

**MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
May 18, 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 Pro-Tem Ruth Kussard presiding. The meeting convened at 6:00 p.m.

- A. **CALL TO ORDER:** Ruth Kussard, Mayor Pro-Tem/Commissioner
- B. **INVOCATION:** Minister Ron McQuinn with The Villages Church of Christ
- C. **PLEDGE OF ALLEGIANCE:** Ruth Kussard, Mayor Pro-Tem/Commissioner
- D. **ROLL CALL:** Tony Holden, Commissioner Ward 2
Ty Miller, Commissioner Ward 3
Ruth Kussard, Mayor Pro-Tem/Commissioner Ward 1
Paul Hannan, Commissioner Ward 4

ABSENT: James Richards, Mayor/Commissioner Ward 5

STAFF MEMBERS PRESENT: Bill Vance, Town Manager; Derek Schroth, Town Attorney; Chief Ed Nathanson, Police Department; C.T. Eagle, Public Works Director; Thad Carroll, Senior Planner; Wendy Then, Growth Mgmt. Technician; Kristen Kollgaard, Town Clerk; and Jayne York, Staff Assistant to Town Clerk

E. **CONSENT:**

1. **Minutes**

Regular Meeting – May 4, 2009 (on file in Town Clerk’s office)

Upon a motion by Commissioner Miller and seconded by Commissioner Hannan the Commission approved the Minutes as Presented for the Regular Commission Meeting on May 4, 2009, by a vote of 4 to 0.

F. **OLD BUSINESS:**

2. **Consideration of Extension of the Certificate of Occupancy (CO) for the Lady Lake Church of God (Bill Vance)**

The background summary for this agenda item is on file in the Town Clerk’s office. It states 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; 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, in the background summary, it is 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.

Bill Vance, Town Manager, stated that Staff understands that the church is still pursuing its St. Johns permit and that Pastor Larry Lynn has a copy of the notice indicating that the permit is coming. Staff recommends that the Town continue to work with the church and

extend their temporary CO another 90 days if they have not received their permit by June 30th (the date when their temporary CO expires), if the Commission has no objections.

There were no objections from the Commission.

Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved the Request to Extend the Temporary Certificate of Occupancy for 90 Days to Allow the Applicant More Time to Get All Necessary Documentation and Permits in Coordination with Major Modification to MJSP 07/07-021-021 for the Lady Lake Church of God, by a vote of 4 to 0.

3. Consideration of Job Criteria for the Police Planner Position (Ed Nathanson)

Bill Vance, Town Manager, stated that there was discussion at the last meeting regarding criteria within the Job Description for the Police Planner position so Chief Ed Nathanson worked with Human Resources in order to clarify the intent behind some of the specific criteria and also some additions were made.

Chief Ed Nathanson reviewed the following criteria for hiring a Police Planner:

- 5 years of supervisory experience preferably in a police department
- Experience supervising a police dispatch center
- Experience analyzing needs analysis and statistics
- Ability to compile data and information for reports on police performance and prepare graphic representations of detailed and complex statistical findings
- Ability to work under pressure within time constraints
- Knowledge of FDLE requirements
- Experience in scheduling and coordinating training
- Experience in maintaining detailed, accurate and confidential information
- Ability to evaluate ongoing or proposed programs to determine efficiency, cost effectiveness and program utilization
- Ability to develop procedures for implementation of plans or programs – research, develop and administer effective and efficient systems and programs
- Ability to conduct system improvement projects for the Police Department
- Ability to establish and maintain effective communication and working relationships with sworn and non-sworn personnel
- Develop policies, operating procedures, performance standards and short- and long-term objectives
- Assist with budget preparation
- Ability to acquire knowledge of law enforcement needs, techniques, methods and legal demands
- Learn the principles and practices of Police and Public Administration

Chief Nathanson stated that this is not all-inclusive but it is a better snapshot of the intent of what the Commission desired.

Commissioner Hannan asked how “ability” could be verified in an interview and stated that he would rather see something like a “proven record.”

Chief Nathanson stated that he could see both sides of that coin – he could show proven records where the word “conviction” now accompanies that resume and he can show people who have been doing it for years and have the ability; they just don’t have the proven record isolated but they have done all of these areas. It will be based particularly on the individual and they will be on probation.

Commissioner Hannan asked if it will be in the interview where the decision will be made as to whether an individual has that ability.

Chief Nathanson stated that if the individual does not come to the table with proper credentials and can’t answer the proper questions with the proper responses that Staff feels comfortable with, Staff will keep looking. He added that, if by chance, a conditional offer is made and it is not working out, he won’t be embarrassed to cut bait real quick because a solid foundation has to be built in order to go forward accurately and Staff does not have time to play around.

Commissioner Hannan also asked if Staff wanted to seek a person who has been a supervisor in a dispatch center or could the word “supervisor” be removed and say “experience” and hopefully Staff might find a dispatcher who was a supervisor.

Chief Nathanson stated that could be modified but Staff would like the individual to have some knowledge of the dispatch center but they are not necessarily looking for a supervisor in there.

Commissioner Hannan also suggested that the person have a working knowledge of Microsoft Office.

Commissioner Holden stated that he thinks the Chief is on the right track with this.

Commissioner Miller stated that he thinks Staff needs to look for the person with the qualifications that are sought rather than just hire a warm body.

Commissioner Kussard stated that she agrees.

Mr. Vance stated that Commissioner Hannan made some good points and that the Chief could consider indicating a preference in relation to the supervision experience associated with the dispatch center. Lady Lake has risen to the point where it definitely has a professional police department and Staff is not looking to become a training ground, especially at that level. He added that this candidate would need to have proven ability in handling pressure situations so that liability is not increased but serve to reduce professional liability because they bring something to the table to help do so. Mr. Vance also wanted to add preference to an applicant with computer capabilities that potentially includes Microsoft Office.

Commissioner Hannan pointed out that he said “proven record,” not proven ability. He doesn’t like the word “ability.”

Mr. Vance stated that he thought both could be accomplished with “record.”

Chief Nathanson stated that if this pleases the Commission and the Commission authorizes this, the modifications can be made and then Staff can advertise this position ASAP.

It was the consensus of the Commission for the Chief to proceed.

