presented, by a vote of 5 to 0.*

Commissioner Hannan also asked the other Commissioners to keep their copies of the April 20<sup>th</sup> minutes available during the Commissioner’s Report at the end of the meeting.

**G. OLD BUSINESS:**

There was no Old Business to come before the Town Commission.

**H. NEW BUSINESS:**

**3. Consideration for Relay for Life Team Lady Lake and Chamber of Commerce to Begin Fundraising Effort for American Cancer Society (Mike Burske)**

Mike Burske, Parks & Recreation Director, gave the background summary from the agenda item cover sheet (on file in the Town Clerk’s office). He stated that the Relay for Life will be held on June 5<sup>th</sup> and 6<sup>th</sup> and, this year, Team Lady Lake is combined with the Lady Lake Area Chamber of Commerce to try to make it a bigger team. They asked the Commission for consideration to begin their fundraising efforts in the form of a carwash and also to sell sodas the night of the event.

There were no questions or comments from the Commission.

*Upon a motion by Commissioner Kussard and seconded by Commissioner Hannan, the Commission approved the Request for the Lady Lake and Chamber of Commerce Relay for Life Team to Begin Fundraising Efforts for the American Cancer Society, by a vote of 5 to 0.*

**4. Consideration of Awarding Bid No. 2009-0001 to Professional Dirt, Inc. for the Site Preparation of the New Library (Marilyn Nesbitt/Jamie Senatore)**

Marilynn Nesbitt, Library Director, gave the background summary from the agenda item cover sheet (on file in the Town Clerk’s office). She stated that James Senatore and Richard Campanale recommend the low bidder for the site work for the new library project, that being Professional Dirt Services, Inc. at a cost of \$79,589.50. Mr. Senatore and Mr. Campanale have met with the staff from Professional Dirt and have contacted their references which were all favorable. Ms. Nesbitt stated that Professional Dirt is ready to start working immediately. Mr. Senatore, Mr. Campanale, engineers for the project and a representative from Professional Dirt were all present to answer any questions.

Commissioner Kussard stated that she thinks it’s time to get the ball rolling on this project.

Ms. Nesbitt added that it is important that this work be coordinated with the County which may be starting any day.

Mayor Richards stated that his understanding of this first phase of the Library project is to move the earth from the retention pond that is being built as part of the CR 466 project. He asked what else the plans entail.

Mr. Senatore, Architect, stated that this does involve the moving of the earth over to the Library site but, first, there is some other work that has to be done – clearing the remaining concrete building pads, taking out the trees, removing utility lines and extending a water line from the northwest corner of the existing Library to Hermosa Street.

Mayor Richards asked if this work is done and if something should happen because of the State cuts, would this work stay. He stated that some day when this building is then built, this would already be done and in place.

Mr. Senatore stated that the only part that concerns him is that there is some demolition work that has to be done to the existing building and they would not want to do that if the project is not going forward at this time. He stated that he would not want to tear up the parking lot behind the building and tear out the exits that would be coming out of the existing building.

Mayor Richards then confirmed that this phase is just not earth work.

Mr. Senatore responded that there is some demolition work that has to be done because fill dirt has to be brought all the way up to the existing building and compacted. All of the parking lot has to be excavated which means there would be a big level of dirt that would look like a baseball field out there with no trees but added that it would be fine that way.

There were no questions or comments from the public.

*Upon a motion by Commissioner Kussard and seconded by Commissioner Hannan, the Commission approved Awarding Bid No. 2009-0001 to Professional Dirt Services, Inc. for the Site Preparation of the New Library, by a vote of 5 to 0.*

**5. Request from George Hess for Discussion Regarding St. John's River Water Management District and the Florida Aquifer (George Hess)**

Mayor Richards announced that this item had been pulled from the agenda.

**6. Consideration of Needs Assessment Report from GIS Consultants (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 Commission previously approved Penobscot Bay Media to perform GIS Services for the Town of

Lady Lake. The findings from Project 1 of the 5-project proposal have been presented to the Commission for their consideration. The GIS Implementation project was budgeted for \$150,000 and will remain within budget as seen in the Estimated Budget Projection breakdown being projected at \$149,057. He stated that Rich Doty and Michael Mannion, GIS Consultants were present to explain their findings.

Mr. Mannion stated that some of the findings in the report are very technical in nature and he wanted to make sure that everybody understands the content, the direction and the current status of the GIS projects. He added that he and Mr. Doty spent some time last month speaking with Town Staff in virtually all departments. They learned that the Town, generally, desires to have GIS capabilities and, currently, are focused on having a Public Works GIS that is intended to be used for managing the Public Works assets in the form of water, sewer, stormwater and reuse water. In addition, there are specific goals to allow others in the Town who are not GIS professionals to reap some of the benefits of this investment by building 2 web-based maps (similar to Google maps or Yahoo maps) specifically containing Town data.

Mr. Mannion stated that the idea is to make maps and Town-specific information available to Town Staff in order to achieve their day-to-day work more efficiently. As an extension of that, the same type of information would be made available to the public by a web map as well although certain sensitivities and security considerations would be taken into account. They will install and configure the hardware and software platforms required to implement the new GIS and will take the Town's existing data as it pertains to the Public Works systems and put it in the GIS and make that available internally for Public Works Staff and for other Town Staff to access. They will also make a publicly-available website that contains a map that has non-sensitive data that is also specific to the Town and available for both internal and external uses.

Mr. Mannion added that there are a handful of other things that they have learned that could be done in the future – there is additional data development to be done outside the scope of the Public Works that can be done within the Growth Management Department – primarily, things of general interest like land parcels, road center lines, some application development to add more functionality and tools to both the internal and the external websites. Most interestingly and perhaps most useful over the long-term will be the opportunity to integrate the GIS with other business systems that the Town currently runs – in order to be able to pull up business permits or zoning or future land use or water information for individual parcels – all using this webmap as the intuitive front-end.

Commissioner Hannan asked if the web map would be on the Town's server.

Mr. Mannion stated that both of the webmaps would be on Town servers and that there are actually going to be 2 computers – one serving Town Staff and one serving the public – that will be purchased, owned and managed by the Town. The reason for the 2 computers is security related.

Mr. Eagle stated that the servers were approved at the last Commission meeting and are in the process of being purchased.

Commissioner Kussard stated that she is very impressed with all of the capabilities that the Town will have access to and thinks that this is probably the best \$150,000 that the Town could have ever spent. She stated that she sees that the internal server will have both publicly-available and sensitive data on it; she wants to make sure there is no chance that any sensitive material could go out to the public by mistake and asked if there are absolute positive safeguards that are used.

Mr. Doty stated that there are safeguards in place and they can't offer an unconditional guarantee that something won't get out through human error or unforeseen technical error. He stated that it's not feasible to make that claim but, to the greatest extent possible and based on the similar experience that they have in municipal government, all of the firms involved in this do a large amount for the Department of Defense and Department of Veteran Affairs where security is of utmost concern; to the greatest technical extent possible, they are seeking to insure that sensitive data doesn't get out. Mr. Doty explained that, in order to specifically address that issue, they are recommending the 2 servers this year which does take funding away from other software development activities but they feel that, in the first year, it is important to have 2 physically separate machines. There are software solutions and management solutions that will allow you to run logically separate internal and external websites but they felt that the risk of sensitive data getting out was too high and that one of the ways to guard against that is to have entirely physically separate systems that are plugged into separate networks with separate accounts that do not share any data at all except by the designated data manager moving data from one system to another.

