

**MINUTES OF THE SPECIAL WORKSHOP MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
April 17, 2017**

The Special Workshop 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 Jim Richards presiding. The meeting convened at 4:30 p.m.

1. CALL TO ORDER

- 2. ROLL CALL:** Ruth Kussard, Commissioner Ward 1
Tony Holden, Commissioner Ward 2
Dan Vincent, Commissioner Ward 3
Paul Hannan, Commissioner Ward 4
Jim Richards, Mayor/Commissioner Ward 5

STAFF MEMBERS PRESENT: Kris Kollgaard, Town Manager/Town Clerk; Derek Schroth, Town Attorney; Chief Chris McKinstry, Police Department; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Marsha Brinson, Library Director; Tia O’Neal, Human Resource Director; Pam Winegardner, Finance Director; and Nancy Slaton, Deputy Town Clerk

Others Present:

3. Update Regarding Pension Plans (Kris Kollgaard)

Kris Kollgaard, Town Manager, stated that she has been doing research regarding the possibility of switching to the Florida State Retirement system (FRS) defined benefit plan versus the Town’s current defined benefit plan. However, she stated she found out last week from Kevin Stone, the Town’s Police Pension Board attorney, that a bill has been filed in the Senate to take affect retroactively to January 1, 2017, if approved, and it will no longer allow governmental entities to participate in the defined benefit plan; they could only participate in the defined contribution plan. Ms. Kollgaard stated she was going to ask the Commissioners for approval to pay the actuary to do a comparison of how much an officer would bring home in retirement if they were retiring from the Town’s defined benefit plan versus what they would bring home if they were enrolled in the FRS.

Mayor Richards stated the FRS defined contribution plan is an investment plan, but you would only get out what was in the plan depending on how well the investments do, and there would be no assurance of what someone would get when they retired.

Commissioner Kussard suggested that staff and the Commissioners should monitor the legislation to see what the outcome of this bill is before making a decision.

Commissioner Hannan asked whether some more homework could be done while waiting.

Ms. Kollgaard replied that if this bill passes, then the Town would only be able to participate in a defined contribution plan, and it would be a waste of funds to have the actuary move forward in this case. She stated she does not believe the officers would want to join the FRS for a defined contribution plan as what they have now with the Town is much better. Under the bill for the FRS,

the officers would have a choice to stay in their current plan or join the FRS defined contribution plan; thus the Town would still have to keep the current pension plan active.

Commissioner Kussard commented that in that scenario, there could be less contributions to the Town's current plan, and the Town would no longer get the state check each year for the insurance premiums.

After further discussion, it was the consensus of the Commission to monitor the legislation regarding this bill before moving forward.

Commissioner Holden asked for clarification regarding Commissioner Kussard's earlier statement.

Commissioner Kussard stated that with the current pension plan, officers contribute, the Town contributes, and the state contributes. She stated if the Town decided to join FRS, the Town would no longer receive the state monies because some officers may choose to be in the FRS fund and some may stay in the Town's pension plan.

Ms. Kollgaard clarified that the state currently contributes funds for the frozen insurance premiums.

Commissioner Holden asked how much the state contributes versus what the Town contributes.

Ms. Kollgaard asked the Finance Director how much the state contributed last year, and she replied that the state check was approximately \$101,000 this past year. She stated the Town puts in a percentage of payroll, but she did not have the figure available at this time.

4. Discussion of Projects for FY 2017/18 (Kris Kollgaard)

Town Manager Kris Kollgaard handed out a proposed project list for FY 2017/18, as well as a project list for FY 2018/19. She stated that staff is planning ahead and the Town has a fund set aside from reserves for special projects. More funds will be added and she proposed that these projects be funded from this.

The interior build-out for the library second floor is currently being considered for the MPO offices, although staff is awaiting assurance from the MPO Board that they want to continue with their plans to move. Ms. Kollgaard stated that even if the MPO decides against moving forward, she would like to go ahead and complete the ceilings and the hall, and this would lower the electric bills.