G. NEW BUSINESS:

4. Consideration of Sponsoring the Business-After-Hours at the Lady Lake Town Hall on Thursday, June 18 from 5:00 p.m. to 7:00 p.m. (Bill Vance)

Bill Vance, Town Manager, stated that the Chamber of Commerce met recently with the Town Manager to discuss the possibilities of providing an opportunity for the business community and anybody else interested to attend a question-and-answer session in the evening. He stated that this was done approximately 2 years ago and the Chamber would like to do it again. The proposed date is June 18th from 5:00 p.m. to 7:00 p.m.; the Town would be the host and anyone interested could attend.

It was the consensus of the Commission to proceed with setting this up.

5. Consideration of Asphalt Improvement Proposals from Florida Highway Products (C.T. Eagle/Ray Jackson)

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, as directed, he has received proposals from Florida Highway Products for critical streets in the Town that are in need of resurfacing. Florida Highway Products are on a Continuing Contract with the Town and have used the negotiated rates approved by Commission to prepare the proposals. The fiscal impact of this project would be \$199,056.72. Mr. Eagle stated that Ray Jackson with Florida Highway Products (FHP) was present to answer any questions.

Bill Vance, Town Manager, stated that Florida Highway Products has a proven record in Lady Lake as they did micro-surfacing work for the Town last year on the east side of Lady Lake in the oldest section of The Villages. These proposals would have them finishing up that work and addressing the horrid condition of Lady Lake Blvd. and also moving into the villas. The Commission budgeted \$300,000 for these purposes and \$20,000 has been invested so far on a Five-Year Pavement Management Plan. It is proposed at this time to move forward with this work in close coordination with Florida Highway Products.

Commissioner Hannan asked if there was a problem as he referenced an e-mail that was received late that afternoon.

Mr. Vance stated that this is a situation where the Town encourages competition and accepts qualification proposals from multiple companies that can provide this service. The other company indicated that, after taking a look at the proposals from FHP, they could do the work for \$7,600 less. Their information was sent to Ray Jackson and Mr. Vance asked Mr. Jackson if the \$199,056.72 figure represented the deduction of the \$7,600.

Mr. Jackson stated that, upon verification that the prices in the other company's contract are correct, then FHP would be prepared to reduce its proposal by that amount (\$7,638).

Mr. Vance stated that his understanding was that the offer at hand from Florida Highway Products would be to deduct the \$7,638 from the \$199,056.72 and the project would move forward immediately thereafter. If the deduction is allowed to be contingent upon an argument, his fear is that it could lead to another argument and additional confusion in the midst of doing the work. He recommended that the reduced figure be confirmed with FHP before moving forward with the approval of any proposal and stated that, if the Commission is not comfortable in doing so, this item could come back at the next meeting or the next available opportunity. Mr. Vance stated that he was seeking a commitment from FHP that evening to reduce the amount of the proposal by the difference identified within the correspondence received from the other contractor.

Mr. Jackson stated that FHP is perfectly willing to reduce their proposal by the \$7,638 amount upon verification that the other company's numbers are correct but FHP has not been able to verify those numbers yet.

Mr. Vance stated that this information was provided to FHP last week and again today; his understanding is that there has been time to verify it and if additional time is needed, he recommends to the Commission that this item be tabled until the first meeting in June.

Commissioner Hannan stated that the Commission could approve this contingent upon those numbers being accurate.

Derek Schroth, Town Attorney, stated that the Commission would only be approving for the \$192,000 provided FHP agrees to perform it at that, then there would be an agreement. He doesn't hear Mr. Jackson saying that he is necessarily going to do that at the \$192,000 price.

Mr. Jackson stated that they are happy to do that as long as they have verification that those numbers are correct and added that they have not had the opportunity to have numbers from the other company that shows them how they came up with this amount. Florida Highway Products has a copy of the other company's numbers but stated that there are a lot of different variables in there that can be applied to it. FHP doesn't have a problem in reducing the price if that is truly the number that is consistent with the unit prices in their contract. They would appreciate the Commission approving this contingent upon verification with Mr. Eagle and himself that those numbers are correct.

Mr. Schroth stated that the motion would then be for the reduced price and, in the event that is not acceptable, then Mr. Jackson would have to come back in order for the

Commission to approve the higher amount. The current motion would be to approve the \$191,418.60 amount.

Mr. Vance stated that his recommendation is that the work would not be initiated until the final price has been confirmed and if it is the \$199,056.72, he would suggest that this item have another audience before the Commission.

Commissioner Hannan stated that the Commission might as well table this but that is what he wanted to get around.

Mr. Vance stated that his understanding is that there is another contractor who would be willing to do the work for \$7,600 less. Knowing that and knowing that the Town has the flexibility to go in either direction.....

Commissioner Hannan asked if the Town had experience with the other contractor.

Mr. Vance stated no but that they had gone through a very extensive qualification confirmation procedure and process and the other company actually ranked higher than Florida Highway Products. Since Florida Highway Products would be finishing up a job that they started last year and would be mobilized in town and did a good job last year, Staff figured that if there was any flexibility, Staff would provide them first dibs in 2009 to bid that work out. FHP did bid that work out but the competing contractor was able to get a copy of FHP's bids and said they could do that work for \$7,600 less. If Florida Highway Products is willing to work with Staff and do that work for \$7,600 less (which is a very competitive price), Mr. Vance stated that he would be willing to move forward and support the Town doing so. If the Town is going to make an opportunity available for somebody to contradict the position of another company that says that they will do it for \$7,600 less, then that seems to confuse things as opposed to making things more clear and efficient as the Town goes forward.

Mr. Jackson stated that Florida Highway Products would commit to the \$191,418.60 amount and Mr. Vance stated that he completely supports that.

Mr. Schroth stated that the motion would be to approve the street resurfacing at \$191,418.60.

Commissioner Hannan thanked Mr. Jackson.

Commissioner Holden stated that Florida Highway Products did a good job last year and to keep up the good work.

Commissioner Miller stated that he appreciates the work that FHP has done in the past and would expect to see the same this time.

Upon a motion by Commissioner Hannan and seconded by Commissioner Miller, the Commission approved the Recommended Street Resurfacing Proposals from Florida Highway Products at a price of \$191,418.60 and to Proceed with Implementation, by a vote of 4 to 0.

6. Consideration of the Del Mar Drive and Avenida Central Intersection Simulation Study Proposal from GMB Engineers & Planners (C.T. Eagle/David Mulholland)

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 had previously directed him to follow up with the traffic engineers from GMB in order to obtain input of staff recommendations and to request a cost associated with a detailed survey of the intersection of Avenida Central and Del Mar Drive. The cost for a detailed traffic count and simulation study by GMB Engineers & Planners would be \$1,500.

