

**MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
January 5, 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:** Father Bob Fuchek, St. Timothy Catholic Church
- C. PLEDGE OF ALLEGIANCE:** James Richards, Mayor/Commissioner

ROLL CALL: Tony Holden, Commissioner Ward 2
Ty Miller, Commissioner Ward 3
Paul Hannan, Commissioner Ward 4
Ruth Kussard, Commissioner Ward 1
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; Mike Burske, Parks & Recreation Director; Thad Carroll, Senior Planner; Kristen Kollgaard, Town Clerk; and Jayne York, Staff Assistant to Town Clerk

E. PRESENTATION:

1. Presentation of a Certificate of Completion to Commissioner Paul Hannan for the 2008 Institute for Elected Municipal Officials (Kristen Kollgaard)

Kristen Kollgaard, Town Clerk, stated that it was her pleasure to award Commissioner Hannan the Certificate of Completion for the 2008 Institute for Elected Municipal Officials that he attended in Orlando on October 3-5, 2008. She congratulated him and presented him with the framed certificate.

F. CONSENT:

2. Minutes

Regular Meeting – December 15, 2008 (on file in the Town Clerk’s office)

3. Consideration of Waiving the Sign Permit Fee for the Lady Lake Boy Scout Hut (Mike Burske)

The background summary for this agenda item is on file in the Town Clerk’s office. It states that Boy Scout Troop 244 had a troop identification and informational sign

made for the front of the Scout Hut. There is a Town permit fee of \$85.00 for the sign and the Scouts are requesting that the Town waive the permit fee but Staff does not have the ability to waive this fee. If it is the desire of the Commission, the Town can use funds from a departmental line item to pay the fee.

Bill Vance, Town Manager, stated that someone has to pay that fee and Mike Burske, Parks & Recreation Director, has indicated that he has sufficient funds to pay the fee associated with the sign that will be on a Town recreational facility.

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

G. OLD BUSINESS:

There was no Old Business.

H. NEW BUSINESS:

4. Consideration of the Contract with Coca-Cola for the Scoreboards for the Little League and the Soccer Club (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 Commission had previously approved the vending contract with Coca-Cola whereby the Town agreed to exclusively use Coca-Cola products at all Town facilities. In this negotiated contract, Coca-Cola was to provide the Town with 3 new scoreboards. Mr Burske stated that the contract now needs to be signed since the Town has received the scoreboards. As indicated in the contract, this is a five-year term for the scoreboards with the Town exclusively using Coca-Cola products in all Town-owned facilities.

Bill Vance, Town Manager, stated that he recommends approval of this contract; it is weighted in Coca-Cola's favor in many regards but they have provided the 3 scoreboards that are worth \$15,000. He also added that the Town has the opportunity to get out of this agreement with the provision of a 30-day notice should the Town want to.

Commissioner Hannan asked if Coca-Cola has also supplied Coke machines to the Town.

Mr. Burske stated that they have supplied coke machines, coolers and many other items.

Commissioner Miller asked if Pepsi had been contacted in regard to supplying scoreboards.

Mr. Burske stated that he tried to put Pepsi and Coca-Cola in competition with one another but Pepsi said that they no longer do scoreboards so Coca-Cola was the Town's only option.

Mayor Richards stated that he noticed that Coca-Cola requires the Town to carry \$2 million in insurance which the Town has no problem with that; he also stated that Coca-Cola has to be named as an additional insured and asked if the Town's insurance carrier has any problems with that.

Mr. Burske stated that he would check with Guy Shields, Risk Management Director, in regards to Coca-Cola being an additional insured on the Town's policy but he didn't think there would be any problems.

Bill Vance, Town Manager, stated that the agreement would not be executed if there are any risk management issues that need to be resolved in regards to this matter.

Upon a motion by Commissioner Kussard and seconded by Commissioner Holden the Commission approved the Contract with Coca-Cola for the Scoreboards for the Little League and the Soccer Club, by a vote of 5 to 0.

5. Consideration to Award Bid No. 2008-07 to Miller Legg for Professional Arborist Services (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 as directed by the Commission, he submitted a Request For Qualifications to provide arborist services for the Town of Lady Lake on an "as needed basis." An Arborist Committee consisting of Mike Burske, Parks & Recreation Director, C.T. Eagle, Public Works Director, Kris Kollgaard, Town Clerk, Karen Rickelman, Finance Director and Judy Kelch, Town Planner reviewed all documents submitted and found Miller Legg to be the most qualified to provide these services. Mr. Burske stated that he has compared the prices of other municipalities using the services of Miller Legg and has found the prices for their services to be comparable. Having Miller Legg as the Town Arborist will only cost the Town when their services are used.