Mayor Richards asked if library impact fees could be used for this since the library would be using the rooms even if the MPO decides not to.

Ms. Kollgaard replied that she has confirmed with the auditor that there is \$54,000 in library impact fees that are eligible to be used, along with \$200,000 from the special fund, to do as much as possible toward this project. She stated if the MPO does decide to lease office space in the library, she estimates the Town would do a contract with them for approximately \$4,000/month for two years before the price dropped down somewhat. The Town could then recoup approximately \$90,000 of the funds expended.

Ms. Kollgaard reported that the \$20,000 budgeted last year for updating the Town's web site was not used and was put in reserves; it is slated to be completed this year. She stated the Driving Range parking lot paving was approved and is underway, and staff would like to fund it from the

special fund in reserves rather than contingency. This will allow funds from contingency to be used for the security cameras installed by Aztek.

Ms. Kollgaard stated that the engineering for the proposed new utility building could be done this year using monies from the special reserve funds, and then the construction phase for the utility building will be in the next fiscal year. She stated the renewal period will have started for the infrastructure sales tax and the Town can use these funds for completion of the building rather than a construction loan.

Commissioner Vincent asked about the proposed pole barn.

Ms. Kollgaard stated she has met with the public works director and facilities staff, and they have discussed putting up a pole barn to house very large equipment such dump trucks, tractors, back hoes, and accessories, per the public works director. She stated some large equipment would be housed on the first floor of the new utility building, but the balance of extremely large equipment could be covered by a 40'x60' pole barn at a quote of \$87,560.00.

Commissioner Vincent agreed that it is hard to beat the amount of square feet of storage available in a pole barn for the price.

Mayor Richards stated that it is not a bad price although it excludes some items such as site work and electrical.

Commissioner Kussard asked how the pole barn would be funded.

Ms. Kollgaard replied that it would come out of the special fund, or excess reserves. She mentioned that any vehicles awaiting service could be housed in the pole barn, out of the sun, as well.

It was the consensus of the Commission to move forward with the pole barn and the engineering of the utility building.

Ms. Kollgaard reviewed the project list for FY 2017/18. It included updating the Youth Library by replacing flooring, painting, and moving the circulation desk for better site lines, for approximately \$25,000 out of budgeted funds. She stated new monitors for the Commission Chambers is on the list for approximately \$30,000 from the special fund if the Commissioners choose to do this.

Commissioner Hannan stated his monitor is fuzzy, however, the other Commissioners stated they did not use their monitors as much since they have the tablets.

Ms. Kollgaard stated Commissioner Hannan's monitor could be swapped out, and she took this project off the list. She stated the new utility building is on the list for next year.

Ms. Kollgaard stated that Benchmark is prepared to develop the property across the street and staff has discussed working with the developer to have them extend the sewer line (dry line) from Fennell Blvd. to Griffin Ave. while they are running their lines to Fennell. The Town would reimburse them for it, possibly out of impact fees.

The Commissioners were in agreement, and Commissioner Holden stated the Town needs to push all subdivisions to connect to sewer.

Commissioner Hannan asked if any of the property was part of the rail bed, or if Mr. Fennell owned it.

Ms. Kollgaard stated she believes Mr. Fennell owns it; at least the property near the corner.

Mayor Richards stated he installed the sewer line under the overpass when he was Public Works Director, and the state owned it at that time, and it was part of the old railroad bed under the overpass. He stated he did not know how far down toward Griffith it went.

Ms. Kollgaard stated future projects include paving the Oak Street and Clay Avenue extensions using the special fund and/or infrastructure surtax funds. She stated a new community building will be needed in the future, as well as new software. She stated that the Youth Library roof repair of polyurethane coating needs to be finished off with some tiles, etc., and may be coming before the Commission in the upcoming fiscal year.

Commissioner Hannan asked about the new software.

Ms. Kollgaard replied that staff is hoping to replace the HTE software that is used by utilities, occupational licensing, etc., but not police use.