Mayor Pro-Tem Kussard stated that this is a dangerous intersection and everyone knows that something needs to be done. There have been many suggestions but since some of these suggestions could very easily make the matters worse, her recommendation would be to have GMB Engineers do a detailed count and simulation of the intersection at the estimated cost of \$1,500.

Mayor Pro-Tem Kussard asked for comments from the audience and those included:

- Judy Glasel, Chula Vista Villas, stated that her property butts up to Avenida Central so occasionally she hears the horns and the brakes; for a while, she thought it was the snow birds but it is the year-round residents also. Her biggest fear is that someone will be killed at that intersection and then something will be done. When on Avenida Central almost at Del Mar Drive, you cannot see a car coming until it is just at the top of the hill and if the car is driving fast, there is no way that they can stop in enough time. The other problem is that GPS systems in cars bring people through Spanish Springs to the Del Mar gate. She stated that a group of residents are also planning to meet with The Villages; they want to increase the signage and make it better; with stop signs and better signage, maybe this can be a safer area.
- Ruth Truttschel, 1227 Santos Place, stated that she has lived here for 18 years and has seen the problem at this intersection grow worse and worse. There has been some help lately at peak times with someone manning the Del Mar gate and allowing traffic to pass through more efficiently. She feels that every time someone crosses Avenida Central or turns onto Avenida Central, they're taking their life in their hands. She added that any cars headed south on Avenida Central are hidden by the bushes and by the time they are seen, it is almost too late. She thinks that The Villages will take care of cutting down the bushes. She asked the Commission to take a serious look at this to see what can be done to make this intersection safer for everyone.
- Bill Calhoun recommended someone contacting The Villages so they can work with the GPS coordinator in order to change the GPS routing people through Spanish Springs to get to the Del Mar area.

Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved the Proposal from GMB Engineers for a Detailed Traffic Count

and Intersection Simulation for the Intersection of Avenida Central and Del Mar Drive, by a vote of 4 to 0.

- Phil Mathias, Lady Lake, asked to comment on Item #G-5. He asked how, legally, Staff was able to pass on the contract information from the other company to Florida Highway Products to get the bid lowered by \$7,600.

Bill Vance, Town Manager, responded that the legality of this is that these are continuing professional services contracts and there were communications between the contractor and the Town as to the services that the Town was pursuing and the services they were going to provide and the costs associated. It is legal

- Mr. Mathias stated that it was a bid from Florida Highway Products.

Mr. Vance stated that once the Town provides opportunities for companies to submit their qualifications to the Town, they also submit rate structures on all of the different services they can provide to the Town. The Town has the flexibility at that time to work with one of those companies or another of those companies. Since Florida Highway Products did such a great job last year, the Town started with them and they were shown what the Town wanted to finish in the Lady Lake portion of The Villages, Lady Lake Blvd. and the various other streets as it became apparent to Staff that the budget was going to go further than Staff thought it was. At that point in time, when they completed their proposals, Staff had the other contractor on retainer and they said that they would like to take a look at Florida Highway Products' prices. That information is available for public inspection. They came back and said, based upon their calculations of the rates associated with the services provided, they could do the work for \$7,600 less and the process was verified through the Town Attorney as being legally legitimate.

- Mr. Mathias asked if Staff was also going to give this other company a chance to come back in and see if they want to lower their price by \$7,500.

Mr. Vance stated that, at this time, he is confident that this is a very competitive price; his recommendation came to the Commission and they supported that recommendation.

Derek Schroth, Town Attorney, stated that this is different than a sealed bid procedure which is probably what Mr. Mathias was thinking of. This is a RFQ (Request for Qualifications) instead of a RFP (Request for Proposal) which means both companies were selected to perform work and the Town can choose which one – it is not a sealed bid procedure.

- Mr. Mathias stated that it just sounded like the Town was playing the two against one another.

Mr. Vance stated that, at the end of the day, the Town was a real winner because \$7,600 was saved.

- Mr. Mathias stated that the Town could go back to the other company and possibly save another \$7,600.

Mr. Vance stated that it would have to be based upon the rate schedules and he is confident that the Town has received the lowest responsible bid.

7. Consideration of Contributing FY 2009/2010 \$10,000 Allocation to St. Johns River Water Management District (SJRWMD) Watershed Action Volunteer Program (C.T. Eagle)

C.T. Eagle, Public Works Director, stated that the St. Johns River Water Management District Watershed Action Volunteer Program has requested continuing support for next year's 2009-2010 program which focuses on water resources, water conservation, public outreach and environmental education. Maryanne Krisovitch, WAV Program Coordinator for this district, has been a great help in keeping the Town in compliance with the NPDES stormwater permit compliance reports. She assisted with the irrigation ordinance and the elicit discharge ordinance which saved the Town a significant amount of money since it was done in-house along with the WAV Public Outreach Education Programs. Returning the Funding Partner Participation Form just indicates that Staff is pursuing the funds for this in the budget process; it doesn't necessarily mean that the Town is committing the \$10,000 for next year.

Bill Vance, Town Manager, stated that St. Johns is currently putting together budget proposals for their next fiscal year so they will just have to understand that there is an intent in Lady Lake for Staff to make this recommendation which has been funded by the Town Commissions of the recent past.

Mr. Eagle added that this is the same amount as the Town Commission contributed this year.

Commissioner Hannan asked if this kind of money has been contributed every year.

Mr. Eagle stated that the Town had been contributing \$7,500 but this year it was raised to \$10,000 because of St. Johns more active role including assistance in putting together several ordinances and water conservation efforts; Maryanne Krisovitch plays a vital role in putting together the NPDES program, monitors it and makes sure the Town keeps all records in tact. This year, the Town's permit went through with no problems and she assisted in every way; she is a very valuable tool when it comes to the mandated NPDES permit process.

Commissioner Hannan asked if this increase was an arbitrary number that Staff figures they are worth because they have done more work.

Mr. Eagle stated that they have a set of standards for the contribution levels.

Commissioner Holden asked if the money for this contribution would come from the Utility Fund and Mr. Eagle responded that it comes from the Utility Fund and not the General Fund. Commissioner Holden confirmed that this contribution is basically for goodwill in order to receive assistance from the WAV Program Coordinator. Mr. Eagle stated that is correct and that it is a lot cheaper than a Staff member.

