

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

**April 4, 2016**

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**
- D. INVOCATION<sup>i</sup>:** Rev. Jerry Montgomery, Immanuel Baptist 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; Chris McKinstry, Police Chief; Mike Burske, Parks and Recreation Director; Marsha Brinson, Library Director; and Nancy Slaton, Deputy Town Clerk

**F. PUBLIC COMMENTS<sup>ii</sup>**

Mayor Kussard asked if there were any comments at this time.

- Larry Edwards of 171 Palermo Place took this opportunity to ask if the Town could put any pressure on the county to have Rolling Acres Road widened to four lanes between US Hwy 27/441 and CR 466. He stated it is not currently adequate for the volume of traffic that it tries to handle, and that he understands that it is a county road and out of Lady Lake's jurisdiction. Mr. Edwards asked if there could be a business moratorium until there are signed plans to have the road widened. He also commented that if CR 466-A can be widened in Fruitland Park, perhaps Lady Lake can have something done.

Town Manager Kris Kollgaard took a moment to welcome Councilman Peter Tarby from Umatilla who was present in the audience.

Commissioner Hannan asked if there was a response to Mr. Edwards' comments.

Ms. Kollgaard replied that she has spoken with Mr. Edwards and also with the county. She stated the Town submits the widening of Rolling Acres road as a top priority every year to the county, but the problem is that there are not currently enough funds available in this district. She stated the county is looking at different ways to increase their funds.

Commissioner Richards also stated that the widening of Rolling Acres Road is on the Lake-Sumter Metropolitan Planning Organization's list of priorities, but that Lake County passed up the opportunity to collect additional funds when they decided not to collect impact fees on housing. He also stated that the widening of CR 466-A in Fruitland Park is being done by The Villages with impact fee monies and reimbursed back to them. He stated they also received approximately \$2 million from the state because it was a priority of The Villages. Commissioner Richards commented that Lady Lake does not have the same sway in Tallahassee as some others. He stated that in regard to the business moratorium for Rolling Acres, if any development tries to go into that area, a traffic study would be done and it would preclude any more development on that particular road, although it would not cover the other roads as they are at capacity.

In response to a question from the audience, Commissioner Richards stated that a traffic study has already been done for Rolling Acres Road and that the Town has done everything it can to get the project on the books, other than supplying the monies.

**G. PROCLAMATIONS:**

**1. Proclaiming the Week of April 10-16, 2016 as National Library Week (Mayor Kussard/Marsha Brinson)**

Mayor Ruth Kussard read the proclamation proclaiming the week of April 10-16, 2016 as National Library Week. She presented the proclamation to Library Director Marsha Brinson.

**2. Proclaiming the Month of April 2016 as Water Conservation Month (Mayor Kussard/C.T. Eagle)**

Commissioner Jim Richards read the proclamation proclaiming the month of April, 2016 as Water Conversation Month. He presented the proclamation to Public Works Director C.T. Eagle.

**3. Proclaiming the Month of April 2016 as Child Abuse Prevention Month (Mayor Kussard)**

Mayor Ruth Kussard read the proclamation proclaiming the month of April, 2016 as Child Abuse Prevention Month.

**H. CONSENT<sup>iii</sup>:**

Mayor Kussard asked if there were any questions or comments on the Consent items. She asked that Item #H-6 be pulled for discussion.

**4. Minutes – March 21, 2016 – Regular Commission Meeting**

**5. Consideration to Host the Annual Driving Range Volunteers Lunch at the Parks and Recreation Building on April 19, 2016 (Mike Burske)**

The background summary for this agenda item is on file in the Clerk's Office. It states that the Lady Lake Driving Range has held a luncheon for the volunteers of the facility on an annual basis. Over the last couple of years, the Driving Range has utilized the Parks and Recreation Building for the ability to still hold the event without fear of weather being a factor. They utilize tables and chairs from Public Works and Parks and Recreation. The Driving Range supplies all of the food and drinks, and invites the range volunteers and many from the Town who assist them at the range. The event is scheduled for April 19, 2016. They will use a grill in the fenced area of the building compound. The Driving Range begins preparing food in the morning and starts serving around 11:00 a.m.