Commissioner Holden asked how long it has been since the wood decking was replaced at the log cabin. He stated he believes it has been five to seven years and it may be ready for another coat of stain.

Commissioner Hannan stated there is a coating in a sand finish that is slip resistant and has a ten-year warranty that staff should look into.

Ms. Kollgaard stated she will add this to the project list.

5. Discussion of Possible Parking Ordinance (Kris Kollgaard/Chris McKinstry)

Ms. Kollgaard stated the main problem the Town had before regarding the parking ordinance was the enforcement of it and processing citations. She asked Chief McKinstry to give the background summary for this item.

The proposed Ordinance text that would amend the parking regulations for various violations was included in the packet for the Commissioners' consideration. The background information for this agenda item (on file in the Clerk's Office) is as follows:

Police Chief Chris McKinstry stated that the Town does not currently have any process in place to issue parking citations or adjudicate violations. Parking violations are a consistent complaint from residents and a source of frustration for both residents and our police officers when blatant violations go unresolved. He stated that this ordinance will allow an officer to ticket a vehicle. At this time, an officer can only ticket a driver, if he/she can be found.

There are two municipalities within Lake County (Mount Dora and Groveland) that currently utilize the services of the Lake County Clerk of the Court for parking violation hearings and delinquent collections. I contacted the Clerk's Office and was informed of the following process currently in use:

The Lake County Clerk's Office charges a statutory fee (FS§ 34.045) of \$10.00 for filing each case the municipalities send as "default". A default case would be any case in which a fine has not been paid within the time allotted. To cover the filing fee, an escrow account would be established with the Clerk's Office. There is no minimum set amount. The Town could start with \$100.00 in escrow. For each sustained violation, the Clerk's Office charges an additional \$10.00 fee to the fine amount established by the municipality ordinance. The late fee is assessed to the violator and returned to the Town. This return is basically to refund the filing fee. In the event a Hearing Officer finds that the Town issued a parking citation improperly, the Town would be required to pay a \$40.00 fee. Chief McKinstry stated the clerk has said that this has not happened thus far.

The Police Department currently utilizes TRACS software for traffic citations and has the ability to create and print parking tickets on that existing software at no additional cost. The only initial expense incurred would be the purchase of pre-printed envelopes for parking violation notices.

Commissioner Kussard asked about enforcing parking on private property. She stated that Spanish Springs is private property.

Chief McKinstry replied that his department cannot enforce parking regulations on private property, however, Spanish Springs is public access. It is the Attorney General's opinion that they can enforce traffic laws anywhere the public has a right to travel.

Mayor Richards stated Janet Tutt of The Villages is present; he asked if she would like to speak on this issue.

Ms. Tutt clarified that all property outside the building footprints in Spanish Springs is public, including the sidewalks, streets, and parking lots. She stated the Villages Community Center Development District owns the buildings, and they received authority under Chapter 190 to begin the process for parking enforcement, but it would be a very complicated and cumbersome process for the VCCDD. Ms. Tutt stated once she was aware that the Town was working on this, they stopped their efforts as it would be a duplication of government services. She stated that all public access is turned over to the VCCDD once construction is completed, and then the VCCDD taxes the property owners for the maintenance and the operation of the infrastructure.

Mayor Richards stated the ordinance appears to be well written.

Ms. Kollgaard stated that the draft ordinance will go to the Town Attorney for review, and will then come before the Commission for two readings and will allow for public input. She stated if it passes, the Town can try it for a year, and then review the report on how effective it has been and what it may be costing the Town, if anything.

Commissioner Hannan asked Chief McKinstry if this will be a burden on the officers.

Chief McKinstry replied that being able to enforce parking will be a relief to the officers because they will be able to do something about it when people are complaining.

Commissioner Vincent asked if they will be able to ticket golf carts as well.

Chief McKinstry replied that they cannot issue a ticket to a golf cart if it not a registered vehicle, but they can issue a state citation to an occupant of a golf cart if it is parked illegally. He stated part

of this ordinance concerns impounding vehicles. A golf cart by statute is considered a vehicle, and if it is obstructing traffic, then it can be towed under this ordinance.