Commissioner Miller stated that he doesn't think that the Town has a choice but to contribute.

Mr. Eagle stated that the Town does have a choice but the Town does receive a lot of assistance from Lake WAV.

Bill Vance, Town Manager, also commented that, in working closely with St. Johns like this in contributing to the resources that they provide, Staff also keeps them closely in the loop as to what is going on in Lady Lake. If they are spending more time elsewhere because we are not able to make this donation, they are still going to ask the same questions and we are still going to have to get some professional services to help Staff answer those questions. He feels that it is much cheaper to work closely with St. Johns than it would be to have to get those services elsewhere. At the same time, we are working with the people who the Town negotiates its consumptive permit with – it just strengthens the Town's continuing professional relationship with St. Johns and enhances the results.

Mayor Pro-Tem Kussard stated that this is a very valuable resource to the Town and Ms. Krisovitch has saved this town more than double of this \$10,000.

Mr. Eagle stated that she definitely paid for herself this year.

Commissioner Hannan asked if the motion to follow would be just to submit this form and Mr. Eagle answered that is correct.

Mayor Pro-Tem Kussard asked for public comment.

- Bill Calhoun, Lady Lake, stated that several months ago the Commission passed a resolution arguing with the District about approving Niagara Water coming in and bottling water. He expects that maybe St. Johns could get that \$10,000 out of the fees that they are going to collect from Niagara and asked why the Town should give them an additional \$10,000.

Bill Vance, Town Manager, stated that Staff is recommending that the Town continue on with this relationship with St. Johns. The recommendation to work closely with them in these regards saves the Town money associated with having to go to the private sector.

Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved the submittal of the Funding Partner Participation Form, by a vote of 4 to 0.

Mr. Vance stated that the final determination associated with that funding will be made during the budget process so if there are additional comments, there is still time to coordinate prior to that time.

8. Consideration of Donating to the Lady Lake Historical Society the True and Correct Copy of House Bill No. 1764 Which Among Other Things Abolished the

Old Form of Government and Established the Mayor/Commissioner Form of Government for the Town of Lady Lake in 1959 (Kristen Kollgaard)

Kris Kollgaard, Town Clerk, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). She stated that, while going through some of the boxes in the Clerk's Office, a True and Correct Copy of House Bill No. 1764 was found. She explained that this bill was enacted by the State of Florida in 1959 to legalize and validate said ordinances of Lady Lake and official acts, to create and establish a new municipality known as the Town of Lady Lake and to fix and provide its territorial limits, jurisdiction and powers of its officers and it established the Mayor/Commissioner form of government. Ms. Kollgaard stated that this document is a very important part of the Town's history and Staff recommends that it be donated to the Lady Lake Historical Society so that it may be shared with others.

Mayor Pro-Tem Kussard asked if this was the legal document.

Ms. Kollgaard stated that the actual document is with the House and this is a copy.

Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved the Donation of the True and Correct Copy of House Bill No. 1764 to the Lady Lake Historical Society, by a vote of 4 to 0.

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

9. Consideration of Lady Lake and Northwest Lake County Potential Transportation Priority Recommendations to the Lake-Sumter Metropolitan Planning Organization (Thad Carroll)

Thad Carroll, Senior Planner, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). He stated that it has been requested of the Town of Lady Lake, by the Lake-Sumter MPO, to submit a list of all transportation priorities within our jurisdiction, regardless of transportation mode and irrespective of maintaining jurisdiction or funding source.

Mr. Carroll stated that priorities as recommended by the MPO include:

- Rolling Acres Road (PD&E Study underway)
- Widening of U.S. Highway 27/441
- Design and Construction of the Gardenia Trail
- Enhanced support for LakeXpress

Mr. Carroll stated that these priorities will be taken before the MPO Board in July which should address any roads, bridges, trails, transit, sidewalks, safety, drainage, enhancements, aviation, rail, and water transportation projects that the Town Commission feels are priorities. He added that this list is consistent with what Staff feels are priorities and Staff's recommendation would be to consider this list and forward it on to the MPO as the Town's priority projects for the next year.

Bill Vance, Town Manager, stated that he also supports this recommendation.

Commissioner Miller stated that he agrees with the recommendation.

Mayor Pro-Tem Kussard asked if the trail would be motorized or non-motorized.

Mr. Carroll stated that the trail would be non-motorized and commented that the Gardenia Trail is the bike trail that goes through Fruitland Park and connects to Lady Lake.

Upon a motion by Commissioner Hannan and seconded by Commissioner Miller, the Commission approved the Lady Lake and Northwest Lake County Potential Transportation Priority Recommendations to the Lake-Sumter Metropolitan Planning Organization (MPO), by a vote of 4 to 0.

10. Consideration of Additional CDBG-R Funds for Street Resurfacing (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 Lake County CDBG Program is being allocated extra funds this current FY as a result of the American Recovery and Reinvestment Act of 2009. These funds may increase the Town's current funding by \$24,540. Mr. Eagle requested permission to allocate these additional funds for more street resurfacing work as an addendum to the current Commission-approved project that is about to take place in Skyline Hills.

Commissioner Hannan commented that this is stimulus money which his grandchildren will have to pay back. He has a problem with all of this stimulus money so he is going to vote against this based on his beliefs.

Commissioner Holden stated that if the Town doesn't spend it, someone else will so he is in favor of this.

Commissioner Miller stated that he agrees with Commissioner Holden.

Mayor Pro-Tem Kussard asked Mr. Eagle if the Town is too late since the deadline for submitting for this was May 15th.

Mr. Eagle stated that this has already been submitted via e-mail to William Gehring of CDBG Lake County. All it took was this request to be added to the list because the Town has already been allocated the money – they were just increasing the allocation.

Bill Vance, Town Manager, stated that this money had been committed or expended so this agenda item was for the direction that Staff needed to make the final clarification.

Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved the Request to Use Additional CDBG-R Funds, if Received, for

Additional Resurfacing Work and Engineering Fees as an Addendum to the Current Project, by a vote of 3 to 1 (Hannan being the dissenting vote).