Bill Vance, Town Manager, stated that Staff is not going to make sensitive data convenient on the website. If someone goes out in the field and sees fire hydrants and manholes, you would have an idea that there is something going on under the ground so it is not an impossibility to get a pretty good idea as to where infrastructure is but Staff can avoid not making it overly convenient via the website. They are going to do the best they can but if people want to find out where water and sewer and things of that nature are, there are indications above ground that can give them a pretty good idea.

Mr. Doty stated that they wanted to keep 2 separate servers so that information like parcel level information on the zoning, the future land use, whether or not there was access to put in a water infrastructure; those types of things could be answered for the citizens by logging onto the website but anything sensitive, like billing data, would be inside the Town's firewall for protection. There are possibilities that things could get out but every reasonable precaution has been taken to be sure that doesn't happen.

Mr. Vance stated that some of the forthcoming GIS capabilities are going to be the availability of water and sewer to a particular site so developers, prior to coming to Town Hall, can get a good idea as to what they are up against before actually coordinating development meetings with Staff. It will be customer-friendly and will also allow Staff to catalog the foundation and expansion of the Town utility systems and any other additional infrastructure that the Town wants to include.

Commissioner Miller stated that this sounds excellent and that it's too bad the Town didn't have it a long time ago.

Mayor Richards stated that he agrees. He added that there is software also available to use in design.

*Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commissioner approved the Findings of the GIS Consultants and Proceeding with the Recommended Plan of Implementation with Remaining Budgeted Funds from Water Impact Fees, by a vote of 5 to 0.*

**7. Consideration of Approval of Creation of the Position of a Police Planner and the Approval to Fill This Position This Fiscal Year (Guy Shields)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that this position was discussed during the presentation of the Police Audit and would be responsible for the research and development, planning, training administration, materials and supplies, policy review and development, overseeing Communications, Records and the Victims Advocate position. Adding this position would reduce the extra duties from a number of the sworn officers and would result in more time available for those to be on patrol. This position could be sworn or non-sworn based on who fills it. Because of the current open position within the Police Department, this Police Planner position could be filled by July 1, 2009 at no additional cost this year.

Guy Shields, Human Resources Director, stated that he and the Chief have been working on a job description and added that there is also funding available for the cost for this year and on into the following year. They are asking for the hire to be made this year because there are some wages in the Police Department that have not been spent this year and by July 1<sup>st</sup>, this position can be funded for the remainder of the year. They are not asking for additional monies this year. What the Commission does need to look at is the fact that they would be approving that this position would be added next year and will be placed into the budget going forward. The cost for this position as written up is assumed to be a non-sworn position; it could be either but they won't know what they are going to be getting until they go look – they will look both internally and also externally to see what they've got.

Chief Ed Nathanson stated that this is a follow-up to the audit done by Dr. Ernie Scott and the funds are available due to personnel vacancies.

Commissioner Hannan asked if this was the position that Dr. Scott discussed where the creation of this position could save 2 police officers from being hired.

Mr. Shields stated that he isn't sure that Dr. Scott specifically stated that these positions could be saved but this is the position that could be used to determine how many police officer positions are needed and how to move forward. Currently, there is a sergeant who is involved in training and this position would remove those duties from the sergeant giving him more time on the road; also there is a lieutenant who is currently involved in everything else and it would also remove a lot of those duties allowing her more time on the road.

Bill Vance, Town Manager, stated that, with the addition of this administrative position, the lieutenants would then be out on the streets – hopefully one on day shift and one on night shift – so that is an additional 2 personnel out on the streets which is where Staff would like them.

Chief Nathanson stated that the overall plan is to get the 2 lieutenants out on the streets as operational lieutenants; also, as part of that bigger plan, the Town has applied for grants to fund 4 positions and then follow up with 2 part-time community service officers. So instead of 6 patrol officers as alluded to in previous conversations, Staff is trying to go at it this way and save as much money as possible.

Commissioner Hannan asked why the position is called Police Planner rather than Police Administrator and stated that he likes the description “administrator” better.

Mr. Shields stated that the reason for the job title is because it is called the International Association of Police Planners but that position title can be anything that the Town wants – it’s just a title to get started.

Commissioner Hannan also stated that there was no mention of “mental or physical health” under “Essential Physical Skills” on the Job Description and, to him, screening is very important.

Mr. Shields stated that if anyone is hired, they will be subject to a conditional offer and a physical; if they are a sworn officer, there are extensive physicals and psychological testing.

Commissioner Kussard stated that Dr. Scott was hired to make a recommendation; he made this recommendation and she thinks that the Town should abide by it.

Commissioner Holden stated that he was in full agreement with it.

Commissioner Miller stated that this is an excellent idea and the Town needs all the officers on the road that they can get to keep things in order.

Mayor Richards stated that he is totally in favor of having this particular position but he is concerned that the job description is very simplistic. He pointed that under “Knowledge, Skills and Abilities,” there are 2 minimum qualifications – Knowledge of the rules and regulations of the Department and Knowledge of the physical and social characteristics of the Town – that he can’t imagine anyone coming off of the street knowing about. He stated that Mr. Shields had mentioned the International Association of Police Planners but no where in the job description does it mention any certification that might be necessary to perform the job and analyze the operations of the Police Department.

Mr. Shields stated that this is not hiring criteria; this is a job description after the person is on the job, trained and qualified. By then, he would assume they would be knowledgeable of the community, the policies, rules and regulations. He doesn’t have any hopes of hiring from the outside and having a person come in and know that but once

they are here for a while, they better know. Also, Mr. Shields stated that he doesn't know if the Town can attract somebody from the International Association of Police Planners until that organization responds to his e-mails and talks to him so he can find out what he is looking at as far as costs; this is a ball-park figure that came from Dr. Scott and it is also a not-to-exceed figure. This is a \$ amount that he felt the position could be filled at along with the associated costs. Once they find out what they are looking for, he would like to get that person certified to this international organization in the future. He doesn't know if it will be a definite criteria coming in and he also doesn't think that there is anybody internally who has those qualifications. He stated that this is not necessarily a hiring standard but something he would like to see after the person has been on the job. Mr. Shields also added that this person will be working with the Chief to write policies so they will become very familiar with the policies.

In relation to the Mayor's concern, Mr. Vance stated that the proposed hiring standards can be put together prior to advertising and brought back to the Commission to be sure everyone is on the same page. He added that this can be done probably as early as the next meeting on May 18<sup>th</sup>.

Mayor Richards stated that he would definitely like to see something because it is open-ended.

Mr. Shields stated that if this is not a sworn officer, he is not sure what the Town can require – is it absolutely necessary that it be a requirement to be a member of this association? He is not exactly sure until they respond to his e-mails.

Mayor Richards stated that the Town really needs someone who really knows their way around the books and really knows what the police functions are in order to get the best qualified person.

Mr. Vance stated that sometimes by leaving it open-ended, we do not eliminate the potential for numerous backgrounds and numerous degrees as far as being documented on resumes and directed to Staff's attention. At that point in time, Staff can see if they are going in the right direction as far as a potential applicant who could fit the needs of the Lady Lake Police Department. At the very least, we can say that we don't have anybody certified at this point in time. Staff will take the Commission's feedback and will incorporate some of that feedback into the hiring standards. It appears to him that flexibility is not particularly a bad thing but he does understand that the Mayor would like to be somewhat specific so Staff is going to have to investigate job descriptions with the County because they do have an individual who does provide these services to the Sheriff's Department.

Mr. Shields stated that if Staff makes a specific change to the job description and it excludes all of the Town's officers because they don't have the right degree but they have 7, 8, 9 years of experience and a different degree, he's not sure that is right and what the Town should be doing. That's why it is left a little open-ended; that gives them the ability to take a look at who applies internally or who sends a resume and talk to them and decide – he doesn't think a degree in Animal Husbandry and no experience in a Police Department will work but 8 years experiences as a Planner with a degree in

Secondary Education and Math Certification or Computer Science might be a player. Mr. Shields stated that they will look at tightening up the job description; his concern is that he doesn't want to tighten it up so much that it eliminates our own people.

Commissioner Hannan stated that he believes it should be left somewhat open-ended and he thinks that the ideal situation would be to hire from within, if possible.

Mayor Richards stated that it's the product that is most important and it's the technical expertise that the Town needs and if the Town does not have that now which is why this position is being created, then the job description needs to be more specific.

Chief Nathanson stated that this is not currently a position within the Police Department and he also commented that this position is not going to be filled tomorrow for the sake of filling it. This is a new position that has to be filled wisely in order to be successful.

Mr. Vance stated that the Mayor has been successful in making his points very clear and some of his ideas will be incorporated into the job description.

Mayor Richards stated that he is supportive of the position and thinks it's the way to go.

*Upon a motion by Commissioner Hannan and seconded by Commissioner Kussard, the Commission approved the Creation of the Position of Police Planner Reporting to the Chief of Police and the Hiring to Fill this Position, by a vote of 5 to 0.*

**8. Consideration of Approval of Creation of the Position(s) of Part-Time Community Service Officer(s) and Approval to Fill This Position(s) with Two (2) Part-Time Community Service Officers (Guy Shields)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that, based on the recent audit of the Police Department, the addition of two paid part-time Community Service Officers would help to increase police presence on the streets of the Town and would allow non-sworn officers to respond to calls when the presence of a sworn officer is not required. This would be a cost effective way to free up time on the part of sworn officers during the daylight hours, Monday through Friday. Additional personnel could be added as needed in the future if the concept works as projected. Based on current open positions within the Police Department, this position can be filled by July 1, 2009 at no additional cost this year.

Guy Shields, Human Resources Director, stated that they would like to start off with 2 individuals who would work 2 days one week and 3 days the next week and would alternate back and forth during daytime hours as the Chief and his department determine the need. These community officers would assist with traffic control at accident scenes, fingerprinting, patrolling in residential areas or through shopping center parking lots. Mr. Shields added that there is a vehicle available for this position so a vehicle does not have to be purchased and it will be retrofitted with yellow and white lights instead of the blue and red. There is a feeling that some of the retired police officers in the area would be interested in these positions and also persons going to the police academy so the Town could get a free look at them at a low cost. They will not be sworn officers and will not

carry a weapon; there is some training built into the budget so they will be able to assist at accident scenes, etc. Putting these 2 individuals out on the road will effectively free the time of one officer 5 days a week for those 8 hours that they work. It is not a lot of dollars. The cost going forward is approximately \$25,000 - \$26,000 per year and that includes their pay, FICA, Medicare and replacement on parts of the uniform each year.

Chief Nathanson stated that not only does it free them up from non-confrontational calls but it also lets these community officers shuttle vehicles to and from the shop for repairs and maintenance as opposed to a sworn officer who would be tied up and couldn't respond to a call. There will be a lot of benefits from these Community Service Officers including their availability as opposed to using volunteers – the volunteer concept is nice but it doesn't always work. He added that the funding does exist and requests that the Commission consider this and authorize them to proceed accordingly.

Commissioner Hannan stated that because this is a new position, he would rather see one person now and, then, bring on the other person 6 months from now in the next fiscal year if it is felt that the 2<sup>nd</sup> person is still needed.

Chief Nathanson stated that it will be easier to train the two simultaneously and get a routine which will maximize their coverage by doing that.

Mr. Shields stated that his only issue is that the Town won't be getting more than 2½ days per week on average from one person; if that one person goes to a 5-day coverage, then the Town will have to offer benefits and that runs the expense up tremendously.

Commissioner Kussard stated that the funds are available so she is in favor as she sees a real need for these 2 part-time positions.

Commissioner Holden and Commissioner Miller both stated that they are in favor of the 2 part-time positions.

Mayor Richards stated that he also thinks this is an excellent idea and asked what the hourly rate would be.

Mr. Shields stated that it is about \$10.53 per hour which is towards the bottom of the full-time employee pay range and no benefits.

*Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved the Hiring of Two (2) Part-Time Community Service Officers to Provide Help to the Police Department in Non-Sworn Areas of Law Enforcement, by a vote of 4 to 1 (Hannan being the opposing vote).*

**The tape was changed to Side “B” at 6:45 p.m.**

**9. Consideration of Major Modification to Site Plan – Lady Lake Church of God – US Hwy 27/441 and Oak Hill Road (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 The Lady Lake Church of God has submitted a Modification to Major Site Plan for several changes to the Commission-approved site plan and those changes include:

- The deletion of a four (4) foot gravity wall along the retention pond and US Hwy 27/441 which along with St. Johns engineering regulations was to replace the required continuous landscape hedge. As of April 27, 2009 St. Johns has not received the final signed and sealed as-built certification by the Engineer indicating that the system has been constructed and is ready for inspection by the District which, according to 40C-42.028 F.A.C., is due within 30 days after completion of construction as required with the issuance of Certificate of Completion or Temporary Certificate of Occupancy. A 6-month Temporary Certificate of Occupancy was issued December 31, 2008;
- Deletion of sidewalks and crosswalks in the parking lot area;
- Deletion of a retaining wall along the southern boundary;
- Substitution of a wooden privacy fence for the proposed safety fence on top of the retaining wall;
- Deletion of trees in and around the retention pond and across the site;
- Deletion of sod or hydro-seeding of the disturbed areas (which Ms. Kelch believes they have done some seeding in those areas now); and
- Growth Management has not received a submission of Certification of Completion by the Engineer of Record stating that the work constructed under his/her supervision has been completed in substantial conformance with the approved development plans and in compliance with the requirements of the Code.

Also, the background summary recommended that the Applicant should:

- Submit final as-built certification of the retention pond to St. Johns within 10 days with copy of final inspection report and operating permit or modification to permit submitted to Growth Management upon receipt by the Engineer or Applicant;
- Install the required continuous landscape hedge and missing trees around the retention pond;
- Install the sidewalks and crosswalks as submitted on the Commission-approved site plan;
- Sod or hydro-seed all the disturbed areas; and

- Submit a Certificate of Completion from the Engineer.

Ms. Kelch stated that the reason this is a major modification is because the LDRs require that if there is a change to the St. John's permit, it has to come back as a major modification. She explained that one other site made changes to their pond during construction and they submitted their changes during the construction phase, brought the modified permit in and then the plans were presented to the Commission for approval. Ms. Kelch added that she does not have a modification so she doesn't know if this can be approved conditionally.

Commissioner Hannan asked for Growth Management's recommendation.

Ms. Kelch stated that best case scenario is a conditional approval to get the St. John's permit modified to make sure the actual construction meets St. John's requirements.

Bill Vance, Town Manager, stated that Staff would like to recommend the approval of this permit; there was some discussion with the Town Attorney prior to the meeting where it was agreed that there are Land Development Regulations which identify the need for a modified and approved permit from St. John's prior to approving the modification of a site plan. But this Commission can go forward as it sees fit in this regard.

Commissioner Holden asked if each issue would be approved on its own merit or the whole thing at one time.

Ms. Kelch asked the Town Attorney if each modification could be considered separately.

Derek Schroth, Town Attorney, stated that it is not a waiver; it is essentially the approval of one plan that contains all of these modifications so it is not like a waiver hearing where each is considered to meet the standard. The Commission is considering the revised plan as submitted with the modification of those 7 items. The one thing that the Town code requires is that the plan be in compliance with St. John's requirements and we don't know that yet because they unilaterally modified what the Commission had approved previously without any kind of certification from St. John's that it would indeed comply. The engineers think that it will but Staff does not know that for sure. The safest route at this point would be to comply with the Town's existing code which would be to postpone this. If that is done, there is a risk that the Temporary Certificate of Occupancy that was issued in December 2008 will lapse in June so the Commission may have to have a special meeting after St. John's certifies compliance in order to ensure that the CO .....

Mayor Richards asked if Staff had received any correspondence from St. John's regarding this issue.

Richard Campanale, Engineer of Record for this project, stated that essentially 2 certifications were performed on this – one with FDOT which they have looked at the pond and have approved it; the other is with St. John's in which he submits an As-Built Certification letter to St. John's and eventually they will inspect the pond to be sure it

complies with the approved design. An approval letter from St. John's might not be received within 30 days – it may take longer.

Mayor Richards asked at what point in time the pond was changed and what approvals were received from St. John's when changing ..... because an as-built .....

Mr. Campanele stated that the original design called for a berm along US Hwy 27/441 but DOT required a freeboard for the 100-year event so that triggered the gravity wall. He went to DOT and said that they really didn't need the wall and could move the pond, shift it over and create the same storage but eliminate the wall. That is what they did – the wall cost a lot of money also so they wanted to make sure they could value engineer the site. When DOT received this information, they were okay with it but advised him to get the certification from St. John's. The next step was to make sure that everything was working properly and send in the As-Built Certification; St. John's will eventually inspect the pond but he does not know when they will do that.

Mayor Richards asked when DOT gave their approval.

Mr. Campanele stated that they eliminated the wall knowing that the wall could be eliminated by shifting the pond over and creating a berm instead of the wall. In doing so, that deviated the design but it did not deviate the way the pond functioned. The pond still functions properly; the wall was just eliminated because the vertical freeboard was needed. There is still the same cubic feet of storage and also the same one foot of freeboard – the pond was just shifted over and a berm was created instead of a wall.

Mayor Richards stated that maybe this is just a little bit ahead of time; he suggested waiting for St. John's approval rather than approve the modification now.

Mr. Schroth stated that the issue is the CO expiring in June and one option that the Commission has is to extend the temporary CO which could be done at the next Commission meeting.

Mr. Vance stated that this item could come back before the Commission on May 18<sup>th</sup> with a proposal to extend the CO in order to obtain approval of the revision from St. John's.

Mr. Campanele stated that the best thing to do would be to send the As-Built Certification directly to the St. John's staff employee that will be doing the inspection and see if he can do it sooner.

Mr. Vance stated that Staff is willing to do that and help out in any way that they can in the expedition of the review and the anticipated approval.

Pastor Larry Lynn of the Lady Lake Church of God thanked the Commission for all of the help that they have given the church. He also wanted to remind the Commission that there was an emergency declaration made concerning this because this wasn't a land development; it was a land disaster – the President of the United States gave local governments the power to deviate from the norm in disaster situations. The church also

signed an agreement with St. John's that they would operate that pond and be sure that it functions from now on.

Commissioner Holden stated that, at the May 18<sup>th</sup> meeting, each modification should be discussed one at a time.

Pastor Lynn reminded the Commission that this was a land disaster and not a land development – they didn't plan this project and they are out of money. They have done the best that they can and it has turned into a blessing even though it was a disaster.

Mr. Vance stated that Staff can work with the church on the Temporary CO with Pastor Lynn but the problem that Staff and Commission have is that something was approved and then changed and constructed without additional approval being received for the revision and now, after-the-fact, the Town is trying to make sure that it does everything appropriately so there are no future headaches for all involved. If the Town can go forward with extending the Temporary CO on May 18<sup>th</sup>, he doesn't think anyone on the Commission is saying "no" to anything; just pointing out what has to be done as the next step due to what the Commission is confronted with.

*It was the consensus of the Commission to table this matter until the May 18, 2009 meeting.*

**10. Consideration of Approval to Put Out a Request for Proposals for Building Official Services and Fire Inspection/Fire Plan Review Services (Wendy Then)**

Wendy Then, Growth Management Department, stated that it has been over 5 years since Building Inspection Services have been bid out so it remains the Town's responsibility to ensure that it is getting competitive rates. The Department is asking to take this opportunity to bid out the services in order to enhance the Town's options as needed in the future.

Bill Vance, Town Manager, stated that all recommendations for bringing on additional options for the approval of future continuing professional services contracts will be brought back to the Commission with a ranking of the bids submitted. Staff is just asking to put this out to bid.

Commissioner Kussard stated that she was under the impression that fire plan reviews and inspections were done by the Fire Department.

Ms. Then stated that, currently, Ron FrankvonFrankenstein does the building inspections for regular construction plans and he has someone working for him that does the fire reviews and inspections. Anything within The Villages is reviewed by The Villages as far as planning is concerned; anything else within the rest of Lady Lake is reviewed by the Town's building inspector.

*Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved the Request to Put Out a Request for Proposals (RFP) for*

*Building Official Services and Fire Inspection/Fire Plan Review Services, by a vote of 5 to 0.*

**11. Consideration of Approval to Host the 2010 United States Police Canine Association Regional K-9 Trials (Ed Nathanson)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Lady Lake Police Department is requesting to host the USPCA Regional K-9 Trials from March 15 through March 19, 2010. Hosting this competition will allow the Town of Lady Lake more visibility as well as being able to showcase the Town's National Champion K-9 Unit. Volunteers will be used for all set-up and maintenance during the entire event; use of the soccer and baseball fields will be coordinated with the Parks & Recreation Director. This competition is expected to generate a profit which can be used to cover costs and supplement the Lady Lake K-9 unit with needed equipment, training expenses, etc.

Chief Ed Nathanson stated that the Town has had a very successful canine program in the past several years and the Police Department has an opportunity for next year to host one of the qualifying competitions. Officer Cabrera has finished this competition remarkably well obtaining first place for the past 5 years and he has also brought the Town national championships with 2 different dogs.

The Chief also introduced Captain Herb Bennett of the Lowndes County Sheriff's Office in Georgia that hosted the 2009 USPCA Regional K-9 Trials who was present to give support to the Town to host this competition next year. Chief Nathanson added that this is really a lot of work to do something like this but the benefits will more than provide the outcome that the Department is seeking. In addition, the Department will get to showcase the wonderful community of Lady Lake and make a profit as well to be used to purchase canine equipment – the Lowndes County Sheriff's Department made a profit of approximately \$19,000 this year. The Parks & Recreation Department will coordinate with the Police Department for the use of the soccer and baseball fields; also, there will be a support team established to help ensure that everything is kept clean and minimal.

Commissioner Hannan asked how many people and dogs would be attending this event.

Officer Cabrera stated that he has had the wonderful opportunity to travel throughout the nation within the past 5 years and he has been blessed with a lot of success doing so. In his traveling, he has yet to see a town as beautiful as Lady Lake and ensured the Commission that not only will this be an opportunity to showcase the Town but the officers and competitors attending will leave here with a memory that will last for a very long time.

Captain Bennett stated that between 100 and 200 people would be attending this event from out-of-town and also that there are usually 60 to 100 dogs competing depending on the location of the event; he added that this is a great central location so they would anticipate a good turnout. He stated that it is an outstanding opportunity to make a lot of money and gain notoriety for the Town. People are not encouraged to watch the Monday through Thursday competitions but, on Thursday night, there will be a huge

demonstration and show where outsiders can come and watch (free of charge) to see what the dogs do in action.

Bill Vance, Town Manager, stated that these people will also be staying in the Town's hotels and eating in the restaurants – coming into town and spending money.

Captain Bennett added that these people will be staying in town approximately 6 – 10 days since they start arriving up to a week ahead of time.

Chief Nathanson stated that anytime the Lady Lake Police Department has hosted an event in the community, they have always had the largest turnout because of the great location.

Officer Cabrera commented that he has contacted the Eustis Kennel Club and several other clubs in the area and they have indicated that they are very willing to donate their time and volunteer their assistance for this event.

Chief Nathanson stated that several years ago, Home Depot donated some wood in order to build some apparatus for training the canine but it has weathered and needs to be replaced. The Police Department is hoping to use the profits from this event to replace this equipment in aluminum so it will last a long time and the cost is estimated to be between \$12,000 and \$15,000 but it will be a long-term investment.

Commissioner Kussard stated that this is a wonderful opportunity for the Town and is very much in favor of it.

Commissioner Miller agreed.

Officer Cabrera stated that he is a member of the Executive Board and, if this is approved by the Commission, he will make contact with the Board to advise them that the Town Commission has approved the Lady Lake Police Department hosting the 2010 Police K-9 Field Trials.

Chief Nathanson stated that the department would attain something in writing from the Executive Board to bring back to the Commission and then plan accordingly.

Mayor Richards stated that this sounds like a very good idea.

*Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved the Lady Lake Police Department Request to Host the 2010 United States Police Canine Association (USPCA) Regional K-9 Trials During the Week of March 15, 2010 Through March 19, 2010, by a vote of 5 to 0.*

#### **I. TOWN ATTORNEY'S REPORT:**

#### **12. Ordinance No. 2009-06 – First Reading – Revising Current Business Tax Receipt Fees and Establishing New Rate Structures**

Derek Schroth, Town Attorney, read the ordinance by title only. He stated that this is pursuant to Statute's 5% increase bi-annually and that the Commission has the discretion not to increase the fees the whole 5%. He also advised that there will be a minor alteration between this ordinance and the one that will be presented for the Second Reading but it won't have to be advertised again since the alteration is non-substantive.

Kris Kollgaard, Town Clerk, explained that the minor change to this ordinance is that it should be added to this ordinance that *Occupational License* needs to be changed to *Business Tax Receipt* (as approved in a previous ordinance) in the Town's Code of Ordinances. She also stated that this is a 5% increase in the fees that is done every other year.

Commissioner Kussard stated that businesses are struggling just to keep going with the way the economy is right now; she realizes that the Town is looking for money but a 5% increase for all of the business licenses (including franchise licenses, power plant, water and sewer) will come back and affect all of the residents as well. She stated that she has a problem with this.

Commissioner Holden stated that he agrees with Commissioner Kussard.

Commissioner Miller also agreed.

Mayor Richards stated that social security benefits increased by 5.8% and also asked how much the CPI had increased which no one was sure of.

Ms. Kollgaard stated that these increases in fees are in line with other towns and most of the increases were between \$2 and \$3 with the highest being \$27 for psychics, tattoo parlors, etc.

Mayor Richards stated that sometimes the 5% here or there actually helps out rather than let things languish because then it has to be made up some other way.

***Commissioner Hannan made a motion to approve Ordinance No. 2009-06 – First Reading – Revising Current Business Tax Receipt Fees and Establishing New Rate Structures.***

The Mayor asked if there was a second to the motion.

Derek Schroth, Town Attorney, stated that there should be public comment before another motion is made if this motion should die.

The Mayor asked if there was anyone from the audience that wished to comment on this.

There were no questions or comments from the public.

***The motion then died due to the lack of a second.***

**13. Ordinance No. 2009-07 – First Reading – Amendment of Planned Commercial (CP) Agreement to Allow Sheds at the Oak Street Commerce Park and Modify Side Setback Requirements – Located at 306 Oak Street – West of the Intersection of Oak Street and Teague Trail**

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 Applicant, Quinton Downing, has submitted an application on behalf of himself, Gary Tudor, Robert Sackrider, John Steverding, and Marvin Smallwood for property located west of the intersection of CR 25 and Oak Street, also known as the Oak Street Commerce Center. The property includes approximately 2.52+/- acres currently in the Town of Lady Lake. The Applicant has filed the following application for this property:

- Rezoning of 2.52+/- acres from Lady Lake CP (Planned Commercial) to Lady Lake CP (Planned Commercial) to change language of the MOA to accommodate the placement of sheds for storage purposes in the Commerce Park as well as to allow the sheds to be placed 6 feet from the side property line.

The subject property is currently occupied by four office units, which have now been fully constructed and are in operation. Two of the property owners have already placed sheds adjacent to their offices; although, these structures were not recognized (permitted) by the site plan on record. In addition, these structures do not conform to the side setback restrictions (15 feet) under the current Memorandum of Agreement per the Planned Commercial zoning designation. Although these structures are not permitted on the site plan on record, two (2) of the sheds have been in existence since shortly after the offices were constructed, and one more shed (on Village Pack 'N Ship parcel) was added approximately one year ago.

The current Future Land Use Designation of the subject property (2.52+/- acres) Lady Lake Commercial General – Retail Sales & Services (RET) is compatible with the requested commercial uses. Therefore, the Applicant is not requesting any changes regarding the future land use designation with this application.

Comments:

- 1) No changes to the permitted uses on the sites are proposed in the application as presented.
- 2) Permitted uses and restrictions of the property will be governed by the attached Memorandum of Agreement, superseding all uses and prohibitions as stated in the Memorandum of Agreement accompanying Ordinance No. 2007-25 as recorded in Orb. 3524 Pgs. 1390-1396

- 3) Should the amendment to the Memorandum of Agreement be approved, the Applicant will have to supply a modified site plan, via the minor modification process.

The Technical Review Committee (TRC) reviewed the application on April 7, 2009 and determined that the application was complete and ready for transmittal to the Planning & Zoning Board by a vote of 4-0; the Planning & Zoning Board reviewed the application on April 13, 2009 and recommended approval and forward to the Town Commission with a vote of 3-2; on April 21, 2009, Staff met with the Applicant and the representative of a nearby property who voiced concern over the sheds and setbacks at the April 13, 2009 Planning & Zoning Board meeting – language has been added to the MOA which is agreeable by both parties to address those concerns; the Second/Final Reading before the Town Commission is scheduled for May 18, 2009.

Thad Carroll, Senior Planner, stated that this ordinance is a modification to the Memorandum of Agreement (MOA) and the Applicant is seeking to get the sheds permitted that have already been placed on the property. Under the current MOA, they are to maintain a 15' setback. What they have done is place 3 sheds on the property; two of the offices have the sheds – one has one shed and Mr. Downing's office has 2 sheds next to his building. They were placed roughly 6' from the property line. Mr. Carroll stated that they want to pull permits for those sheds but he added that is useless to do because that is not on the site plan. In order to get the sheds on the site plan, the first step in a CP is to accept that use in the MOA and also to modify those side setbacks. Mr. Carroll stated the reason he recommended approval of this ordinance is that up until the Planning & Zoning Board meeting, he had heard no opposition from the adjacent property owners. All of those owners within 150' were notified. At the last meeting, there was one opposition; since that time, they have been in to discuss their development. They were concerned with the appearance from their property if the other 2 sheds were added. The concerned property owner said that if the sheds were built of the same material as modified in the MOA, they wouldn't have a problem with it and felt that the buffer is substantial enough. In looking at the Land Development Regulations and the buffer that would be required if the adjacent property were developed, the property owner and the adjacent property owner both decided it would be fine. Mr. Carroll stated that he still recommends approval of this. He also commented that in both the Light Commercial and the Heavy Commercial zoning districts, the setbacks exist at 5'. In this MOA, they are asking for a setback of 6'.

Commissioner Hannan stated that this commerce center was built, in the beginning, to maximize the amount of space of the businesses and it can be seen that there is not room for more buildings. The tenant has violated the rules by putting in the sheds and now we are going to reward them by passing this ordinance. There is no room and the Commission should not allow this to happen; it sets a precedent. He stated that he would like to see the sheds removed and the owners should be fined for their violations. If the tenant cannot operate without the storage, they have outgrown their space and should look for other accommodations as there are plenty in Lady Lake.

Bill Vance, Town Manager, stated that this situation is a good example of the talents of the Code Enforcement department who found this out; for whatever reasons, the sheds

were installed without building permits and the property owner was notified as to what they would have to do to attempt to right a wrong. It is very similar to the situation in the Skyline residential area where the gentleman had 6 illegally-constructed permanent structures in his backyard and they were hidden by fencing. Every situation is case-by-case; but in the Skyline case, the Commission did take the position of working with that individual.

Mr. Carroll added that if the Commission does approve this modification, they will be paying after-the-fact permits for these sheds that were illegally constructed as did the case that Mr. Vance mentioned.

Commissioner Hannan stated that they paid for the permits and asked if they had paid a fine for violating the Code.

Mr. Carroll stated that the cost of this application is \$2,400 and this is the first document that needs to be modified and if this document does not get modified, then the minor modification that follows as well as the after-the-fact permits will not be necessary. He stated that this is the first step.

Commissioner Holden stated that he did a walk-on this morning and it appears that the sheds are 15' from the fence line.

Mr. Carroll stated that, according to the survey, the fence line was actually constructed outside of the survey boundary so if the adjacent property does develop that site and move that fence, the setback could become 6'.

Commissioner Holden also mentioned that there is a shed on the upper right corner of the property that is about 6' from the fence.

Mr. Carroll stated that this shed is not nearly the size of these other 2 and that has an enclosure around it which is allowed without coming through the modification process because it is less than 200 square feet; however, it should be noted on the site plan.

Mayor Richards asked if these types of sheds are allowed in the business development areas.

Mr. Carroll stated that these offices were constructed pre-Commercial Design Standards.

The Mayor also asked if permits for these sheds would be allowed with the design standards that are in place now.

Mr. Carroll stated that they can get the sheds as far as for storage but if it is exposed to the right-of-way, Growth Management tends to hide those. With commercial, they would have to meet the Commercial Design Standards.

Mr. Vance stated that those would not be construction activities that the Town would encourage but the Commission has the ultimate flexibility to approve or disapprove any regulation in association with the Commercial Design Standards.

Mayor Richards stated that he looked at these sheds and he was not at all pleased with what he saw. He doesn't think that this is the way that the Town wants to be going and he is not in favor of this at all.

Comments from the public included:

- Phil Mathias stated that he agrees with the Mayor that these sheds look terrible. If we are trying to build the Town of Lady Lake into something looking nice, this is not anything that we need to be proud of. He doesn't think it is advantageous for this Commission to approve these sheds – this needs to be denied, the sheds removed and the owner fined.
- Maria Sauerwald, Lady Lake, stated that she agrees with the Mayor, Commissioner Hannan and Mr. Mathias and believes that these do not add to Lady Lake at all. Because they did not do this properly, the Town should not be rewarding them by allowing the sheds to stay.

*Commissioner Hannan made a motion to deny the approval of Ordinance No. 2009-07 – First Reading – Amendment of Planned Commercial (CP) Agreement to Allow Sheds at the Oak Street Commerce Park and to Modify Side Setback Requirements – 306 Oak Street, West of the Intersection of Oak Street and Teague Trail. The motion was seconded by Commissioner Kussard and passed with the following roll call vote:*

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

**14. Ordinance No. 2009-08 – First Reading – Revisions to Land Development Regulations-Amendments to Chapter 3-Adding Sections 16 and 17 to Provide the Process of “Cure Plans” to Assist in Eminent Domain Relief**

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 James Ellicott of the Florida Department of Transportation (FDOT) had contacted Growth Management Staff in December of 2008 to determine if there was an interest in adopting an ordinance regarding eminent domain takings in the Town of Lady Lake. Such an ordinance would give assurance to property owners that they would still be able to operate once a taking has occurred, even in the event that a non-conforming situation had arisen from the taking (given that public safety had not been compromised to an unacceptable degree).

Such an ordinance would have benefit to the Town of Lady Lake for the following reasons (as provided by FDOT):

- a) Reductions in Right-of-Way costs;

- b) Preservation of the tax base (enabling commercial businesses to continue to exist as improved taxable properties); and
- c) Increased potential for the funding of projects.

Item “C” above probably has the most merit with regards to such an ordinance; given the economy in its present state, there is less funding for FDOT projects due to reduction in state revenues. If FDOT paid out less in ROW acquisition (mitigation), more would be available for construction, thus more projects (or greater portions of projects such as US Hwy 27/441) could be placed on their improvement program. In addition, variances would not have to be requested and granted for non-conforming situations created by such takings provided that the land owner and Town Staff negotiate a successful cure plan for the site.

On April 13, 2009, the Planning & Zoning Board recommended approval of the ordinance and forward to the Town Commission with a vote of 5-0; the Second/Final Reading before the Town Commission is scheduled for May 18, 2009.

Thad Carroll, Senior Planner, stated that this ordinance is the implementation of the “cure plan” by adding that into the LDRs. The ordinance acknowledges that when right-of-way projects are underway, it will require taking of properties in some instances. In those takings, sometimes signs need to be moved, setbacks may not be met, landscape may not meet the Town’s Code. The “cure process” allows the property owner to bring a plan before the Town Commission that does not meet all of the regulations of the LDRs. The plan would go through TRC and then before the Commission as does a site plan. If the Commission is okay with the plan, that would become an “exhibit on record” that FDOT, the County or the Town of Lady Lake could use in an eminent domain proceeding where the owner says that the government entity is taking their property which will cost them an XXXX amount of dollars due to the variance requiring them to have to change their building which can add to the figure used to mitigate for that property. If the Commission approves the plan, it would become an “adoptable plan of record.” Mr. Ellicott with FDOT was present to answer any questions.

Bill Vance, Town Manager, stated that this did get the support of the Planning & Zoning Board at their last meeting.

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

Commissioner Hannan stated that he was at the Planning & Zoning Board meeting when the presentation was made and it sounds like a win-win situation.

Mayor Richards stated that he was in favor because you can get into situations where the entity has to buy the whole property when only 7’ was being taken from the front.

There were no questions or comments from the public.

***Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved Ordinance No. 2009-08 – First Reading – Revisions to Land***

*Development Regulations – Amendments to Chapter 3 – Adding Sections 16 and 17 to Provide the Process of “Cure Plans” to Assist in Eminent Domain Relief, 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>

**15. Ordinance No. 2009-09 – First Reading – Revisions to Land Development Regulations-Chapter 13-Stormwater Management**

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

C.T. Eagle, Public Works Director, stated that this is a great undertaking that has been accomplished in regards to Chapter 13 and Chapter 14. He thanked those involved including the Town Clerk, Finance Department and Growth Management. He stated that this ordinance was approved by the Planning & Zoning Board on April 13, 2009. Steve Cockerham with Neel-Schaeffer was present to answer any questions.