Commissioner Kussard asked if the services of an arborist would be needed very many times. She stated that she was looking at the expense on this and it looks very costly.

Bill Vance, Town Manager, stated that, in 90% of the cases, the expense is going to be passed on and Staff is working with Growth Management to contract an arborist when the historic tree variances are requested from time to time – some people will make the case that "the tree is dead anyway and why should we save it." An arborist who is working on the Town's behalf would be called in to verify the information in those regards, and in doing so, the cost of the arborist would be incorporated into the application – the applicant would pay for the cost of the arborist. The rate schedule is essentially the point of negotiation whereby the Town can negotiate professional services proposals that would then be brought back to the Commission for final approval as related to any Town projects. This is just formally bringing Miller Legg aboard through a competitive process.

Mayor Richards asked what the rate for an arborist would be.

Mr. Burske stated that a senior arborist at Miller Legg is classified as a Project Biologist and that rate would be \$115 per hour plus expenses.

Upon a motion by Commissioner Holden and seconded by Commissioner Kussard, the Commission approved Awarding Bid No. 2008-07 to Miller Legg for Professional Arborist Services, by a vote of 5 to 0.

6. Consideration of Support for the Revised Water Alliance Interlocal Agreement (Commissioner Holden)

Commissioner Holden stated that last November, the Lake County Water Alliance sent all municipalities an amended interlocal agreement because the Water Alliance staff was looking for a stronger verification of approval. Of the 15 participating municipalities, there were only 4 replies; there were no revisions to the interlocal agreement that was presented in November. He stated that if anyone has any objections or discussions about the wording in the agreement, they need to make it known.

Bill Vance, Town Manager, stated that Public Works Director, the Town Manager and the Town Attorney have reviewed the document and that they recommend approval.

Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved the Revised Lake County Water Alliance Interlocal Agreement, by a vote of 5 to 0.

I. TOWN ATTORNEY'S REPORT:

7. Ordinance No. 2008-32 – Second/Final Reading – Amending the Memorandum of Agreement to Permit Additional Uses Under the Planned Commercial (CP) Zoning Designation for Allstor Self Storage – 845 Teague Trail

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

Thad Carroll, Senior Planner, gave the background summary from the agenda item cover sheet and also gave a Power Point presentation (both on file in the Town Clerk's office). He stated that the Applicant, Haynes Brinson, has submitted an application on behalf of Allstor Self Storage to modify the allowable uses permitted under an existing Memorandum of Agreement (MOA) set forth in Ordinance No. 2003-18 which was adopted by the Town Commission on July 7, 2003. Under the terms of the MOA, the following uses were permitted:

Permitted Uses. Retail Sales & Services, Offices, Office/Warehouse Facilities, Mini-Storage Warehouse and Manager's Residence

Mr. Carroll stated that subsequent to that agreement, the ordinance was amended by Ordinance No. 2006-13 and adopted by the Lady Lake Town Commission on May 4, 2006. At that time, the Applicant requested and was granted the following additional uses:

Additional Permitted Uses. Personal Services (1,250 sq. ft. maximum), Financial Services (1,250 sq. ft. maximum), Medical Office/Clinic (1,250 sq. ft. maximum) – limited to such uses being located in the two front structures on the approved site plan.

Mr. Carroll stated that, at this time, the Applicant wishes to again amend the Memorandum of Agreement to incorporate additional uses. These uses include:

Offices; Personal Services – tattoo parlors, body piercing businesses and non-therapeutic massage parlors are expressly prohibited; Dry Cleaning Retail Stores; Day Care Centers; Clubs, Lodges and Fraternal Organizations; Financial Services; Office Supply; Retail Sales & Services; Business Services; Office Complex; Maintenance Contractors; Medical Offices/Clinics; Banks; Health/Exercise Clubs; Mini-Storage Warehouses; Veterinary Clinics; Offset Printing; Wholesalers and Distributors; Office/Warehouse Facilities; Manufacturing: Craftsman Shops; Adult/Vocational Education; Appliance/Electronic Repair Shops; Auction Houses; Commercial/Industrial Equipment and Supplies; Furniture and Appliance Stores; Golf Cart and LSV Vehicle Dealer Sales - Golf Cart and LSV Vehicle Service Centers with all repairs being done inside the building only; Retail Home Building Materials, Shopping Centers, Transportation Services; Taxidermy; Plumbing Contractors ; Games - Video Arcades; Equipment Rental; Contractors Office with enclosed storage area; Motor Vehicle, R.V. and Boat Storage Facilities – inside storage only.