11. Consideration of Water and Sewer Agreement for Wild Blue – Highway 466 (Bill Vance)

The background summary for this agenda item is on file in the Town Clerk's office and it states that the Developer is the fee simple owner of approximately 5.0 acres of real property situated in Lady Lake, Lake County, Florida. The Developer has requested connection to Town Water Facilities and Sewer Facilities (Utility) and that the Utility allocate and reserve sufficient capacity in these facilities to serve and sustain the operation of the Development; and the Developer agrees to connect to Utilities future Reuse Distribution Facility ("Reuse Facilities") when available, dependent on Utility's available reuse capacity. Reuse services, conditions, capacity, and rates are yet to be determined and approved by Commission and will require an Addendum Agreement once established. The Developer has agreed to construct certain water distribution, sanitary sewer collection facilities and reuse distribution at its expense that will benefit Development; and Utility has agreed to make its water and sanitary sewer service available to the Development by means of connection to and use of the Water Facilities and Sewer Facilities on the terms and conditions hereinafter set forth in the Agreement.

Bill Vance, Town Manager, stated that this site plan has already been approved by the Commission; they are waiting for final proof of payment of County impact fees. Prior to getting their building permit, they will be reserving 5,750 gallons of water/sewer capacity with the Town and paying the Town \$77,349 in advance. He also stated that Staff recommends approval of this developer's agreement.

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 the Water and Sewer Utility Agreement for Plaza Blue/Wild Blue, LLP, by a vote of 4 to 0.

12. Consideration of Major Site Plan 01/09-001 – Florida Retina Institute – Highway 27/441 (Bill Vance)

The background summary for this agenda item is on file in the Town Clerk's office. It states that a major site plan was submitted in January for the construction of a 3,680 square foot medical office on a 0.91-acre parcel located on US Hwy 27/441 just north of the Microtel Inn. The property is zoned HC-Heavy Commercial which permits medical uses on the site and the Future Land Use Map designation for the site is RET – Commercial General-Retail Sales & Services. The use is consistent with directives of the Comprehensive Plan. Site plans have been submitted by Farney-Barley, landscaping plans by Green Consulting and architectural plans by KP Studio Architect. The Applicant has been working to comply with all requirements of the Land Development Regulations (LDRs) for the site plans, as well as meeting Chapter 10 – Landscaping & Tree Protection and complying with Chapter 20 Commercial Design Standards of the

LDRs. Reviews have been completed for the Town by Town Staff, Neel-Schaffer Engineering, Mike Churchelow for the fire review and Lake-Sumter MPO.

Revisions to the site plan have been submitted to address the outstanding issues regarding the site plan, commercial design standards, and landscaping to comply with the Town's LDRs. The site plan meets the requirements of the LDR.

The Technical Review Committee reviewed the application on April 7, 2009 and found the application to be complete and ready to transmit to the Town Commission with a vote of 4-0.

Bill Vance, Town Manager, stated that Town Planner Judi Kelch was unable to attend the meeting but Jeff Head, Engineer for the project, was present to answer any questions. Mr. Vance added that the site plan application is complete and received consensus approval from the Commission at the conceptual presentation; he recommends its approval.

Mr. Head summarized the project and stated that the property is located just north of the Microtel Inn on .91 acre; it's a commercial building with approximately 3,700 square feet; the utilities are already at the site – they are just extending water and sewer service to the building.

Mr. Vance stated that the Commercial Design Standards and landscaping standards have been met and he added that Staff anticipates the developer pursuing the initiation of local construction activities upon receiving the necessary approvals.

Commissioner Hannan asked if this was a franchise.

Mr. Head wasn't sure if it was a franchise but stated that this group does have other buildings in the state.

Commissioner Holden stated that it is a good-looking building but he thinks the plan would look better if the retention wall on the north side was in line with the front of the building.

Commissioner Miller stated that he agrees with Commissioner Holden that it is a good-looking building but thinks that there are some improvements that could be made.

Mr. Vance stated that the Commission will have a chance to take a second look at the wall, but could go ahead and approve the site plan this evening and then have additional discussions or clarifications as necessary and always revisit issues prior to construction. The final approval will allow them to continue to move forward.

There were no questions or comments from the public.

Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved Major Site Plan MJSP 01/09-001 – Florida Retina Institute – US Hwy 27/441, by a vote of 4 to 0.

13. Consideration of Water and Sewer Agreement for Florida Retina Institute – Highway 27/441 (Bill Vance)

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Developer is the fee simple owner of approximately 0.91 acres of real property situated in Lady Lake, Lake County, Florida. The Developer has requested connection to Town Water Facilities and Sewer Facilities (Utility) and that the Utility allocate and reserve sufficient capacity in these facilities to serve and sustain the operation of the Development; and the Developer agrees to connect to Utilities future Reuse Distribution Facility ("Reuse Facilities") when available, dependent on Utility's available reuse capacity. Reuse services will require an Addendum Agreement when connection and capacity are available. The Developer has agreed to construct certain water distribution, sanitary sewer collection facilities and reuse distribution at its expense that will benefit Development; and Utility has agreed to make its water and sanitary sewer service available to the Development by means of connection to and use of the Water Facilities and Sewer Facilities on the terms and conditions hereinafter set forth in the Agreement.

Bill Vance, Town Manager, stated that this development is going to need 500 gallons of capacity and will pay in advance \$6,726 to attain that water and sewer capacity. Staff recommends approval of this agreement.

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 the Water and Sewer Utility Agreement for Florida Retina Institute, by a vote of 4 to 0.

H. TOWN ATTORNEY'S REPORT:

14. Ordinance No. 2009-08 – Second/Final 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; at the First Reading, the Commission approved the ordinance with a vote of 5-0.

Thad Carroll, Senior Planner, stated that this ordinance provides language for “Cure Plans” and Chapter 3 – adding Sections 16 and 17. He added that there have been no changes since the First Reading.

Bill Vance, Town Manager, stated that Lady Lake is the first municipality in Lake County to enter into such a proactive agreement with DOT as far as right-of-way acquisition. This concept is supported by the MPO.

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

Upon a motion by Commissioner Hannan and seconded by Commissioner Miller, the Commission approved Ordinance No. 2009-08 – Second/Final 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>YES</i>
<i>MILLER</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

Derek Schroth, Town Attorney, stated that Ordinance No. 2009-09 and Ordinance No. 2009-10 (Items #15 and #16) will be read on June 1, 2009 since they have been advertised for that date.

15. Ordinance No. 2009-09 – Second/Final Reading – Revisions to Land Development Regulations-Chapter 13-Stormwater Management

This ordinance will be heard on June 1, 2009.

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

This ordinance will be heard on June 1, 2009

17. Ordinance No. 2009-14 – First Reading – Revisions to Land Development Regulations – Chapter 9-Miscellaneous Regulations, Chapter 3-Developmental Procedures and Regulations and Chapter 2-Definitions

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

The background summary for this agenda item cover sheet is on file in the Town Clerk's office. It states that Chapter 9 "Miscellaneous Regulations" was originally adopted in 1994 and that Town staff has identified the need to review and update existing regulations to establish new Accessory Structure setbacks, Home Occupation restrictions, and Fence Permit Requirements which seek to incorporate regulations intended for safety and aesthetic purposes.

Wireless telecommunications facilities are supportive of the public health, safety and welfare in that they provide useful portable communications services for personal convenience, business and emergency purposes. While the demands for new wireless telecommunications services have increased to provide quality communication services to meet the growing needs of the public and business, Town of Lady Lake wants to ensure the protection of residential areas by setting regulations to minimize adverse visual impacts including potential health, safety and aesthetic impacts on the surrounding areas.

On May 11, 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 June 1, 2009.

Wendy Then, Growth Management Technician, stated that in Ordinance No. 2009-14, there were 4 major sections that were affected and it is pretty much housekeeping to avoid any conflicts with the Land Development Regulations and to ensure compliance with the Lady Lake Comprehensive Plan. The changes were to Section 2 – Accessory Structures, Section 3 – Home Occupations, Section 4 – Fences and Walls, and Section 7 – Wireless Communications. New wireless telecommunications regulations have been implemented in accordance to the demand that has been created with the development of new commercial and residential within the Town of Lady Lake – this was introduced as part of the Town's regulations for Chapter 9. Wireless telecommunications facilities are supportive of the public health, safety and welfare in that they provide useful portable communication services for personal convenience, business and emergency purposes. While the demands for new wireless telecommunication services have increased to provide quality communication services to meet the growing needs of the public and business, the Town of Lady Lake wants to ensure the protection of residential areas by

setting regulations to minimize adverse visual impacts including potential health, safety and aesthetic impacts of the surrounding areas. In regards to accessory structures, Staff wanted to include a residential setback of a minimum of 10 feet for accessory structures that are less than 200 sq. ft. In regards to Home Occupations, the language was changed to update from *occupational license* to *business tax receipt* which is the appropriate language per Florida Statute. As far as fences and walls, Staff has introduced permitting for fences; more than 50% of the municipalities within Lake County have fence permitting and Staff wants to make sure the development is in accordance as to what is permitted.

Bill Vance, Town Manager, stated that there have been some situations in the recent past with the commercial business on Oak Street where there was a variance request and it was pointed out that the fence actually appears to be on somebody else's property so this way, the Town can work with property owners to make sure that there is no intrusion on somebody else's property with somebody else's fence.

Ms. Then continued stating that telecommunication facilities are to be permitted primarily in industrial areas zoning district uses and in public facilities district uses – anything else will have to come before the Commission via the Special Exception Use to be approved. There are different separation requirements that are in accordance to what Lake County currently does so Staff keeps everything consistent and in compliance as to the locations of the surrounding neighborhoods.

Mr. Vance stated that in 2004, the Town's Land Development Regulations were extremely weak and outdated, the Town's Comprehensive Plan was outdated and not serving the Town's best interest as far as Growth Management was concerned. The Comprehensive Plan was addressed first because that is the future plan of growth and development in a town; that was a long effort and it took a couple of years to complete and now Staff has been going chapter by chapter through the Land Development Regulations to make sure any potential conflict with the Comprehensive Plan is eliminated as well as making sure that all of the Town's regulations are up-to-date with State Statute. This is a continuation of that effort and Staff seeks the support of the Commission.

Mayor Pro-Tem Kussard stated that under Section 4-C.1.b (Fences and Walls), she suggested that any Town facility which requires a safety factor should be allowed to install a barbed-wire fence.

Mr. Vance stated that would be consistent with current practices.

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. 2009-14 – First Reading – Amendment to the Land Development Regulations, Chapter 9 “Miscellaneous Regulations,” by the following roll call vote:

<i>HOLDEN</i>	<i>YES</i>
<i>MILLER</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

18. Ordinance No. 2009-11 – Second/Final Reading – Amending Chapter 17 of the Lady Lake Code of Ordinances by Creating Article IV Entitled “Signalized Intersection Safety”

Derek Schroth, Town Attorney, read the ordinance by title only. He also noted that at the First Reading, there was a request to change the title of the ordinance from “Dangerous” Intersection Safety to “Signalized” Intersection Safety which is the only change from the First Reading to the Second/Final Reading.

Bill Vance, Town Manager, stated that Steve Richey was present to represent the company that potentially the Town could consider working with upon the passage of the Second Reading of this ordinance. He stated that the only thing that the approval of the Second Reading does is provide the Town with the flexibility to go in these directions in the future – it doesn’t mandate the Town going in these directions but it creates flexibility which could create additional revenue streams if the Commission supports doing so. If those revenue streams are realized, the Town Manager would recommend that all monies that are generated be invested into the Police Department.

Chief Ed Nathanson stated that the passage of this ordinance would provide the Town with options; it doesn’t mean that the Town has to execute these options. If the Town doesn’t take advantage and get set up properly, it will miss out in the future. It’s like an insurance policy – the Town will have the ordinance in place and can use it if the Town chooses to or not. He recommends that the Commission support this ordinance.

Commissioner Hannan confirmed that this ordinance is not specifically for the company that was mentioned in the presentation on “Red Light Cameras.”

Chief Nathanson stated that this is just for the concept.

Commissioner Hannan also asked about the fees – he thought the proposed fee for the first violation (\$125) was a lot higher than that.

Steve Richey stated that he represents ATS which is one of the vendors that sells this equipment. He stated that this is a civil violation which is different than running a red light and receiving a citation from a police officer which is much higher. This is through the civil process; it does not put points on the system or affect the driver’s license – it tries to inhibit people from running the red lights. Mr. Richey added that the car is getting the ticket like in a parking violation and just a picture of the car and its tag is taken. This ordinance simply authorizes the Town to have this process. The Town has a choice in the future of either piggy-backing on a contract in Florida that exists that has gone through the competitive bid process or the Town can do the competitive bid process itself. This ordinance puts a legal mechanism in place in order to be able to do the red light cameras. He also stated that the legislature did not act in this session to get involved

in this process. There are a lot of municipalities in Lake County that are looking at installing these cameras. Mr. Richey stated that the traffic accidents or incidents at the intersections with these cameras have decreased by 60% - 75% and there has not been an intersection that has been done that hasn't generated in the 6-figure money-wise for the municipality that has had the red light cameras installed which, in turn, has provided some relief in tight budget times. The primary reason for having these cameras is not money; it is safety. Running red lights is a dangerous situation and these cameras curtail a major number of accidents and save time for police having to investigate those accidents.

