

**MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
August 18, 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 Wayne Ogg – St. Albans Anglican Church (No show – Mayor Kussard called for a moment of reflection.)

- 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; John Pearl, I.T. Director; Chief Chris McKinstry and Jan Miller, Police Department; Joe Grubb, Public Works; 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. CONSENTⁱⁱⁱ:

- 1. Minutes – August 4, 2014 – Regular Commission Meeting**

- 2. Consideration and Approval of the Lake County Sheriff's Office Contract Amendment (Chris McKinstry)**

The background summary for this agenda item is on file in the Clerk's office. It states that on August 5, 2013, the Town Commission authorized the Town Manager to sign an agreement with the Lake County Sheriff's Office (LCSO) to provide dispatch services for Town law

enforcement on a dedicated channel. The quarterly cost under the agreement and payable to LCSO for dispatch services is \$72,845.31. Year to date, Lady Lake has shared a radio channel with Fruitland Park and LCSO, therefore, LCSO has agreed to reduce the final payment due from the Town by \$20,000 in accordance with the terms of the agreement. The Town Attorney has reviewed and approved this amendment.

Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved Consent Items #G-1 and #G-2, by a vote of 5 to 0.

H. OLD BUSINESS:

3. Update on the CDBG Stormwater Project in Skyline Hills (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 the CDBG Stormwater Project in Skyline Hills is well underway and nearing completion in a couple of weeks or so. He stated the work being performed on the new drainage system and sidewalks is significantly enhancing the neighborhood, along with the Habitat for Humanity houses being built in the same area. Mr. Eagle presented before and after pictures of the current project as an update to Town Commission, along with pictures of the new Habitat for Humanity homes which have replaced some derelict trailers in the area.

Commissioner Hannan asked if these new homes were site built, and Mr. Eagle replied that they were.

Mayor Kussard commented that she toured the area and there has been great improvement.

Commissioner Vincent asked how the utility poles came to be in the old concrete drainage areas.

Mr. Eagle replied that the utility company usually installs them right on the property line and drainage easement right of way can be five feet back; this project alleviated having the poles in the drainage area.

The Commissioners and Town Manager thanked Mr. Eagle; stating good job!

I. NEW BUSINESS:

4. Consideration and Approval to Purchase a Dedicated UPS for the Town Hall Server Room (John Pearl)

I.T. Director John Pearl gave the background summary for this agenda item (on file in the Clerk's Office). He stated that this project will provide redundant uninterruptable power for the Town Hall Server Room while continuing to provide non-redundant uninterruptable power for the Police Department facility. Mr. Pearl read the following information:

An uninterruptible power supply (UPS) is an electrical appliance that provides emergency power to a load when the input power source fails. A UPS differs from a standby generator in that it will provide near-instantaneous protection from power interruptions, by supplying power stored in batteries. The on-battery runtime of most UPS systems is relatively short (only a few minutes) but sufficient to provide the time necessary to start a standby power source. UPS systems are

also capable of protecting against common utility power problems including voltage spike and sustained overvoltage, reduction in voltage, noise, instability and distortion.

In 2008, the Town purchased a single UPS system for the Police Department. In 2011, the existing UPS electrical service was extended from the Police Department to the Town Hall Server Room. Currently, critical systems including all servers, data networking and storage equipment, data and physical security systems and the fire alarm systems are directly connected to the single UPS system which is in turn, connected to a large automatic transfer switch that provides either utility or generator power to the UPS. This configuration, while a step in the right direction is less than ideal as the UPS system itself and its various electrical components represent a single point of failure.

In fact, the current UPS system has failed on multiple occasions since its implementation, resulting in immediate power outage for all of the critical systems directly powered. These failure events have caused equipment damage (motherboards, hard drives, power supplies) as well as service disruption for staff in the office and patrol officers in the field. This project will provide a second or redundant UPS system for the Town Hall Server Room in order to remove the currently existing single point of failure. Additionally, the current batteries in the Police Department UPS are original equipment and have been identified for replacement during previous semi-annual preventative maintenance visits by our service company.