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. 2009-09 – First Reading – Revisions to Land Development Regulations-Chapter 13-Stormwater Management, 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>

**16. Ordinance No. 2009-10 – First Reading – Revisions to Land Development Regulations-Chapter 14-Water and Sewer Standard Specifications**

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

Bill Vance, Town Manager, stated that this is a historic effort that involves multiple town departments and was spearheaded by C.T. Eagle, Public Works Director. Steve Cockerham with Neel-Schaeffer played a very important role in this as well. Mr. Vance stated that these are basically construction specs for the Town which have been outdated for years and years and years. He thanked the Commission for their financial support with the \$25,000 allocation to get these construction regulations up to speed and also stated that this effort took a long time to put together.

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

*Upon a motion by Commissioner Kussard and seconded by Commissioner Hannan, the Commission approved Ordinance No. 2009-10 – First Reading – Revisions to Land Development Regulations-Chapter 14-Water and Sewer Standard Specifications, 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>

Derek Schroth, Town Attorney, stated that at the last Commission meeting on April 20<sup>th</sup>, the Commission directed him to research three ordinances and one of the ordinances was the “red light” ordinance whereby there would be cameras that would detect red light violations. Another item is the false alarm fee ordinance which will be coming before the Commission. The third item was an accidental cost recovery ordinance but the legislature determined that was unlawful and has done away with that.

**17. Ordinance No. 2009-11 – First Reading – Amending Chapter 17 of the Lady Lake Code of Ordinances by Creating Article IV Entitled “Dangerous Intersection Safety”**

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

Bill Vance, Town Manager, stated that adopting the First Reading just gets the Commission to the Second Reading regardless of opinion or position. The eventual potential successful adoption at the Second Reading does not mean that stop light cameras are going to immediately be put in place. It provides the flexibility for this Commission or future Commissions to go in that direction but without the ordinance, there would not be flexibility to pursue additional safety measures at the Town’s intersections and safety is the absolute first priority. The potential for revenues up to \$200,000 per year is definitely there. This is the time that the Chief needs additional resources in the Police Department so if this ordinance is to be adopted by the Commission, the Town Manager would recommend that 100% of any revenues generated would be invested into the Police Department’s operations.

Commissioner Kussard stated that she is very much in favor of this and thinks that there are way too many people running red lights; to her it’s a safety feature.

Commissioner Holden stated that his concern is rear-end collisions when people slam on their brakes going into a yellow light.

Commissioner Miller stated that he is in favor of the ordinance.

Mayor Richards stated that he is also in favor of the ordinance but did not like the term “Dangerous Intersection Safety” and would like to see it called “Signalized Intersection Safety” so no one can ask how it was determined to be a dangerous intersection.

Mr. Schroth stated that could be amended and other commissioners agreed with the change.

Commissioner Holden stated that another concern he had was with a private enterprise operating these cameras and sending out tickets; there is always going to be somebody in the backroom figuring out how much more revenue could be generated by tweaking the time range by a fraction of a second.

Chief Nathanson stated that they are not looking to modify any times whatsoever; they want it to be a fair shake to everybody.

Commissioner Holden stated that he was not talking about the town; he was talking about the company that would have the cameras in place and would be sending out the tickets.

Bill Vance, Town Manager stated that the arrangements which have yet to be approved by the Commission would have to come back with a performance contract with whoever is going to assist. The violations would be determined in-house as to whether or not tickets needed to be sent to individuals running red lights. It would not be somebody outside of the Town; it would be in-house in close coordination with the Police Department and the Special Magistrate would also be involved in the worst-case scenario so it would be Town Staff coordinating the writing of potential tickets and the potential responsibilities of the Town's contractor in these regards would be as far as chasing the money.

Commissioner Hannan thought that he heard at the presentation that there is a national standard for the timing of those lights.

Chief Nathanson stated that the timing is determined by FDOT and that they will make sure, during the maintenance of the street lights, that the timing is cycling correctly. Also, in the beginning, the Chief predicts that there will be a lot of citations but once the public is educated, voluntary compliance will come around. He emphasized that the ultimate goal is safety.

The following comments were heard from the public:

- Phil Lucier stated that this technology has been in use for the last 30 years; it works and it is a good idea. He thinks it will save a lot of lives and accidents.
- John Gauder, Lady Lake, pointed out that in coming to this meeting, he was stopped in the southbound left-turn lane on US Hwy 27/441 at the Fennell Blvd. intersection and 5 cars going south and 2 cars going north ran the red light. He thinks the cameras are very much needed.

***Upon a motion by Commissioner Kussard and seconded by Commissioner Miller, the Commission approved Ordinance No. 2009-11 – First Reading – Amending Chapter 17 of the Lady Lake Code of Ordinances by Creating Article IV and Changing the Title to “Signalized Intersection Safety,” 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>

**18. Resolution No. 2009-108 – Building Citizenship in the Community**

Derek Schroth, Town Attorney, read the resolution by title only. Mr. Schroth added that this was a request by the League of Cities for the Town and other cities to acknowledge the benefits of being within a municipality.

Mayor Richards stated that he had originally asked for this to be on the agenda. He stated that the League of Cities is trying to have citizens' awareness classes and this would give the League of Cities the Town's support in regards to educating the public as to what town and city government is all about. He asked the Commission for their support.

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

*Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved Resolution No. 2009-108 – Building Citizenship in the Community, 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>

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

Bill Vance, Town Manager, stated that Staff has been preparing for the budget season and that nobody knows exactly how it is going to play out or what kind of resources that the Town may or may not have in the next fiscal year. Staff is currently hoping for the best as far as anticipated revenue projections. Additional commercial will be coming on the books as well as additional franchise tax revenues that are anticipated due to the additional residential developments. Mr. Vance also mentioned that Guy Shields, Human Resources Director has paid for himself about 3 or 4 times since he has been working for the Town; he has negotiated some anticipated health insurance savings in addition to property liability savings of approximately \$70,000. There are other Staff members working very hard to shore up new-found revenues and also to watch every dime that the Town is investing into the retention of the employees who provide fantastic customer service, maintenance, upkeep and proactivities within every Town department and he remains very proud to be the Town Manager of Lady Lake.

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

Commissioner Hannan stated that he thinks there are lots of underground businesses in Lady Lake and the Town does not receive revenue. In most all of the categories of businesses as listed in the proposed Ordinance No. 2009-06, people have a license that they are required to show in a public place; he stated that not all businesses do and asked how one would know that a business tax has been paid. He stated that there are dozens and dozens of trucks going up and down his street carrying golf carts and equipment and added that he had a power washer stolen from his driveway several months ago. Commissioner Hannan stated that the Town needs to have all contractors' license numbers listed on their truck doors because we need to know who these people are driving through our neighborhoods. There are many trucks that are not licensed.

Kris Kollgaard, Town Clerk, stated that one of the problems is many of the contractors are licensed elsewhere but they can still work in the Town; she asked Town Attorney Derek Schroth if the Town had the authority to require these contractors to put all of their license numbers on their vehicles.

Mr. Schroth stated that, when this issue came up before, there was discussion about the amount of traffic that comes from the north to the south through Lady Lake and added that there is an expressed constitutional provision on the "right to travel" – to require every contractor in the state of Florida that drives through Lady Lake to incur the expense of displaying their license number on their trucks would probably be unconstitutional. There is a federal law that requires semi-trucks to do that but to require that to out-of-city or out-of-county businesses would probably be overly burdensome.

Commissioner Hannan stated that there is a double standard then. If running a beauty shop, the Business Tax Receipt has to be displayed but if you are a contractor and have a business, you don't have to display.

Mr. Schroth stated that if your primary place of business is outside the Town, then you won't have a license to display in Town but if the business was in Leesburg, a Leesburg license should be displayed at the place of business and the business would then be able to do work anywhere in the state.

Commissioner Hannan stated that for these contractors, in particular pressure washing and lawn care, their office is their vehicle.

Mr. Vance stated that it is about priorities and having enough personnel and enough resources to tackle the issues at hand that the Commission deems to be important. It sounds like the Town would need a part-time or full-time resource to dedicate to following up on work sites to check business licenses in order to see if these people are licensed to provide professional services in the County and in the State. He stated that he can investigate as to what would actually have to go into it – potential fines or revenues to fund such a position; if the Town wants to be serious about doing what Commissioner Hannan wants done, that is something that Staff will have to stay on top of on a regular basis – it is just not hot and cold. You have to stay on a problem like that until it is eliminated or significantly reduced so he predicts that additional resources would be needed in order to do so.

Mayor Richards asked if the Town would be in violation of some state law to require that anybody that does business (like lawn work) in the Town of Lady Lake has to have a Lady Lake license.

Ms. Kollgaard stated that the Business Tax Receipt is issued from where the business office is actually located – if someone is from Leesburg and has a business in their home (Home Occupation), they would have to have a Leesburg Business Tax Receipt but they would still be able to do work in Lady Lake. She explained that this is actually a tax on the business itself and does not guarantee that this business does good work. For someone doing work like pouring concrete, that would require a building permit from the Town's Building Department.

Mr. Vance stated that Staff needs to verify what State Statute says and report back to the Commission in the future and also have some additional discussion during the budget process but it comes down to resources and the availability to educate one person so they are not sent out doing a job that's creating liability for the Town because the people are being hassled unduly or illegally.

Ms. Kollgaard stated that she doesn't think that this could be done under the Business Tax Receipt but the Town might be able to do something with the Building Department to require some kind of permit.

Mr. Vance stated that Staff will investigate.

Commissioner Hannan also had another item to discuss, that being the Town Manager giving notice that he would be job hunting. He stated that he spoke with Mr. Vance and related to him that there is a perception by all employees that he does not perform as well and has what is called a "short-timer's attitude" which does affect all employees. He asked to open this up for discussion as to the potential vacancy and, if the Commission feels it is needed, have a special meeting to come up with a game plan as it is never too early to start planning.

Commissioner Kussard stated that since the day Bill Vance came to the Town of Lady Lake, he has always done an excellent job and she can't believe that because he may be looking for another position that he would no longer do an excellent job.

Commissioner Miller stated that he has felt as though the first day Bill Vance came to work, with his qualifications and abilities, there would be some day that he would leave Lady Lake. Just because Mr. Vance went out looking, Commissioner Miller stated that he would not hold that against him.

Commissioner Hannan stated that his intent is not to bad mouth what he has done because he has done some magnificent things for this town. His intent is that the Town needs a game plan in place because the Town could possibly be faced with a vacancy. He is very concerned about this and would really like to see Mr. Vance as part of the process.

Mayor Richards stated that the ICMA may be able to help with someone temporary, if there should be a vacancy in the Town Manager's position. He believes there are all sorts of options open to the Town if this should occur.

Bill Vance, Town Manager, stated that he is trying to lead by example. Last year, there was a budget situation where there was talk of potentially laying off 15 employees. He stated that he is trying to communicate to all employees, especially those with families, that nothing is guaranteed in Florida if you work for state or local government. He does not, at this point in time, have any understanding that this Commission is committed to continue progression; he doesn't know if the Town is going to be going forward or backward based upon what is provided in the budget proposal for the Commission's support. There are a lot of questions to be answered and he is just trying to make sure that not only Bill Vance but all the employees of the Town of Lady Lake, who have done such a fantastic job on this Commission's and this Town's behalf are keeping their options open so that they can take care of their families to the best of their capabilities. He stated that he is not intent or dead set on leaving; he is just trying to lead by example and make sure people keep their options open.

Commissioner Hannan had one other item he wanted to comment on and asked the other Commissioners to pull the April 20<sup>th</sup> meeting minutes for reference. He stated that he did not know how to say what he wanted to say without offending but felt he must explain his position. Three years ago, he suggested to the Commission that Roberts' Rule of Order be followed at the Commission meetings and that was rejected as his fellow Commissioners wanted to keep the meetings on the light side. The meetings now are not only on the light side with joking, etc. but there have been extreme violations to the Town's meeting procedure rules. Commissioner Hannan stated that the Mayor has the authority of controlling the audience when they are out of line but people in the audience have been allowed to speak out from their seats, shout at Commissioners and even approach the podium to chastise Commissioners as if it was totally acceptable. Commissioner Hannan pointed out that there were numerous instances during the April 20<sup>th</sup> Commission meeting where a citizen was allowed to shout at a Commissioner from his seat and also from the podium. Commissioner Hannan emphasized that this out-of-control meeting practice must change as this is happening at almost every Commission meeting.

Mayor Richards stated that he was use to Roberts' Rules but realized that the Commission did not follow those and feels that he was running the Commission meetings the way he perceived the Commission wanted it run. He apologized for the incidents during the April 20<sup>th</sup> meeting and stated that by the time the "poison" was out, the incident had ended. He added that he felt the rebuttals at the podium should be allowed. Commissioner Hannan interrupted the Mayor to ask if he had read "page 5 of the meeting minutes." The Mayor responded that "he had not finished speaking" and stated to Commissioner Hannan that "when it suits your purpose, you can interrupt." Commissioner Hannan stated that there were big arguments about Roberts' Rules a couple of years ago and that it was decided then that the Commission could argue back and forth because Roberts' Rules are not being used totally. Commissioner Hannan continued stating to the Mayor that "you can tell a person that they are out of order and you do not; it has never been done since you have been Mayor." In addition,

Commissioner Hannan stated that the former Mayor conducted the Commission meetings very well and he did use the gavel and that he had also asked Chief Nathanson on a couple of occasions to remove people from the meeting. He feels that the Commission has to do something that resembles Roberts' Rules.

In her report, Commissioner Kussard stated that she wanted to publicly thank both Doug McCoy of Waste Management and Stan Keely of Neel-Schaeffer for their very generous contributions to the Lady Lake Historical Society Golf Tournament.

Commissioner Holden had nothing to report.

Commissioner Miller had nothing to report.

Mayor Richards had nothing to report.

**L. OPEN FORUM:**

- Phil Mathias, Lakes of Lady Lake, asked Town Manager Bill Vance if his April 22<sup>nd</sup> e-mail stating that "he was actively investigating professional local government management outside the State of Florida" was a scare tactic.

Bill Vance, Town Manager, stated that it was keeping business above board and being honest with a town that has done so much for him and his family as opposed to secretly investigating opportunities and then springing surprises on people who have been very good to him.

- Mr. Mathias stated that was a scare tactic if the budget doesn't come in willing to what Mr. Vance has. Mr. Mathias also wanted to be sure that the Town Manager was not looking for another job on the taxpayer's money.

Mr. Vance stated that these are positions. If the Commission wants to move in a different direction other than the one the Town has had in the last few years, he would think that they wouldn't need a progressive manager. He stated that this is not a scare tactic and it is not about more money because he negotiated his salary staying the same through 2011. He also assured Mr. Mathias that he was not using taxpayer money to investigate other opportunities.

- Mr. Mathias also mentioned that, according to a newspaper article, State of Florida employees making \$45,000 or more a year will take a 2% pay cut and he thinks that is something that the Town should investigate.

**M. ADJOURN: There being no further discussion, the meeting was adjourned at 8:12 p.m.**

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Kristen Kollgaard, Town Clerk

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James Richards, Mayor

Minutes transcribed by Jayne York, Staff Assistant to Town Clerk