Mr. Vance stated that Mr. Richey is absolutely correct. This is the 3rd formal discussion about these potential features and he thinks that Mayor Richards and the Commission made it quite clear in the initial discussions that first and foremost, this is about safety.

Mr. Richey stated that it doesn't cost the Town anything to participate because the vendor fronts the costs and installs all of the cameras. It will take a little time for Code Enforcement to review the photos and to sign the tickets. Money-wise, there is a significant savings as far as safety to citizens without the Town having to spend money.

Commissioner Holden stated that he has found that it is about money. In addition, he asked where in the intersection is the vehicle when it gets tripped for running a red light.

Mr. Richey stated that the vehicle has to be 100% in the intersection when the light changes to red – it doesn't affect a car entering an intersection on yellow.

Commissioner Holden also thought that the steeply escalating fines were too high.

Mr. Richey stated that this is the Town's code. The legislature's proposed fees were a minimum of \$150 initially; Orlando has set its fee at \$150 but most of the municipalities have set theirs at \$125 so the Town is consistent with many across the state.

Commissioner Holden stated that the fees should be the same for each violation, not escalating. He also questioned the fact that a vehicle may have multiple drivers.

Chief Nathanson stated that every vehicle is registered to an owner and, ultimately, the owner is responsible for the fine. The Town's goal is voluntary compliance along with an educational campaign because safety is the priority.

Mr. Vance stated that running red lights happens every day routinely up and down the highway because the Town does not have enough cops to stay on top of all of the situations. This is not an occasional occurrence; it's a routine occurrence.

Commissioner Miller stated that this is a tremendous program and the Town doesn't have to spend a nickel and still collect money. It's a great safety factor.

Mayor Pro-Tem Kussard agrees that it is an unbelievable safety feature. She stated that she has never seen as many red light runners as she has seen here.

Commissioner Holden asked at what point do the escalating fines drop off back to the original fine – after a year or something like that.

Chief Nathanson stated that would be subjective and the slide in escalating fines would be assessed accordingly if several people from the same family driving the same vehicle are fined but, ultimately, it would fall back on the owner of the vehicle.

Mr. Schroth stated that the way the ordinance is worded is that the Special Magistrate will be the one to decide and there isn't that discretion of orderliness so if the Commission wants time limitation periods between the 1st and 2nd offense and the 2nd and 3rd offense, that needs to be part of the motion. He stated that this is the Second Reading of the ordinance; if the Commission wants to make that change, the ordinance would have to be readvertised and scheduled for another reading.

- Bill Calhoun, Lady Lake, stated that he was not at the meeting for the First Reading but it is his understanding that if the Town has a civil code or ordinance in effect, the Town can use that rather than the State law. If an ordinance is not in place before that state law comes into effect, the Town can't use the municipal code. Also, the Commission can set their own level of fines and start it out with \$25 if it wants to – the \$125 is just some sort of average.

Mr. Schroth stated that the Commission has the discretion to set the penalty; however, the vendors have suggested that if the fines are too low, there may not be any vendors interested in bidding because they get a percentage of the overall revenue.

Mr. Richey stated that the \$125 fine makes it economically feasible for the vendor to invest the \$100,000 expense into each intersection with the Town receiving \$80 of the fine and the vendor retaining \$45. It doesn't become economically feasible at \$25 for the vendor to front the \$100,000 – there is no vendor that will do that. Nobody knows what the legislature is going to do in a year. They could go in and pre-empt local governments from having anything like this but they would be taking away the Town's ability to have revenue. He stated that this year's proposed legislation vested governments who already had contracts and allowed for their relationship with the vendors to continue through the term; that is why some of the municipalities that approved their ordinances during the legislative session did it for 10 years, whereas, a normal contract is for 5 years. Taking away something you already have is more difficult for them than keeping you from going into something that you don't have yet. That is why a lot of governments have been pushing to go ahead.

Mr. Richey stated that what the fines are and how the Town handles repeat offenders is not something that any of the vendors are as concerned about. What they are concerned about is a Code Enforcement hearing officer having the ability to take cases into consideration and assess fines as part of that process. Only 2% of the people who get citations appeal it to the hearing officer – 80% of the people pay their fines – the other 18% go into a collection process just like other collectors do. He emphasized that those are small percentages of people who don't pay and added that the vendor and the Town both get their money when the money is collected.

Upon a motion by Commissioner Hannan and seconded by Commissioner Miller, the Commission approved Ordinance No. 2009-11 – Second/Final Reading – Amending Chapter 17 of the Lady Lake Code of Ordinances by Creating Article IV Entitled “Signalized Intersection Safety,” by the following roll call vote:

<i>HOLDEN</i>	<i>NO</i>
<i>MILLER</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

19. Resolution No. 2009-107 – Request for a Variance from the Town Land Development Regulations Chapter 17, Section 3.E.1.d Pertaining to Front Sign Setbacks – Lady Lake United Methodist Church – 109 W. McClendon Street

Wendy Then, Growth Management Technician, gave the background summary from the agenda item cover sheet (on file in the Town Clerk’s office). She stated that the Lady Lake United Methodist Church has submitted an application for a variance to Chapter 17, Section 3.E.1.d which requires a five (5) foot setback from the right-of-way/property line for a monument sign eight (8) feet or less in height.

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

Ms. Then stated that due to the Florida Department of Transportation needing additional right-of-way for future improvements of SR 500/Hwy 27/441, the existing monument sign setback will be reduced to 3.4 feet from the new/future right-of-way/property line of SR 500/Hwy 27/441.

Ms. Then stated that on May 11, 2009, the Planning & Zoning Board recommended approval and forward to Town Commission with a vote of 5-0; there have been no objections to the variance.

Commissioner Hannan stated that he is always against variances but, in this case, the State is requiring this and basically forcing the landowner. He stated that the landowner has paid a filing fee of \$1,500 for this variance and he doesn’t think that is fair. That wasn’t their choice – the State is forcing this on them. He thinks there should be some kind of concession of the filing fee.