Ms. Pearl stated that the Town will utilize GSA pricing (GS-07F-9460) for this project, the contract was included in the packets and the cost for the project was included in the current 2014 fiscal budget (capital). The price breakdown was reviewed as follows:

\$15,913.57 UPS System
\$ 6,754.00 Battery Replacement
\$ 6,250.00 Electrical Installation
\$28,917.50 Total

Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved the Purchase a Dedicated UPS for the Town Hall Server Room, by a vote of 5 to 0.

5. Consideration of Waiving the Late Fees on the Lien for 207 Longview Avenue Recorded on September 2, 2004 (Kris Kollgaard)

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Clerk's Office). She stated that Terry Chance from Habitat for Humanity of Lake-Sumter contacted her regarding the property located at 207 Longview Avenue. Habitat is working with the owner to purchase the house, however, there is an old lien that was filed in 2005 for trash pick-up. Ms. Kollgaard stated that the current owner of the lot and Habitat had agreed on a tentative price prior to the discovery of this lien, and Habitat is asking the Town of Lady Lake to consider waiving the late fees of \$600.00 to hopefully allow them to reach an agreed upon purchase price. She stated that this consideration would only be for the purchase of the lot by Habitat for Humanity of Lake-Sumter FL.

Ms. Kollgaard reported that the total owed on the lien is \$2,744.69, and if this is approved by the Commission, the amount owed would be \$2,144.69, which would be paid when the sale goes through.

Commissioner Hannan stated that he is not in favor of waiving the late fees as the property owners were notified of this lien dating back to 2004.

Commissioner Richards stated that he is in favor of this since this is a purchase by Habitat for Humanity for a new home on the lot, and it will still pay for the garbage fees that are owned on the property.

Commissioner Holden and Commissioner Vincent agreed with Commissioner Richards.

Ms. Kollgaard commented that the Town will recoup the fees owed on the property and will not lose anything by waiving the late fee.

Upon a motion by Commissioner Richards and a second by Commissioner Vincent, the Commission approved to waive the late fees on the lien for 207 Longview Avenue recorded on September 2, 2004, contingent upon the purchase of the lot by Habitat for Humanity of Lake-Sumter FL, by a vote of 5 to 0.

6. Consideration and Approval of the Agreement to Utilize George Gideon Auctioneers, Inc. for the Surplus Vehicle Auction (Chris McKinstry)

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk's Office). He stated that staff is requesting approval to utilize George Gideon Auctioneers, Inc. on a trial/test basis for the sale of surplus vehicles. He stated that the Town currently uses an online auction services for surplus vehicles, but that George Gideon Auctioneers, Inc. would pick up the vehicles, and at time of sale, would title at their facility. Chief McKinstry stated that, in addition, the bid process for Gideon Auctioneers includes the buyer paying the premium, and the Town currently pays the premium.

Chief McKinstry stated the George Gideon Auctioneers, Inc. is an Orange County business and sales surplus equipment for a large number of local, state and federal agencies. He stated that utilizing this company would lessen the time Town staff contributes with regard to transfer of title and the buyer's acquisition of the vehicle. Chief McKinstry stated that if approved, George Gideon Auctioneers will provide the required insurance certificate, and that the Town Attorney has reviewed this agreement.

Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved the Agreement to Utilize George Gideon Auctioneers, Inc. for the Surplus Vehicle Auction, by a vote of 5 to 0.

7. Consideration and Approval to Accept the Donation of a Bicycle Education Trailer from the Florida Department of Transportation (FDOT) to the Town of Lady Lake in Support of the Safe Routes School Program (Chris McKinstry)

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk's Office). He stated that the Florida Department of Transportation (FDOT) has offered to donate to the Town a fully equipped Bicycle Education Trailer to be utilized in conjunction with the Safe Routes to School (SRTS) Program goals and other continuing public safety education initiatives within our community. The trailer will be equipped with 34 bicycles, two training wheels, seven PVC signs, 16 station markers, 18 traffic cones, a tire gauge and a safety DVD. Chief McKinstry stated that existing resources will be used to maintain and deploy the trailer at

preplanned Town and community events. He stated there has been an overwhelming positive response from the Villages Elementary School, as well as many local youth programs, regarding participating in bicycle safety programs with the Lady Lake Police Department. Chief McKinstry stated that Town Attorney Derek Schroth has reviewed this agreement, and the insurance provider was contacted by H.R. and has been approved if the donation is authorized by the Commission.

Commissioner Richards asked how the maintenance of the bicycles and storage trailer would be handled since #9 of the agreement states the Town will allow other local governmental agencies and non-government entities within the county to use them for SRTS program activities.

Town Manager Ms. Kollgaard replied that her assistant checked on this, and FDOT provides a free course that anyone who will use the trailer must take, and the local school has agreed to have a teacher certified so they can use it. Seminole County utilizes a trailer such as this and they stated they budget approximately \$1,000 per year for maintenance on the trailer and the bicycles. They stated that they normally tow the trailer to the location, but if someone else tows it, they must have insurance to cover it. Seminole County stated they would do it all over again, and that the trailer is used a lot by their schools, and the kids love it.

Commissioner Holden clarified that the trailer will be stored by the Town and someone wanting to use it will tow it to their location.

Chief McKinstry replied that the trailer will be stored at the Town's Public Works facility and the Town will most likely partner with others on community events and will tow the trailer to the event.

Ms. Kollgaard reiterated that as per the agreement, the Town must allow other agencies in Lake County to utilize the trailer. She stated the Town will keep track of how often it is utilized, but that the main plan is to utilize the trailer for Town events and to partner with the local elementary schools, the Boys and Girls Club, and to use it at other local events such as National Night Out.

Upon a motion by Commissioner Holden and a second by Commissioner Vincent, the Commission approved the Consideration to Accept the Donation of a Bicycle Education Trailer from the Florida Department of Transportation (FDOT) to the Town of Lady Lake in Support of the Safe Routes School Program, by a vote of 5 to 0.

J. TOWN ATTORNEY'S REPORT:

8. Ordinance No. 2014-06 – Second/Final Reading – An Ordinance of the Town of Lady Lake Amending Chapter 8, Licenses and Business Regulations, Article IX, Alarm Response, of the Code of Ordinances of the Town of Lady Lake, by Amending Section 8-196, Definitions; Amending Section 8-200, Responsibility for False Alarm; Amending Section 8-202, Appeal of False Alarm Fee (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the attached Ordinance No. 2014-06 amends Chapter 8, Licenses and Business Regulations, Article IX, Alarm Response. Changes to the False Alarm procedures are as follows:

Amending Section 8-196, Definitions:

The following text has been added under the definition of *False Alarm* to provide an exemption for the owner/lessee for accidental events, "Alarms which are triggered through events which are not a result of the actions of the owner/lessee, (including, but not limited to, lightning, electrical power line work or phone work) shall be exempt from this definition."

Amending Section 8-200, Responsibility for False Alarm:

Under this section, language has been repealed within Sec.8-200 (a) that requires a tenant or owner to travel to the property to deactivate the alarm system. Technology provides the ability in some cases to deactivate the alarm systems remotely, not requiring the individual to travel to the site to disable. However, deactivation must still occur within thirty (30) minutes of being notified.

Sec.8-200 (b) has been struck in its entirety, as a requirement for the owner to conduct an investigation and report the findings to the Town would be a redundant measure which duplicates the reporting actions of the Police Department in such cases.

Amending Section 8-202, Appeal of False Alarm Fee:

Amendments to this section include the provision for the appeal of a false alarm citation by the lessee or the owner. In addition the following language has been added, "If no appeal to the fee, or payment of the fee, has been received within thirty (30) days, a certified letter shall be delivered to the property owner with the statement of violation of the false alarm ordinance. A hearing before the Special Magistrate shall be scheduled at that time and the scheduled hearing date, time, and location shall be specified within the letter. The owner may appear before the Special Magistrate on that date to appeal the violation, or pay the fee prior to the meeting date to avoid administrative charges, if any, should they be found in violation by the Special Magistrate."

These changes provide a period of thirty (30) days for the appeal process or to make payment. Certified mail will only be sent in instances where payment or appeal has not been received. A majority of violators do comply upon initial notification by the police department, not requiring certified mail to be sent or the involvement of Code Enforcement. In cases where the thirty (30) days have elapsed, the case will then be turned over to the Code Enforcement Division and remain under their jurisdiction until payment is collected, or until at which time the case has been heard and dismissed by the Special Magistrate.

Mr. Carroll stated that the Town Attorney reviewed and approved Ordinance No. 2014-06 as to form on July 28, 2014. He stated that since the first reading, the Town Attorney suggested a modification to the language in Section 8-196 and Section 8-202 on August 5, 2014 which has been incorporated in the attached ordinance.

Mr. Carroll stated that in response to the questions that were unaddressed in the course of the August 4th Town Commission meeting, the following responses have been provided regarding the amount of collections for false alarm fees:

The charge for a false alarm is \$50; although the first four false alarms per year for each business are not assessed a fee. This fiscal year, the Town has collected \$2,700 in false alarm fees; an average of \$300 per month, or six false alarms per month. In 2013, the Town collected \$4,700 in

false alarm fees; an average of \$400 per month, or eight false alarms per month. In 2012, \$3,550 was collected in false alarm fees; an average of \$300 per month, or six false alarms per month.

Mr. Carroll stated that no prior boards or committees are required to review this ordinance prior to presentation to the Town Commission, and at first reading before the Town Commission on Monday, August 4, 2014, the Town Commission voted 4-1 for the approval of Ordinance No. 2014-06.

Upon a motion by Commissioner Richards and a second by Commissioner Vincent, the Commission approved Ordinance No. 2014-06 – Second/Final Reading – An Ordinance of the Town of Lady Lake Amending Chapter 8, Licenses and Business Regulations, Article IX, Alarm Response, of the Code of Ordinances of the Town of Lady Lake, by Amending Section 8-196, Definitions; Amending Section 8-200, Responsibility for False Alarm; Amending Section 8-202, Appeal of False Alarm Fee, 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>

K. TOWN MANAGER’S REPORT:

Town Manager Kris Kollgaard reported that she spoke with the Town Attorney regarding the Communication Services Tax confidentiality agreement, and that she and Mr. Schroth have received some information from the Department of Revenue that they cannot pass on due to the confidentiality agreement. She stated the Commissioners could also sign a confidentiality agreement so that this information can be passed on to them, however, they cannot pass the information on to anyone else.

Commissioner Richards asked if the information received includes identifying the number of accounts served and the total amount involved. He stated he is not asking the name of the companies involved, but asked if there is an audit being completed.

Town Attorney Derek Schroth replied that the DOR is taking a very strong position on the confidentiality provisions and that this information can only be disclosed to the Commissioners if they sign the confidentiality agreement as he and Ms. Kollgaard are doing. He stated an audit will be done, but it has not been completed yet.

The Commissioners agreed they will discuss this more at the budget meeting on Thursday, but that they have no problem with signing the confidentiality agreement.

Ms. Kollgaard reiterated that once the Commissioners sign the agreement, they can talk to the Town Manager or the Town Attorney one on one and review the documentation, but they cannot pass it on to the public.

Ms. Kollgaard reminded the Commissioners of the special meeting on Tuesday, August 19, 2014 at 3 p.m. for the conceptual presentation and the presentation of the Wastewater and Reuse Master Plan Study, and also for the budget workshop meeting on Thursday, August 21, 2014 at 4 p.m.

L. MAYOR/COMMISSIONER'S REPORT:

Commissioner Richards commented that the new homes being built in the historic side of The Villages in Lady Lake are very nice additions to the area.

Mayor Kussard stated she attended the Library Board meeting last Thursday and brought up the fees charged for the meeting rooms and the Community Building. The Board members discussed this and they agreed to continue to charge the rental fees to defray the costs of maintenance and clean-up, and they mentioned that they would like to discuss the possibility of increasing the fees at a future meeting as the fees have remained the same for some years.

Mayor Kussard stated the Town Manager brought up the issue of installing Wi-Fi in the Community Building, and the Board thought it was a good idea, but recommended waiting another year because of the decrease in the Communication Services Tax revenue and to see how things turned out with the budget.

Mayor Kussard stated she attended the National Night Out event on August 6th, and that it was an informative event and eight bikes were given away to excited children. She thanked Town staff for manning the booths.

Commissioner Richards apologized for missing the event.

Mayor Kussard announced that the Town Manager received an award of a plaque for her service with the Kiwanis Club at a recent meeting.

Town Manager Kris Kollgaard stated she was awarded a very nice plaque for her dedication in improving Lady Lake.

M. PUBLIC COMMENTS^{iv}

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

N. ADJOURN: There being no further discussion, the meeting was adjourned at 6:37 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.

^{iv} 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.