Proposed Text Amendments:

ARTICLE II: STOPPING, STANDING, PARKING

Section 17-28 - Prohibited parking in specified places.

- (a) No person shall stop a vehicle, stand a vehicle or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:
- (1) Within fifteen (15) feet of a fire hydrant;
 - (2) Within a designated fire lane;
 - (3) Within an intersection;
 - (4) On a sidewalk;
 - (5) On a crosswalk;
 - (6) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite such station, if prohibited by a sign;
 - (7) In front of a public or private driveway;
 - (8) Within twenty (20) feet of a crosswalk at an intersection;
 - (9) Outside the lines or markings painted or placed upon the curb and/or upon the street or in parking lots or to park a vehicle in such a position that the vehicle shall not be entirely within the area so designated for parking by such lines or markings;
 - (10) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - (11) When any vehicle is left unattended upon any street where such vehicle constitutes an obstruction to traffic;
 - (12) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;
 - (13) Upon any public street, highway, right-of-way, public parking lot, public property, or private property where the public has the right to travel by motor vehicle, for the principal purpose and intent of:
 - a. Displaying the vehicle for sale, hire, or rental;
 - b. Painting, washing, servicing, greasing, or repairing such vehicle, unless the repairs are of an emergency nature;
 - c. Displaying advertising thereon or therefrom;
 - d. Selling merchandise therefrom, unless specifically authorized by the town; or
 - e. Storing, junking, abandoning, or dead storing such vehicle.
 - (14) Upon a two-way roadway without the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or edge of the roadway.
 - (15) At any place that is designated as a handicapped parking place for handicapped persons, unless and except when said vehicle is duly permitted for parking therein by virtue of the fact that there is a handicapped occupant
 - (16) When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reason
 - (17) At any place where official traffic control devices prohibit stopping
- (b) No person shall move a vehicle not owned by or in charge of such person into any such prohibited area, as enumerated in subsection (a) of this section.
- (c) Nothing in this section shall be construed as prohibiting the chief of police and the town manager or the town commission from designating loading and unloading zones, bus stops, taxicab stands, or other similar zones.

(d) This section shall not apply to vehicles involved in a traffic crash which causes the vehicles to be in violation of this section, unless the vehicle remains in violation of this section after a reasonable amount of time for correction as established by the officer investigating the crash.

Sec. 17-29 - Violations and enforcement.

(a) Any person violating this part shall pay the fine designated on the citation, as established by the following schedule, which may be amended from time to time by resolution adopted by the town commission:

- (1) Handicap parking, \$250.00.
- (2) Fire hydrant and fire lane/zone violations, \$35.00.
- (3) All other violations, \$25.00.
- (4) Late payment, \$10.00.

(b) An officer who has probable cause to believe that a person has committed an act in violation of this part or F.S. Ch. 316 may issue a municipal citation therefor.

(c) Municipal citations issued pursuant to this section shall include the following information:

- (1) Date, time, and location of issuance;
- (2) Vehicle license number and state;
- (3) Vehicle make and color;
- (4) Violation charged;
- (5) Amount of fine;
- (6) Department case number;
- (7) Issuing officer's signature;
- (8) Name and address of issuing agency;
- (9) Number of days allowed to pay the fine;
- (10) Instructions for contesting the citation; and
- (11) Instructions for paying the fine.

(d) Any person issued a municipal citation pursuant to this section may, within ten days of issuance of the citation:

- (1) Pay the civil penalty, either by mail or in person; or
- (2) Contest the citation in county court.

Payments postmarked and mailed within the ten-day period shall be considered timely.

(e) Any person electing to contest the citation and choosing to appear in county court shall be deemed to have waived the limitations on the civil penalty specified in subsection (a) of this section. The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of a violation has been proven, the court may impose a civil penalty not to exceed \$500.00.