Bill Vance, Town Manager, stated that a representative from the church was present and he anticipates that there are some negotiations for right-of-way acquisition going on with DOT and this representative could confirm that or if the money is coming out of the church’s pocket. Mr. Vance recommended that the church, as part of the acquisition of the right-of-way, recover all related fees that involve the Town.

Cory Weaver, Chairman of the Trustees of Lady Lake United Methodist Church, stated that the church did pay the fee upfront but the State will reimburse them for any fees or expenses that are incurred in the right-of-way acquisition process.

Mr. Vance stated that the church is very good to work with DOT and the Town to make sure that this project is not interrupted or comes in at additional cost that is unnecessary.

Commissioner Holden asked Mr. Weaver if it would have been a lot cheaper just to move that sign – he stated that he knows that it is over the retention pond and the sign would have to be moved towards the street further.

Mr. Weaver stated that it was not just the sign that would have to be moved but also the electrical lighting for the front of the building which would be quite expensive.

There were no questions or comments from the public.

Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved Resolution No. 2009-107 – Request for a Variance from the Town Land Development Regulations Chapter 17, Section 3.E.1.d Pertaining to Front Sign Setbacks – Lady Lake United Methodist Church – 109 W. McClendon Street, by a vote of 4 to 0.

I. TOWN MANAGER’S REPORT:

The Town Manager had nothing to report.

J. MAYOR/COMMISSIONER’S REPORT:

Commissioner Hannan stated that at the last Commission meeting he brought up a passionate subject on the lack of control of the meetings by the Mayor. He has since been told that he did attack the Mayor and that was uncalled for so he wanted all to know that his intention was to make a forceful cry for more control of the meetings and if it appeared to be an attack on the Mayor, he publicly apologizes. Without the Mayor present at this meeting, he thought it might not be the time to discuss this again but the Mayor did make his argument at the last meeting that he thought the Commission wanted more relaxed meetings. None of the other Commissioners made any comments at the last meeting so Commissioner Hannan stated that he was looking for comments at this meeting. The examples that he pointed out at the last meeting were, in his opinion, hard evidence that the Mayor needs to pay more attention to meeting procedures and asked that this Commission have a discussion. He stated that it is not acceptable to have citizens shout out from their seats without being challenged by the Mayor – verbal attacks on these Commissioners without a peep from the Chairman. Commissioner Hannan asked for comments from the other Commissioners.

Commissioner Holden stated “let’s go forward” and thought that Commissioner Hannan had made his point very well at the last meeting and suggested that the Commission see how it works out in the future before any radical action is taken.

Commissioner Miller stated that he enjoys somewhat of a relaxed meeting but he does expect it to go in some semblance of order – if the meeting gets too out of control, it needs to be brought back into control. He stated that he is flexible.

Mayor Pro-Tem Kussard stated that she agrees with that and also commented that she does like the more relaxed atmosphere.

Commissioner Hannan also mentioned that the Town Clerk had sent an e-mail to the Town Manager to see if it would be a good idea to post the meeting procedures on the overhead screen. He believes that it would be a great idea to have the meeting procedure rules available to the people when they enter the Chambers.

Bill Vance, Town Manager, stated that, in the past, there has been an attachment to the agenda. If that would be sufficient to take care of the concern, that could definitely be done again. He also stated that he wouldn't have a problem with putting something on the overhead screen prior to the meeting and that he would coordinate that.

In addressing another subject, Commissioner Hannan asked Staff to present a balanced budget to the Commission this year. He stated that he has never liked the way Staff has formatted the budget process and hopes that this time a balanced budget will be simple and will be approved with little discussion. A balanced budget can be presented to this Commission; it's not the responsibility of the Commission to create a balanced budget – it is the Commission's responsibility to approve it or reject it. He added that the Commissioners must take a high road to direct the Town Manager to present the Commission with a 2010 balanced budget. He then asked for comments from the other Commissioners.

Commissioner Holden stated that he agrees with Commissioner Hannan.

Commissioner Miller stated that he doesn't have any problem with the way the budget process has been done in the past.

Bill Vance, Town Manager, stated that putting together a balanced budget is no problem but he would have to make a radical proposal like contracting with the Sheriff's Department to get Public Safety to be affordable and the Commission could direct him at that time whether or not they want to fund a Police Department or contract with the Sheriff's Department.

Commissioner Hannan stated that there could be Plan A, Plan B, Plan C.

Mr. Vance stated that, in the past, the fiscal policies of the Commission have been to utilize reserves to balance budgets and once the reserves are no longer affordable to be used, asking the Town Manager to cut a million dollars out of operations is an unrealistic budget or there will have to be reductions in services with this budget. He stated that his goal this year is to put together a balanced budget proposal recommending no raises after cutting an additional \$500,000 out of last year's budget when it wasn't thought to be there to begin with. He doesn't foresee any additional cuts being possible but his goal is to put forth a budget where personnel are funded to the point that they can actually do what they are suppose to do as opposed to just receive a paycheck and not have the resources to do their job.

Commissioner Hannan stated that his goal is to see a balanced budget.

Mr. Vance stated that he can put forth a balanced budget but it might have radical recommendations that the Commission will definitely have to discuss and he imagines that the Police Department would have to weigh in on. He stated that he is not a proponent of doing away with the Police Department in the least but the fact that it takes up 50% of the Town's budget, the Street Department or the Library or Parks & Recreation or portions of all three would have to be eliminated just to fund Public Safety. He thinks there would be portions of the community that would take exception with those recommendations as well. He stated that he gets Commissioner Hannan's point and will proceed with the knowledge as to what at least has been expressed this evening and he is sure there will be additional discussions.

Commissioner Holden had nothing to report.

Commissioner Miller had nothing to report.

Mayor Pro-Tem Kussard had nothing to report.

K. OPEN FORUM:

- Phil Mathias asked Mr. Vance how many years the Police Department's budget has been close to 50% of the total Town's budget.

Mr. Vance responded that he didn't know.

- Mr. Mathias stated that it is probably a lot longer than several of these people have been in Town. He stated that "we are not going to lose our Police Department – we'll shift different departments down in size but we are not going to give up our police."

L. ADJOURN: There being no further discussion, the meeting was adjourned at 7:45 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor Pro-Tem