**7. Consideration of Mutual Agreement/Renewal for Sanitary Sewer Rehabilitation Services (C.T. Eagle)**

The background summary for this agenda item is on file in the Clerk's Office. It states that the Town identified a number of projects within the 2014 Wastewater & Reuse Master Plan. One of the priority projects was the implementation of a sanitary sewer rehabilitation program to rehabilitate a small number of concrete structures each year until completed. The mutual agreements proposed "piggybacks" the Palm Beach County contract that has been extended until January 2017 and the City of West Palm Beach contract which is effective until November 2017. The combination of the two contracts cover the extent of work required for this year's project. An estimated amount of \$98,267 was budgeted for FY 2015-16. The proposals' total amounts are \$113,570.43, with \$145,030.95 available budget funds in that line item to cover any additional costs that may arise during the project.

*Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved Consent Items #H-4, #H-5 and #H-7 by a vote of 5 to 0.*

**6. Consideration of the Second Extension to the Sewer & Water Utility Agreement for Village Veranda at Lady Lake, LLC, to Provide for an Additional Six (6) Months to Obtain a Building Permit and Reserve the Utility Capacity Already Purchased for the Development (Thad Carroll)**

The background summary for this agenda item is on file in the Clerk's Office. It states that on April 6, 2015, the Town Commission approved the Sewer & Water Utility Agreement between the Town of Lady Lake and Village Veranda at Lady Lake, LLC ("Developer"), in the amount of \$79,407.00, for the provision of 17 water equivalent residential units (ERUs) and 17 sewer ERUs, for the development of a 90 bed independent living facility, a 40 bed memory care facility, and 22,000 sq. ft. of commercial support uses to be developed in three phases.

Subject to the terms and conditions of the Sewer & Water Utility Agreement between the developer and the Town of Lady Lake executed on April 6, 2015, in Section 2 the language states, "Should Developer not obtain a building permit to initiate construction of the Developer's project noted above within 180 days of the date this Utility Agreement is approved by Commission, the capacity herein reserved will be forfeited and all money paid to reserve capacity shall also be forfeited. Should Developer fail to obtain a building permit within 180 days of the date this Utility Agreement is approved by Commission, Developer agrees to release any and all claims against the Town for a return of any of the money paid to reserve capacity."

On October 19, 2015, the Town Commission granted an extension of six months in response to a request to allow more time to finalize the construction plans and secure building permits for

construction; that extension expires on April 3, 2016. In accordance with Chapter 7, Section 10 b) 3)., the Town Commission may grant one or more extensions not to exceed two years.

At this time, Village Veranda at Lady Lake, LLC is requesting the second extension of the agreement for an additional six months to allow more time to finalize the construction plans and secure building permits for construction of the facility. Greg Beliveau, of LPG Urban & Regional Planners, Inc. has provided a letter dated March 24, 2016, requesting the extension. The extension would be valid through October 3, 2016.

The site plan for the project was approved by the Town Commission on March 2, 2015, and all ERUs have been purchased for the project in the amount of \$79,407.00. The Town of Lady Lake has not increased the charges per ERU for sewer, water, or reuse since the execution of the original agreement. Failure to approve the extension will result in a forfeiture of the reserved capacity, as well as all fees paid. Staff recommends approval of the amendment as presented.

Mayor Kussard voiced her concern that this is the second extension to this agreement and only one more extension would be allowed under the terms of the agreement. She stated she would not like to see the developer lose the monies that have already been paid (\$79,407.00). She asked how close the developer is to getting all the necessary permits for the development.

Greg Beliveau replied that the developer has already filed for their permits, and does not want to lose this money either. He stated they have also expended more money by participating in upgrading the lift station at the spa as they plan to tie into it, and are actively looking for other trustworthy financial partners. Mr. Beliveau stated they have had architectural renderings done and have met with staff and hope to move this forward.

Commissioner Hannan asked if this project will go down the tubes if the developer does not get funding.

Mr. Beliveau stated the developer is still expending money to keep this project alive and is making every effort to find a partner.

*Upon a motion by Commissioner Vincent and a second by Commissioner Richards, the Commission approved Consent Item #H-6 by a vote of 5 to 0.*

**I. OLD BUSINESS:** No old business.

**J. NEW BUSINESS:**

**8. Consideration of Approval for an Open House at the Lady Lake Public Library on April 15<sup>th</sup> to Celebrate National Library Week, April 10-16, 2016 (Marsha Brinson)**

Library Director Marsha Brinson gave the background summary for this agenda item (on file in the Clerk's office). She stated that National Library Week is celebrated every year to highlight the importance of public libraries to the community, and this year, the theme is "Libraries Transform". She stated that the Lady Lake Library is in the process of transforming itself to help improve the lives of our patrons through programs, classes, technology and a first rate collection of materials. Ms. Brinson stated that if approved, the library will host an Open House with library tours, informational handouts, displays and giveaways on Friday, April 15<sup>th</sup>, from 2:00-6:00 p.m. Light refreshments will be offered and paid for by the Friends of the Library. Ms. Brinson invited the Commissioners and the public to attend and see everything that the Lady Lake Library has to offer.

*Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved the Open House at the Lady Lake Public Library on April 15<sup>th</sup> to Celebrate National Library Week by a vote of 5 to 0.*

**9. Consideration to Allow SECO Power to Install a New Light at the Lady Lake Driving Range for Added Security (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 Lady Lake Driving Range is seeking permission to have SECO install a new security light near their storage for heavy equipment and fuel as their gas tank has been broken into in the past and their present light defeated. He stated that the new security light will be a very bright unit that will light the area where the equipment is stored. The Driving Range will pay for the installation of the new security light and the monthly bill for the light.

*Upon a motion by Commissioner Holden and a second by Commissioner Richards, the Commission approved the consideration to allow SECO Power to install a new light at the Lady Lake Driving Range for added security by a vote of 5 to 0.*

**K. TOWN ATTORNEY'S REPORT:**

**10. Resolution No. 2016-103 – First/Final Reading – A Resolution of the Town Commission of the Town of Lady Lake, Florida, Adopting The Lake County Multi-Jurisdictional Hazard Mitigation Plan (Thad Carroll)**

Town Attorney Derek Schroth read the resolution 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 on March 21, 2011, the Town of Lady Lake adopted the 2011-2016 Lake County Multi-Jurisdictional Hazard Mitigation Plan. He stated that since the plan was only valid through February 4, 2016, Lake County recently revised the plan in cooperation with participating municipalities of Lake County to develop the necessary plan, policies, and procedures to effectively plan and develop projects to protect the citizens of Lake County. Lake County adopted the plan on February 2, 2016, and now all participating municipalities can proceed with adopting the resolution.

A Local Mitigation Strategy (LMS) is a plan developed by the county to reduce and or eliminate the risks associated with natural and man-made hazards. These plans must be in accordance with the Disaster Mitigation Act of 2000 (DMA 2000). DMA 2000 is a mechanism for collaboration between state and local entities that encourages pre-disaster planning, recognizes need for mitigation, and designates funding for projects through Federal grant opportunities. Overall, the Lake County Local Mitigation Strategy Plan attempts to reduce some of the risk associated with hazard by implementing projects within Lake County and municipalities. The Federal Emergency Management Agency claims that for every dollar spent on a mitigation project, the benefit will be that four dollars is saved by the recipient in the long term. The Local Mitigation Strategy (LMS) is intended to be a framework for documenting the activities of the LMS working group and the future mitigation activities within Lake County.

It is Town staff's understanding that if the Town chooses not to adopt the plan, the Town could position itself as to be ineligible for funding when it comes to certain grants or assistance from FEMA during times of disasters.

Mr. Carroll stated that the plan will be updated again in a couple of years, and asked that the Commission approve this plan as prepared.

Mayor Kussard asked if the Commissioners or anyone from the audience had any questions, and hearing none, asked for a motion.

*Upon a motion by Commissioner Holden and seconded by Commissioner Vincent, the Commission approved the first/final reading of Resolution No. 2016-103 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>

**11. Resolution No. 2016-105 – First/Final Reading – Safe Routes to School LAP Project #FPN 433200-1-58/68-01; Authorizing the Mayor to make, execute, and deliver to the State of Florida Department of Transportation the Local Agency Program Agreement for Project #FPN 433200-1-58/68-01 (Mike Burske)**

Town Attorney Derek Schroth read the resolution by title only.

Parks and Recreation Director Mike Burske reported that this resolution is required before the Local Agency Program agreement from is accepted, which is the next agenda item. He stated this resolution brings the Town into the partnership for the Safe Routes to School LAP agreement.

Mayor Kussard asked if the Commissioners or anyone from the audience had any questions, and hearing none, asked for a motion.

*Upon a motion by Commissioner Richards and seconded by Commissioner Hannan, the Commission approved the first/final reading of Resolution No. 2016-105 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>

**12. Consideration to Accept and Sign the Local Agency Program Agreement from F.D.O.T. District 5 for Construction Engineering and Inspection (CEI) Services and the Construction of the Villages Elementary School Sidewalks at CR25 through the Safe Routes to School Grant Program (Mike Burske)**

Town Attorney Derek Schroth stated this is the actual agreement with F.D.O.T. concerning District 5.

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Clerk's office). He stated that this LAP Agreement is for \$341,798.00 of grant funding through the Safe Routes to School Grant; also known as Phase II of the project as a whole, and will include Oak Ave and CR 25. This document is for the Construction Engineering and Inspection (CEI) Services, along with the construction of the sidewalks.

Mr. Burske stated that the CEI services are estimated by FDOT to cost \$45,000.00, and Town staff has estimated the services to be \$45,845.00. He stated that FDOT will only fund up to \$45,000.00 for these services and anything over that will have to be paid by the Town, and that the Town will not know the actual cost until we negotiate with the potential firm. Mr. Burske stated that FDOT expects the construction to cost \$296,798.00, and once again, if it comes in over this, the Town will have to pay for the additional expense. He stated he was able to negotiate with F.D.O.T. to raise their funding by nearly \$35,000.00 in the last month and is confident that the money awarded will cover the costs. He stated the total is unknown until the bids are in for construction and the Town has negotiated with a CEI firm.

Town Manager Kris Kollgaard commented that if all the bids come in too high, the Town Commission can choose to not continue with Phase II, although she stated she does not believe there will be a problem with it.

Mayor Kussard asked if the Commissioners or anyone from the audience had any questions.

Greg Beliveau spoke up from the audience, stating his wife teaches at the Villages Elementary School; he asked if he could get a map of the area where the sidewalks are slated to go.

Ms. Kollgaard stated staff will email a map to him tomorrow morning.

*Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved the consideration to accept and sign the Local Agency Program Agreement from F.D.O.T. District 5 for Construction Engineering and Inspection (CEI) Services and the construction of the Villages Elementary School Sidewalks at CR25 through the Safe Routes to School Grant Program by a vote of 5 to 0.*

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

**13. Consideration of Three Reappointments to the Library Board (Kris Kollgaard)**

Town Manager Kris Kollgaard read the background summary for this item (on file in the Clerk's Office). She stated that the terms of three Library Board members are expiring this month: James Page, Dorothy Grubb and Dr. Paul Harsh, and all three wish to be reappointed. There are no other current applications on file for this board.

The Commissioners were asked to make their selections. The following results were read into the record and tallied:

*James Page received five votes (Commissioner Hannan, Commissioner Holden, Commissioner Vincent, Commissioner Richards and Mayor Kussard).*

*Dorothy Grubb received five votes (Commissioner Hannan, Commissioner Vincent, Commissioner Richards, and Mayor Kussard).*

*Dr. Paul Harsh received five votes (Commissioner Hannan, Commissioner Holden, Commissioner Vincent, Commissioner Richards and Mayor Kussard).*

*As a result, Mr. Page, Ms. Grubb and Dr. Harsh were reappointed as members of the Library Board.*

**14. Consideration of Two Appointments/Reappointments to the Economic Development Advisory Committee (Kris Kollgaard)**

Town Manager Kris Kollgaard read the background summary for this item (on file in the Clerk's Office). She stated that two members of the Economic Development Advisory Committee have terms expiring this month. They are Sue Nord and Frank Kirschenheiter and both would like to be reappointed. There is also one application on file by Gil Pierson for consideration.

Commissioner Hannan asked if Mr. Pierson has applied for any other boards. He stated that he was on another board and is a good person, and it would be good if he could apply for another board.

Ms. Kollgaard confirmed that he was on a previous board.

Commissioner Richards stated Mr. Pierson has since moved out of town.

The Deputy Town Clerk commented that Mr. Pierson is only eligible to participate on the Economic Development Advisory Committee since he no longer lives in town (still works in town).

The Commissioners were asked to make their selections. The following results were read into the record and tallied:

*Sue Nord received five votes (Commissioner Hannan, Commissioner Holden, Commissioner Vincent, Commissioner Richards and Mayor Kussard).*

*Frank Kirschenheiter received four votes (Commissioner Hannan, Commissioner Vincent, and Commissioner Richards).*

*Gil Pierson received one vote (Mayor Kussard).*

*As a result, Sue Nord and Frank Kirschenheiter were reappointed as members of the Economic Development Advisory Committee.*

**15. Consideration of Purchasing Informational Magnets from New World Graphics (Kris Kollgaard)**

Town Manager Kris Kollgaard read the background summary for this item (on file in the Clerk's Office). She stated that staff is requesting to purchase 10,000 4"x7" emergency information magnets featuring useful numbers for the public. The magnets will contain important contact numbers essential for all residents to have on hand in case of an emergency and will include the police, Town offices, and frequently requested numbers in the area. The price of the magnets will depend on the size and quantity ordered. Ms. Kollgaard reported that staff contacted four vendors for pricing and New World Graphics was the least expensive, costing \$418.00 for 10,000 magnets. She stated the magnets will be available at Town Hall, the library, the police department and at various Town activities, and that the Clerk's Office receives many calls for these types of numbers.

Commissioner Vincent asked if the magnet will include the non-emergency number for the police.

Ms. Kollgaard replied that it would.

Commissioner Holden asked how the magnets will be distributed.

Ms. Kollgaard replied that the magnets will be distributed at different events, and will be available at Town Hall, and during Commission meetings.

Commissioner Hannan asked if the Commissioners could get some to hand out to their constituents.

Ms. Kollgaard replied that they could.

Commissioner Richards asked which operating budget the cost of the magnets will come out of.

Ms. Kollgaard stated there are funds currently available either in the Clerk's Office or the Town Manager's budgets.

***It was the consensus of the Commissioners to approve the purchase of informational magnets by a vote of 5 to 0.***

Ms. Kollgaard stated that she requested from staff last year that each department come up with a standard operating procedure manual (SOP). She used the Clerk's Office manual as an example, stating that anyone coming in could follow the instructions to do any job in that department. She stated it is still a work in progress for some departments, and each department will keep them updated as necessary. Ms. Kollgaard stated the procedures are proving to be very valuable in helping to cross-train staff.

Commissioner Vincent stated this is a great idea as information known by long-standing employees could be lost if they left unexpectedly.

Ms. Kollgaard reminded the Commissioners to leave their tablets with the Deputy Town Clerk so they can be updated by I.T. staff this week. She reported that the changes to the LDRs regarding signs will be brought to the Planning and Zoning Board in May, and to the Commission for first reading by the last meeting in May, and for second/final reading at the first meeting in June. She stated that the CAFR presentation will be made at a 5:15 or 5:30 p.m. meeting prior to the Commission meeting on April 18<sup>th</sup>, if the Commission approves.

#### **M. MAYOR/COMMISSIONER'S REPORT:**

Commissioner Hannan presented Chief Chris McKinstry with police patches, which he exchanged with Lady Lake police patches, during his recent travels to Hungary, Austria, the Czech Republic and Slovakia. He read a prepared excerpt revealing where the patches came from and how he received them: two patches came from Linz, Hungary; one from Vienna, Austria; one from Bratislava, Slovakia; and one from Prague, Czech Republic. He stated he lost a patch from one of his favorite cities he visited, Ceske Budejovice in South Bohemia, Czech Republic, and he has emailed the hotel manager where he stayed to request that they ask their police department to provide another patch.

Chief McKinstry thanked Commissioner Hannan for the patches and stated he was glad he made it home safely. He passed them around to the Commissioners for viewing at the Town Manager's request.

**N. PUBLIC COMMENTS<sup>iv</sup>**

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

**O. ADJOURN:** The meeting was adjourned at 6:45 p.m.

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Kristen Kollgaard, Town Clerk

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Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

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<sup>i</sup>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.

<sup>ii</sup> 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.

<sup>iii</sup> 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.

<sup>iv</sup> 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.