Mr. Carroll stated that the requested modification is consistent with the directives of the Comprehensive Plan and does not require an amendment to the Future Land Use Designation. The requested uses are in character with adjacent uses and zoning designations of nearby commercial properties.

Comments:

1. Availability of parking will need to be evaluated as tenants change: Upon staff recommendation, language has been incorporated into the MOA that would require new tenants to demonstrate that parking is available for each tenant on the entire parcel in accordance with the parking calculation matrix of the LDRs.

Mr. Carroll stated that the Technical Review Committee (TRC) reviewed the application and determined that the application was complete and ready for transmittal to the Planning & Zoning Board with a vote of 4-0; the Planning & Zoning Board reviewed the application on December 8, 2008 and recommended approval and forward to the Town Commission with a vote of 5-0; on December 15, 2008, the Town Commission approved the First Reading of Ordinance No. 2008-32 by a vote of 5-0 with the understanding that changes would be made to omit some uses from the MOA in accordance with staff recommendations prior to the Second/Final Reading on January 5, 2009.

Mr. Carroll stated that he met with the Applicant after the December 15, 2008 Commission meeting to take a look at all of the uses that were requested and together

they came to the current listing which Growth Management does support. Mr. Brinson was present to answer any further questions.

Commissioner Hannan stated that there are a lot of uses – just about everything conceivable. He asked about manufacturing – what kind of manufacturing and how heavy.

Mr. Brinson stated that they included the manufacturing use because they have had several applications including a business that makes false teeth and another that was a tool and die maker who manufactures small replacement sockets and gears for home electronic equipment. He stated that Allstor doesn't have room for anything bigger because they have small retail units and small storage units – they would only have light manufacturing that would be indoors – the craftsmen type of manufacturing work, not someone with heavy equipment. He added that this list was partially created and based upon the type of businesses that had inquired about leasing over the last several years as the buildings have been built out; also, they also added several uses that they thought would be compatible with what they are doing.

Commissioner Hannan asked if Chief Nathanson had any concerns about some of these additional permitted uses.

Bill Vance, Town Manager, stated that the Applicant and Staff had agreed to exclude some permitted uses under the Personal Services category and that has been stated in the ordinance.

Chief Nathanson stated that he has no concerns at this time. He stated that the Town can get a legitimate business that can cause problems inadvertently anyway so there are no guarantees regardless of what kind of service it is. He added that if there are problems with any business, the Police Department will deal with it accordingly.

Commissioner Hannan stated that all of these businesses would have to get a permit to operate and at that point in time, the Town has a yea or nay.

Mr. Carroll stated that the business would need a Business Tax Receipt and if the business is an approved use on this list, it would not come back before the Commission so the Commission would be essentially approving all the uses on this list at this point in time. He added that the Applicant did go through the effort to clarify Personal Services and that tattoo parlors, body piercing businesses and non-therapeutic massage parlors are expressly prohibited. Staff has worked with the Applicant in regards to some areas to define exactly what they would be getting out of this ordinance.

Mr. Vance stated that there is an administrative checks and balances whereby if somebody comes in to apply for a permit that could cause potential problems, Staff is very good at looking around corners and trying to predict problems before they occur. Some language could be built into the permit to make sure that the Applicant does not negatively affect its neighbors.

Commissioner Hannan asked if this sets a precedent for any other storage unit to be granted everything that Allstor is being granted.

Derek Schroth, Town Attorney, stated that they would have an argument before the Commission but since each property is unique and its location is unique, the Commission looks at these on a case-by-case basis and that is how they are decided. An applicant can argue that the Commission treated Allstor this way so they should be treated the same but the Commission can reject that argument.

Commissioner Kussard stated that some of the uses are very broad and asked for clarification on several and added that she was concerned because the property is surrounded on two sides by the multi-family unit. Following are Mr. Brinson's responses to Commissioner Kussard's inquiries:

Maintenance Contractor ---- janitorial services
Wholesaler & Distributor ---- storage for smaller car parts and office space
Auction House ---- something small that could be stored in a storage unit and then brought to a retail unit for an evening auction inside – there is not enough space to dictate a car auction or anything large
Commercial Industrial Equipment ---- space would dictate the size of equipment that would be allowed on the property
Games/Video Arcades (Commissioner Kussard would really like this use eliminated) ---- Mr. Brinson agreed to eliminate this use

Commissioner Hannan stated that the ordinance indicates that items are to be stored inside but it doesn't say that you are actually prohibited from having an auction in the driveway.

Mr. Brinson stated that it can be stipulated that all auction house sales must be held indoors. It has already been stipulated that all repairs and service work done on golf carts and LSVs must be done indoors.

Mayor Richards questioned having an adequate number of restroom facilities.

Mr. Brinson stated that all the retail units have restroom facilities in addition to restroom facilities being located on the outside near the rental office for the mini-storage units.

Mayor Richards wanted to clarify that businesses would not be operating out of the mini-storage units, that they would be strictly storage units.

Kristen Kollgaard, Town Clerk, wanted to clarify that an auction business would have to apply for their Business Tax Receipt through the Clerk's office which in turn would have to go through zoning for approval. Some of the things that zoning would be looking at would be restroom facilities, number of customers and available parking before being considered for approval.

There were no questions or comments from the public.

Upon a motion by Commissioner Kussard and seconded by Commissioner Miller, the Commission approved Ordinance No. 2008-32 – Second/Final Reading – Amending the Memorandum of Agreement to Permit Additional Uses Under the Planned Commercial (CP) Zoning Designation for Allstor Self Storage – 845 Teague Trail with the Exception of Games/Video Arcades and that all Permitted Uses May Only be Conducted Indoors Within the Units, 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>

8. Ordinance No. 2008-33 – First Reading – Amending Land Development Regulations – Chapter 2, Definitions and Interpretations, Section 2: Definitions

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

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 Ordinance No. 2008-33 is a staff-initiated ordinance to amend Chapter 2: Definitions and Interpretations, Section 2: Definitions of the Land Development Regulations (LDRs) in an effort to clarify uses and terms cited within other Chapters of the Land Development Regulations; particularly Chapter 5: Zoning District Regulations. Mr. Carroll stated that the changes proposed by this ordinance will enhance the Land Development Regulations so that the public, Town staff, and elected officials will have a better understanding of what is and what is not permitted in the Town of Lady Lake.

Mr. Carroll also stated that while significant efforts have been made to create a comprehensive set of terms via this ordinance, Town Staff acknowledges that omissions may still exist regarding the inclusion of all terms that could potentially aid the public and planning personnel in the interpretation of the Land Development Regulations. Therefore, Growth Management staff respectfully requests the input of the Town Commission in creating a set of definitions that is easy to interpret and clarifies any ambiguities regarding land uses and development in the Town of Lady Lake.

Mr. Carroll stated that on December 8, 2008, the Planning & Zoning Board recommended approval of Ordinance No. 2008-33 and transmittal to the Town Commission by a vote of 5-0; the Second/Final Reading before the Town Commission is scheduled for January 21, 2009.

Bill Vance, Town Manager, stated that this is an extremely significant and proactive effort designed to remove contradiction from the various documents that Town Staff has to utilize in order to provide direction to the developers. He commended the Growth Management Department for what they have achieved thus far and stated that many more chapters will be coming to the Commission’s attention.

Commissioner Kussard stated that she agrees that Mr. Carroll and the Growth Management Department have done a very good job in these regards.

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. 2008-33 – First Reading – Amending Land Development Regulations-Chapter 2, Definitions and Interpretations, Section 2: Definitions, 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>

9. Resolution No. 2008-147 – Reclaimed Water Rates

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

Mr. Schroth stated that these are the rates that were recommended in the study which the Commission reviewed and adopted recently and that this resolution establishes the actual reclaimed water rates pursuant to that study. Also, set forth in this resolution is a 25% surcharge that can be charged on out-of-city users.

C. T. Eagle, Public Works Director, stated that Stan Keely with Neel Schaffer was present to answer any questions.

Commissioner Miller asked what the rates were based on.

Mr. Eagle stated that the rate study was performed by Neel Schaffer and that Mr. Keely gave a presentation at a previous Commission meeting.

Mr. Keely stated that there are two components to the rate – one is fixed and the other is variable. The fixed rate is based upon costs that the Town incurs by providing that service to the customer. The other aspect is for the volume charge that is based upon the additional treatment, chemicals and operations that the Town has to have in order to treat the wastewater from the plant to get it to the level to go out for public access reuse.

There were no questions or comments from the public.

Upon a motion by Commissioner Miller and seconded by Commissioner Kussard, the Commission approved Resolution No. 2008-147 – Reclaimed Water Rates, by the following roll call vote:

<i>HOLDEN</i>	<i>AYE</i>
<i>MILLER</i>	<i>AYE</i>

HANNAN
KUSSARD
RICHARDS

AYE
AYE
AYE

J. TOWN MANAGER'S REPORT:

Bill Vance, Town Manager, stated that, in the near future, the Library expansion site plan will be coming before the Commission for their consideration and approval as well as the construction plans and bid documents. He also stated that after the bidding process, a financing game plan will be proposed and the Commission can either support it or provide other direction.

Mayor Richards stated that he is assuming that the Commission can do some changes if they find that the previously planned financing and revenues fall short especially in the case of revenues from the state or county.

Bill Vance, Town Manager, stated that the first step is to put the project out to bid and then identify the apparent responsible low bidder and determine at that time whether further negotiation is required in order to create an affordable project. He added that Marilynn Nesbitt, Library Director, has secured a lot of outside funding and Staff is also keeping a close eye on sales tax revenues, 1¢ sales tax revenues and etc. Staff will then provide the Commission with the best information that they have so an educated decision can be made and if scaling down the project makes sense, the Commission can direct Staff to go in that direction.

K. MAYOR/COMMISSIONER'S REPORT:

See Item #10 at the end of this section.

Commissioner Hannan had no report.

Commissioner Kussard stated that she had a question regarding an e-mail she received just prior to the meeting about a foreclosure on Mr. Windhorst's property.

Derek Schroth, Town Attorney, stated that his caretaker/companion contacted him and said that she is unable to appear at a Commission meeting because she is disabled and that she would like to make an offer to the Commission which is approximately \$1,000 less than the amount that is owed. Mr. Schroth stated that prior direction from the Commission was that the Commission would entertain a settlement but not necessarily a reduction in the amount owed. She owes about \$3,300 and is set for foreclosure on February 17th and she has requested that she pay \$1,000 less. Mr. Schroth added that they have the ability to pay but have not paid because they only received notice within the last two years and they did not know about this for 18 years.

Commissioner Kussard stated that Ms. Grinstead claims that if she would have known about it, she would have paid; so Ms. Kussard doesn't understand why she would want to consider less when she would have paid in full before.

Mr. Schroth stated that Ms. Grinstead's response to that is that most of the charges are interest over 18 years and had she known about it, she would have paid it then. She insists that Mr. Windhorst didn't know about it, but Mr. Windhorst is incapacitated now and she has Power of Attorney over his affairs. Mr. Schroth stated that he doesn't know if there is really any way to determine whether they knew or not – the Town did follow all of their procedures for notification when the liens were done and those liens were properly recorded and the property encumbered.

Bill Vance, Town Manager, stated that this is a situation where Staff has been working with and educating property owners since early in 2005 in regards to payments of their special paving assessments to make sure that ignorance was not going to be an excuse for non-payment; plenty of certified mailings were sent and the property owners were given plenty of information when the debts were incurred. Mr. Vance stated that Mr. Schroth is going to convey to Ms. Grinstead that there was one situation where the Commission obtained a signed Quit Claim Deed from the property owner that will be recorded if the obligation is not paid within a certain timeframe. Mr. Vance added that Ms. Grinstead on behalf of Mr. Windhorst can make a related proposal but Staff does not have the authority or the right to negotiate a reduction of what is owed to the Town. The Commission took the position that Staff would pursue those debts in full because everyone was to be treated the same.

Commissioner Hannan stated that he agrees as did Mayor Richards.

It was the consensus of the Commission not to accept Ms. Grinstead's offer of a lesser amount but to proceed with the Quit Claim Deed proposal to Ms. Grinstead as the Commission has done in a similar situation previously.