(f) Any person failing to pay the civil penalty or contest the citation in county court, either by mail or in person, within ten days of receiving the citation shall be deemed to have waived any right to contest the citation. The owner of the vehicle in question shall be promptly notified, by certified mail, return receipt requested, by the department, of such failure. The notice shall advise the owner that failure to pay the fine plus the late payment charge of \$10.00 within 14 days of the receipt of the notice shall result in the matter being transferred to the county court for further proceedings. The notice shall also advise the owner that any right to contest the citation has been waived and that failure to pay the amount due may result in the imposition of a fine by the court not to exceed \$500.00 and in a hold being put on the further issuances of driver's licenses and registrations to the owner.

(g) If the owner does not pay the fine and the late payment charge within the prescribed 14-day time limit, the citation shall be forwarded to the clerk of the circuit court for placement upon the county court docket. Notice of the transfer and the hearing date thereon shall be promptly provided by the department to the owner of the vehicle in question by certified mail, return receipt requested.

(h) The clerk of the circuit court shall submit to the state department of safety and motor vehicles a list of all owners who have three or more outstanding municipal citations issued by the town, for which fines have not been paid directly to the town or through the county court. Upon receipt of this list, the state department of safety and motor vehicles shall make the appropriate annotations to the records of the owner in question so as to prevent the owner from receiving a driver's license or vehicle registration until the fines for the citations are paid.

(i) Any person issued a citation for a violation of subsection (a)(1) above may provide proof to the police department that they have a valid parking permit or license plate issued pursuant to a F.S. § 316.1958, § 320.0842, § 320.0845, or § 320.0848, and present a signed affidavit from the owner of the disabled parking permit stating that the owner of the disabled parking permit was present at the time the violation occurred, and such parking permit or license plate was valid at the time the violation occurred. Upon provision of proof of such a valid parking permit or license plate and payment of a \$5.00 dismissal fee to the police department, the police department shall dismiss the violation.

Section 17-30 - Authority to impound vehicles.

(a) Whenever any police officer finds a vehicle standing upon a street, highway, alley, or right-of-way in violation of this part such officer is authorized to move such vehicle or require the driver or person in charge of the vehicle to move the vehicle, so as to correct the violation. Police officers shall only be empowered to move vehicles in accordance with subsection (b) of this section.

(b) Police officers are authorized to remove and impound a vehicle from a street, highway, alley, or right-of-way to the nearest garage, tow service storage facility, or other place of safety, or to a garage designated or maintained by the police department, under the following circumstances:

- (1) When any vehicle is left unattended and constitutes an obstruction to traffic.
- (2) When the owner or person in charge of the vehicle is, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody and removal.
- (3) When any vehicle is left unattended and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic, in violation of this part.
- (4) When any vehicle is left unattended continuously for more than 48 hours and may be presumed to be abandoned.
- (5) When the driver of such vehicle is taken into custody by the police department and such vehicle would thereby be left unattended.
- (6) When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency.
- (7) When a vehicle is found to have equipment which is so defective that the vehicle is unsafe or improper to drive.
- (8) When a vehicle is subject to seizure under the state Contraband Forfeiture Act.
- (9) When an apparently abandoned vehicle has been parked or stored for a period exceeding 48 hours, in other than a designated parking area or within 30 feet of the pavement edge.
- (10) When the vehicle is one which is illegal to drive.

(c) No vehicle impounded as provided in this section shall be released therefrom until:

- (1) The charges for towing such vehicle into the garage and storage charges have been paid;
- (2) Proper proof of ownership has been exhibited; and
- (3) Any hold which has been placed upon the vehicle by the police department has been removed by the police department.

(d) Whenever an officer moves a vehicle in accordance with this section, and the officer knows or is able to ascertain the name and address of the owner thereof, such officer shall make a reasonable

effort to notify, or cause notification to be given to, such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been moved.

After further discussion, it was the consensus of the Commission that they were in favor of moving forward with the parking ordinance.

6. **ADJOURN:** There being no further discussion; the meeting was adjourned at 5:02 p.m.

Kristen Kollgaard, Town Clerk

Jim Richards, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk