

**MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
May 19, 2014**

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

- A. CALL TO ORDER:** Mayor Ruth Kussard
- B. PROCEDURAL:** *Citizens are encouraged to participate in the Town of Lady Lake meetings. Speakers will be limited to three (3) minutes. Additional time may be granted by the Mayor. Citizen groups are asked to name a spokesperson and the Mayor, at his/her discretion, may allow longer than three minutes. Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone. The order of agenda items may be changed if deemed appropriate by the Town Commission. Please be respectful of others and put your cell phone on silent mode.*
- C. PLEDGE OF ALLEGIANCE:** Mayor Ruth Kussard
- D. INVOCATIONⁱ:** Reverend Tom Ash, New Song Community Church
- E. ROLL CALL:** Tony Holden, Commissioner Ward 2
Dan Vincent, Commissioner Ward 3
Paul Hannan, Commissioner Ward 4
Jim Richards, Commissioner Ward 5
Ruth Kussard, Mayor/Commissioner Ward 1

STAFF MEMBERS PRESENT: Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Mike Burske, Parks and Recreation Director; Chief Chris McKinstry and Lt. Jason Brough, Police Department; John Pearl, I.T. Director; Jeannine Michaud, Finance Director; and Nancy Slaton, Deputy Town Clerk

F. PUBLIC COMMENTSⁱⁱ

Mayor Kussard asked if anyone in the audience would like to speak on any item. There were no comments.

G. PROCLAMATION:

1. “Poppy Days” Proclamation – For Presentation to the American Legion Auxiliary Unit 347 (Mayor Kussard/Ruth Sovern)

Mayor Kussard proclaimed the dates of May 23rd and May 24th, 2014 as “*Poppy Days*” in the Town of Lady Lake. She read the proclamation and presented it to Ruth Sovern of the American Legion Auxiliary Unit 347.

2. Law Enforcement Appreciation Month Proclamation (Mayor Kussard/Chris McKinstry)

Mayor Kussard proclaimed the month of May as “*Law Enforcement Month*” in the Town of Lady Lake and urged the citizens of Lady Lake to recognize the dedication and contribution of its valued law enforcement officers. She read the proclamation and presented it to Lady Lake Police Chief Chris McKinstry.

Town Manager Kris Kollgaard thanked the law enforcement personnel and support staff for their hard work and dedication in protecting the town. She stated they do an awesome job.

3. Proclaiming the Month of May 2014 as “Motorcycle Safety Awareness Month” (Mayor Kussard/Al Monteleone, ABATE of Florida)

Mayor Kussard proclaimed the month of May as “*Motorcycle Safety Awareness Month*” in the Town of Lady Lake. She read the proclamation and presented it to Al Monteleone, representative from ABATE of Florida.

H. PRESENTATION:

4. Presentation by Carl Kusky Regarding Chula Vista Avenue

Mayor Kussard introduced Mr. Carl Kusky and stated he will be allowed ten minutes for his presentation.

Carl Kusky of 312 Chula Vista Avenue stated he appreciated the Commission allowing him to present his concerns regarding the speeding and traffic on Chula Vista Avenue. Mr. Kusky reviewed his presentation (on file in the Clerk’s Office) regarding the volume of traffic and the speed of the traffic on Chula Vista Avenue and stated it is a quality of life issue, and that he is asking the Commissioners to take the legal and physical actions necessary to accomplish some or all of the following:

- 1) Reduce the speed limit on Chula Vista Avenue to 15 miles per hour.
- 2) Place four way stops at the intersections of Chula Vista Avenue and Palermo Place and Chula Vista Avenue and Ventura Drive.
- 3) Place speed humps on Chula Vista Avenue at its intersection with Palermo Place and Chula Vista Avenue and its intersection with Ventura Drive.
- 4) Place rumble strips across Chula Vista Avenue at each posted speed limit sign.
- 5) Place NO THROUGH TRAFFIC and NO TRUCK TRAFFIC signs at the La Zamora gate and the entry to Chula Vista Avenue at Rio Grand Avenue.

He stated that Chula Vista Avenue is a public street within the Town of Lady Lake Florida, therefore the actions he is requesting are within the purview, authority, jurisdiction and control of the Lady Lake Commissioners, and that it is not an issue with The Villages, the developer, or the Community Development District as noted in a letter presented from Mr. Morse.

Mayor Kussard interjected that Mr. Kusky’s time was up. She stated that when Mr. Kusky asked for her support in stopping the speeders on Chula Vista, she told him he had her support. Mayor Kussard reported that the Police Department has been very proactive and has increased their

presence in the area by setting up speed traps and the radar trailer, and they have been very effective with 40 traffic citations, 120 written warnings, and 15 verbal warnings issued in a ten month period. She stated that although the Police Department is trying to deter it, people are still going to speed, and the police cannot be on Chula Vista Avenue 24/7 as they must patrol all of Lady Lake. Mayor Kussard stated that when Mr. Kusky purchased his home in 2004, Chula Vista Avenue was already a through street, and the population was 48,500 at that time. Since then, the population has grown to over 100,000 in The Villages alone. She stated that the roads are paid for by the taxpayers and they have a right to use them, and the Town cannot place *No Through Traffic* or *No Truck Traffic* signs or close the La Zamora gate. Mayor Kussard stated that access is necessary for emergency vehicles and law enforcement to allow for fast response times. She stated that traffic studies have to justify the placement of stop signs at a particular location, based on five or more reported accidents in a 12 month period with vehicular traffic volume entering the intersection averaging at least 300 vehicles per hour of an average 8 hour day. Mayor Kussard stated that Chula Vista does not meet that criteria, and that the Police Department will continue to be proactive in traffic enforcement, but she does not support anything that would put the residents in danger by restricting access.

Mr. Kusky stated he has only seen one emergency vehicle come down the street since he lived there.

Mayor Kussard stated that emergency vehicles come to her area all the time from CR 466. She asked if the Commissioners have any additional comments that she has not addressed.

Commissioner Hannan asked the Town Manager to report the Town's position on this issue.

Town Manager Kris Kollgaard stated that staff has responded to Mr. Kusky's requests as reported by the Mayor, and the Town cannot install speed humps or rumble strips which could hinder emergency vehicles. She stated that four way stops do not always solve problems and can create a false sense of security. Ms. Kollgaard stated that Chula Vista is a collector road and a traffic study would have to be approved by the Commission in order to consider lowering the speed limit if the study shows it meets those requirements. She stated she understands Mr. Kusky's concerns, but that she has not been contacted by any other residents.

Mr. Kusky stated that he has a petition, and that the path in the road acts as a sidewalk as well for the residents in the area.

Commissioner Hannan stated that it is a golf cart and bicycle path; there is no mention of a sidewalk. He thanked Mr. Kusky for his service as a veteran, and then stated that when Mr. Kusky purchased his home in The Villages, he accepted his home, land, deed restrictions, and the roads in the neighborhood as they were, and that nothing has changed other than the growing population. Commissioner Hannan stated that Mr. Kusky has been on a mission to change things on Chula Vista since 2011 and that the Town's professional staff has answered his questions, and still he does not accept the results. He stated Mr. Kusky is costing the Town man hours, and that if the Town's resources were in other areas than Chula Vista, the speeding numbers may not significantly change.

Mr. Kusky stated that the speed limits within the Lady Lake portion of The Villages are not comparable, as Paige Place has a 10 mph limit, Bichara has a 20 mph limit, and Chula Vista has a 25 mph.

Mayor Kussard stated that many of the streets are private, especially around the squares.

Commissioner Richards agreed, stating that everything inside Avenida Central is the Village Center Community Development District, and is all urban commercial area with lower speed limits. He stated that Chula Vista is a collector road and that Town staff has responded to all Mr. Kusky's requests, and that Mr. Kusky's comment that the road is not engineered properly is in error. Commissioner Richards stated Chula Vista was designed that way with the path in the road, and as a collector road, with all the streets feeding into it. He stated Southern Trace is designed the same way, with driveways coming out onto it like Chula Vista. Commissioner Richards stated that Mr. Kusky is asking the Commission to go against the national Manual on Uniform Traffic Control Devices (MUTCD). He stated he will not vote for anything Mr. Kusky is requesting.

Mr. Kusky quoted some results from a traffic study regarding slowing down to 15 mph on curves.

Ms. Kollgaard stated that was from a traffic study done by Sumter County, not the MUTCD.

Mr. Kusky once again thanked the Commission and Town staff for their assistance with his presentation, and John Pearl, IT Director, in particular. He stated he will be back.

I. CONSENTⁱⁱⁱ:

5. Minutes – May 5, 2014 – Regular Commission Meeting

6. Consideration to Accept and Sign a Change Order for the Rolling Acres Sidewalk Project Giving Art Walker Construction Additional Time to Complete the Project (Mike Burske)

The background summary for this agenda item is on file in the Clerk's office. It states that Art Walker Construction is seeking additional time to complete the construction of the sidewalks funded by the Safe Routes to School Program. There were several time delays during the project and they would like to utilize the additional time to finish laying sod and items that may appear on the punch list. The sidewalk construction is nearly finished and should be completed by this Commission meeting. The change order request from Art Walker Construction was included in the packet.

Upon a motion by Commissioner Richards and seconded by Commissioner Hannan, the Commission approved Consent Items #I-5 and I-6, by a vote of 5 to 0.

J. OLD BUSINESS: No old business.

K. NEW BUSINESS:

7. Consideration of Approval for an Amendment to the Sewer, Water, and Reuse Utility Agreement for the Sunset Professional Center, LLC, Formerly Known as Wild Blue/Plaza Blue – A Multi-Tenant Development Located at 801 Hwy 466 (Thad Carroll)

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that Sunset Professional Center, LLC is the fee simple owner of approximately 5.0 +/- acres of real property situated in Lady Lake, Lake County, Florida. The developer is in the process of connecting to Town water facilities and sewer facilities and has entitlement to sufficient capacity in these facilities to serve and sustain the operation of 20 equivalent residential units (ERUs), or 5,000 gallons per day, under a prior agreement executed by the former land owner on July 20, 2009. Mr. Carroll stated that at this time, the applicant is seeking an additional reservation of 18 equivalent residential units (ERUs), or 4,932 gallons per day, for reuse facilities to be utilized by the multi-tenant development consisting of 45,462 sq. ft. of medical offices and professional services land uses currently under construction. He stated the fiscal impact will be \$5,256 in revenue to the town.

Mr. Carroll reported that Sunset Professional Center, formerly known as Wild Blue/Plaza Blue, already has entitlements to 20 sewer and water equivalent residential units (ERUS); these entitlements were reserved and paid in the amount of \$67,260. Reuse capacity, however, was not allocated under the prior agreement with Wild Blue, and thus will be satisfied by means of the amended agreement. Mr. Carroll stated that the developer is ready to connect to the reuse that is currently serving the Summit Plaza next door to them.

The developer has agreed to utilize the Town's water distribution utilities, sanitary sewer collection facilities and reuse distribution utilities to benefit the development and to use the water, sewer, and reuse facilities on the terms and conditions hereinafter set forth in the attached agreement, as provided by Utility (the Town). This agreement was reviewed by Town Attorney Derek Schroth on May 12, 2014 and was determined to be correct in form for consideration and approval by the Town Commission.

Commissioner Richards asked if Public Works has reviewed and approved the water and sewer agreement.

Town Manager Kris Kollgaard stated the Town now has a team that reviews the utility agreements that consist of Growth Management, Utilities, and Finance. She stated everyone has to approve it before it goes forward.

Upon a motion by Commissioner Holden and seconded by Commissioner Richards, the Commission approved an Amendment to the Sewer, Water, and Reuse Utility Agreement for the Sunset Professional Center, LLC, Formerly Known as Wild Blue/Plaza Blue – A Multi-Tenant Development Located at 801 Hwy 466, by a vote of 5 to 0.

8. Consideration to Accept and Sign the Local Agency Program Agreement from F.D.O.T. District 5 for the Design Phase of the Rolling Acres Sidewalk Project Phase II Funded Through the Safe Routes to School Grant (Mike Burske)

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Clerk's office). He stated that a very similar document to this agenda item was brought before the Town Commission on March 3, 2014. Soon after this document was passed, Lake County asked if additional aprons and sidewalk could be added to the intersection of Griffin Avenue and C.R. 25. Mr. Burske stated he asked F.D.O.T. District Five and they granted the request to have it added to the design and the L.A.P. Agreement. The packet includes the

original agreement given to the Town Commission back in March and the new one tonight showing the additions. He stated the design funding will be the same as it is a simple addition with the sidewalks, aprons and crossings to be added. Mr. Burske stated the rest of the information in this summary is a briefing of what this grant entails. He stated the Town of Lady Lake was awarded a total of \$274,085.00 for Phase II of the Rolling Acres Sidewalk Project, and at this time, the F.D.O.T. has appropriated \$36,000.00 for the design of the project. He noted that the figure of \$31,484.00 on the Notice-to-Proceed and the \$36,000.00 on the LAP Agreement are different; F.D.O.T. District 5 raised the design funds to \$36,000.00. Mr. Burske stated the Town will have to submit a Request for Qualifications for a design firm and form a committee of Town employees, and if the negotiated fee comes in at higher than \$36,000.00, the Town may have to fund the balance if F.D.O.T. District 5 decides against funding the difference.

Commissioner Richards remarked that Mr. Burske has done a good job, and Commissioner Vincent noted that he has seen a lot of use of the sidewalks already.

Upon a motion by Commissioner Vincent and seconded by Commissioner Hannan, the Commission approved the Local Agency Program Agreement from F.D.O.T. District 5 for the Design Phase of the Rolling Acres Sidewalk Project Phase II Funded Through the Safe Routes to School Grant, by a vote of 5 to 0.

Commissioner Hannan commented that he spoke to Roseanne Brandeburg at the Lake County School Board regarding the plaque he recommended at the last meeting; he asked if anything has transpired since then.

Town Manager Kris Kollgaard replied that she and Mr. Burske will meet to discuss it and will visit the Villages Elementary School to see if it can be put up there, and then will bring it back to the Commission as discussed at the last meeting.

Commissioner Hannan stated he was confused as he thought it was going through the School Board.

The other Commissioners confirmed that it was discussed that it would be mounted at the elementary school if they agreed. Ms. Kollgaard stated she would call Ms. Brandeburg and clarify.

9. Consideration of Approval to Put the Minor Field Fence Project Out To Bid (Mike Burske)

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Clerk's office). He stated that the Commission approved \$40,000.00 in the 2014 budget for the construction of a new fence at the Minor Field, located at the Guava Street Athletic Complex, and \$1,200.00 has been invested in the design of the fence. Mr. Burske stated that Neel Schaffer has provided the necessary papers as seen in the packet for the bid process, and the dates and the information on who to send the bids to will be the only changes in the document, but the rest of the documents will stay the same. The design will be very similar to the fence built at the Hicks Field at the same complex. He stated the Hicks Field fence has been heavily complimented and has proven to be very sturdy and serves its intended purpose. Mr. Burske stated he met with the Little League in the design of the fence to make sure that it will be workable for them and will meet the standards for Little League. He stated that at this time, he

will seek to invest in advertising for the bid and come back to the Town Commission with the bids and seek a recommendation to utilize the lowest competent contractor with the goal being to have the fence completed by September.

Mayor Kussard asked if the Little League starts in September, and Mr. Burske replied they start practicing in September.

Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved the request to put the Minor Field Fence Project out to bid, by a vote of 5 to 0.

10. Discussion/Direction for Staff to Proceed with Procurement of Contractors to Perform the Avenida Central Resurfacing Project for this Fiscal Year (C.T. Eagle)

Public Works Director C.T. Eagle gave the background summary for this agenda item (on file in the Clerk's office). He stated that staff had previously proposed the budgeting of funds to perform a major resurfacing project on Avenida Central. Mr. Eagle stated that in performing due diligence, staff has received traffic classification count data on the busy corridor which confirmed the high volumes of daily vehicular usage of the street. Staff has also coordinated with the newly contracted Pavement Management Consultant, VHB, for a third party assessment with assistance of the MPO. He stated that a resurfacing method known as CIR or Cold In-place Recycling by the current resurfacing contractor, Asphalt Paving Systems Inc., was presented to the Town Commission previously to demonstrate a possible resurfacing solution on Avenida Central. Mr. Eagle noted that as seen in the attached memo from the consultant VHB, the proposed CIR resurfacing solution appears to be the best method of treatment. He stated that an estimated amount of \$760,000 of reserve funds was allocated this fiscal year for this resurfacing project based on previous pricing, and upon approval to proceed, updated costs will be determined during the process of contractor procurement reflecting actual current rates and will be presented in the near future to the Town Commission along with a recommended contract to perform the work. Mr. Eagle stated that Avenida Central was originally constructed in the early 1990's, and that the last major resurfacing work on Avenida Central was performed and funded by The Villages in the late 1990's.

Commissioner Richards stated the overlay on Avenida Central was actually funded by the Town in the late 1990's, not The Villages. He stated the proposed project looks good.

Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved for staff to pursue the procurement of a contractor to perform the work associated with the proposed Avenida Central Resurfacing Project, by a vote of 5 to 0.

11. Update on Offer from Habitat for Humanity to Perform Potential Improvement Projects for Town of Lady Lake Facilities (C.T. Eagle)

Public Works Director C.T. Eagle gave the background summary for this agenda item (on file in the Clerk's office). He stated that as seen in the attached email, Habitat for Humanity has offered to potentially perform community enhancement projects on Town facilities as a part of their outreach program. Mr. Eagle stated there will be no direct cost to the Town of Lady Lake with the exception of staff coordination time, and the projects would be managed, staffed, and funded by Habitat for Humanity. He stated that there is currently no projected date for the

potential work to be performed. Mr. Eagle stated that Habitat for Humanity would be responsible for any insurance coverage necessary regarding the volunteers or workers on the projects, and insurance coverage would be verified by Town staff prior to any work proceeding. He stated this is just informational to keep the Commission informed of the offer by Habitat for Humanity.

The Commissioners approved and were appreciative of the potential improvement projects listed to be performed by Habitat for Humanity.

L. TOWN ATTORNEY'S REPORT:

12. Resolution No. 2014-107 – First/Final Reading – Declaration of Qualifying Dates for the Office of Town Commissioner for Wards Two and Four for the November 4, 2014 General Election and Approval to Authorize the Lake County Supervisor of Elections to Conduct the General Election for the Town (Kris Kollgaard)

Town Attorney Derek Schroth read the resolution by title only.

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Clerk's office). She stated that a request is being made by the Town Clerk to adopt Resolution No. 2014-107 which announces the qualifying dates for Town Commissioner candidates for the general election to be held on November 4, 2014. The qualifying period will begin June 16, 2014 at 12:00 noon and end on June 20, 2014 at 12:00 noon.

Ms. Kollgaard stated that in addition, a request is being made to authorize the Town Clerk to request that Emogene Stegall, Supervisor of Elections for Lake County, conduct the November 4, 2014 general election for the Town of Lady Lake. She stated two separate motions will be needed.

Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved Resolution No. 2014-107 – First/Final Reading – Declaration of Qualifying Dates for the Office of Town Commissioner for Wards Two and Four for the November 4, 2014 General Election by the following roll call vote:

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

Upon a motion by Commissioner Richards and seconded by Commissioner Hannan, the Commission approved the request for the Lake County Supervisor of Elections to Conduct the General Election for the Town, by the following roll call vote:

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

M. TOWN MANAGER'S REPORT:

Town Manager Kris Kollgaard asked the Commissioners for clarification on whether they wanted the plaque for the sidewalk project mounted after Phase II of the project is complete.

It was agreed by all that it would be after the project is complete.

In response to a question by Commissioner Hannan, Ms. Kollgaard stated she will meet with him regarding the use of IPADs and it will be discussed at another meeting.

N. MAYOR/COMMISSIONER'S REPORT:

Mayor Kussard asked if the Commissioners had anything to report.

Commissioner Hannan clarified that if Mr. Kusky comes back before the Commission, he can be afforded the three minute time limit under public comment.

Commissioner Richards thanked staff for their response to the comments regarding Chula Vista, including Police Department and Public Works staff.

Commissioner Hannan stated he and Mr. Pearl recently attended a seminar and were given information on new technology on 3D printers, which prints objects. He stated the technology is amazing.

Ms. Kollgaard stated there is a small 3D printer set up at the library and it will be used to educate children and hopefully keep them coming to the library during the summer.

O. PUBLIC COMMENTS^{iv}

Mayor Kussard asked if anyone had any further questions or comments.

- Judy Glasel of 121 Ricardo commented that the speed limit on Bichara Blvd. was dropped to 20 mph from 25 mph after several accidents occurred near the car wash. She stated that she has also recently reported some standing water/flooding problems on Avenida Central to the Public Works Director.

Town Manager Kris Kollgaard thanked Ms. Glasel for reporting this at an opportune time as Avenida Central will be resurfaced soon.

P. ADJOURN

There being no further discussion, the meeting was adjourned at 7:01 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

ⁱ Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.

ⁱⁱ This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.

ⁱⁱⁱ All items listed under consent are considered routine by the Town Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Town Commissioner so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.

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