Commissioner Holden stated that the newer Cierra Oaks Subdivision (that consists of about 28 homes) at the end of Griffingview Drive on the western side has 6 or 7 streetlights that have been off for the past 2 weeks. According to a representative of the Homeowners' Association, they do not have the funds to keep these on; therefore, they are asking the Town to take care of this and take over. Commissioner Holden asked the Town Manager to investigate the situation and possibly work out the same deal with Cierra Oaks as was worked out with several areas in The Villages.

Mr. Vance stated that he has no objection to that at all and supports the recommendation for the Town to do what is necessary to take over the maintenance of the streets and the streetlights. The position that was taken by a previous Commission was that these people are taxpayers and are paying for these services so let's provide them.

Commissioner Holden stated that this is a neighborhood of \$200,000 + homes and there are no streetlights working at this time. He added that there are several homes that are involved in foreclosure where the owners have just walked away from them; these homes do not look run-down at this time but getting the streetlights back on would be a good first step. Commissioner Holden stated that he feels the Town has a certain responsibility to help them out in regards to this matter.

Mr. Vance stated that, if the Commission has no objection, the Town Manager would like permission to negotiate getting those lights back on and then settle up later. He doesn't think it is a good idea for the Town to have dark residential neighborhoods.

Mayor Richards stated that, just from a Public Safety issue, it would be good to get the lights back on.

Commissioner Hannan asked that when these developments are built and the developers come to the Town for all sorts of approvals, if this issue is being addressed as to the Town taking over the streets and the lights after the development is approved.

Mr. Vance stated that he was not with the Town when that site plan was considered. He stated that his professional experience has always been that the developer agrees to install the infrastructure and upon the approval of the site plan, the Town accepts ownership of those utilities upon their successful installation whether it be streets, water, sewer or streetlights.

Commissioner Miller had no report.

Mayor Richards stated that he had a few items to report. He stated that he was concerned that the Town Hall closings for Christmas and New Year's were not listed in the newspapers as they were for Lake County and Marion County.

Mr. Vance stated that he has coordinated with the Town Clerk and they are going to enhance the Town's relationships with the different newspapers in those regards. He pointed out that this is just an example of continuing improvement.

Mayor Richards also stated that he had received a letter from a gentleman who had made an illegal U-turn and was concerned that he was ticketed instead of just being given a warning. The Mayor stated that he visited the area and it was clearly marked "No U-Turn" – he emphasized that driving should be the driver's primary function and that they are expected to read and obey all signs. The letter was forwarded to the Town Manager.

Mr. Vance stated that Staff would provide a response and then copy the Commission on it.

Mayor Richards stated that he had asked the Town Manager for a summary on actual figures versus budgeted figures and it appears that the sales tax, fuel tax and cigarette tax revenues are down about \$30,000 and other revenues are down about \$50,000; although percentage-wise, the Town isn't doing too badly. The Mayor also stated that Mr. Vance is also going to look into the Town's utility taxes that have been collected so far and hopes that those revenues are up.

Mr. Vance stated that, in some cases, information comes from the State which represents projections and that the projections are slowly getting worse. He thinks that is consistent everywhere in the country these days. He added that Staff is keeping an extremely close eye on the situation and that a budget update by the Finance Director

and Town Manager will be on the agenda for the March 2, 2009 Commission meeting. Mr. Vance stated that, historically, the Commission has used reserves to balance budgets so Staff has gotten use to being behind on the first day of the budget. On most occasions, at the end of the year, expenditures were less than revenues so Staff has experience being behind and he thinks the Commission will see another great performance from Staff this fiscal year.

Mayor Richards commented that is something that we are all working towards.

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

10. Due to Town Hall Being Closed on Monday, January 19, 2009 in Observance of Martin Luther King Day, Staff Recommends Rescheduling the Commission Meeting to Wednesday, January 21, 2009

It was the consensus of the Commission to reschedule the regularly scheduled January 19, 2009 Town Commission Meeting to Wednesday, January 21, 2009 at 6:30 p.m. The delay in the start of the meeting is due to the Mayor and other Commissioners participating in the Sam’s Club Opening Night festivities.

L. OPEN FORUM:

There were no comments or questions from the public.

M. ADJOURN: There being no further discussion, the meeting was adjourned at 6:48 p.m.

Kristen Kollgaard, Town Clerk

James Richards, Mayor