

MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA

August 2, 2021

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 6:01 p.m.

A. CALL TO ORDER

Mayor Ruth Kussard

B. INVOCATION

By Reverend Father Greg Koon – St. Alban’s Anglican Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Commissioner (Ward)	Present
Hannan (Four)	YES
Kussard (One)	YES
Holden (Two)	YES
Vincent (Three)	YES
Rietz (Five)	YES

STAFF PRESENT

Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Pam Winegardner, Finance Director; Lori Sadler, Library Director; Tamika DeLee, Interim Human Resource Director; Chief Rob Tempesta, Deputy Chief Jason Brough, Lieutenant Nelson Vargas, Detective Matt Duryea, Officer Michelle Bilbrey, Officer Jacob Clark, Officer Heather Couch, Officer Ryan Doran, Officer Marc Manders, Elvira Ruiz and Mary Mullen, Records, Lady Lake Police Department; and Nancy Slaton, Town Clerk

E. ANNOUNCEMENT

1. Announcement of Qualifying Period from 12 Noon on August 9, 2021, to 12 Noon on August 13, 2021, for the Office of Town Commissioner for Wards One, Three, and Five for the General Election on November 2, 2021 (Mayor Kussard)

Mayor Kussard read the announcement regarding the Qualifying Period.

F. PRESENTATION

2. Life-Saving Award Presented to Officer Jacob Clark (Chief Rob Tempesta)

Police Chief Rob Tempesta presented a Life Saving Award to Officer Jacob Clark for his efforts in providing CPR to a gentleman who had collapsed on the dance floor and had no heartbeat or pulse, thus saving the life of Mr. Luther Tinsley at the Spanish Springs Town Square on May 21, 2021.

Mr. Tinsley read a statement thanking Officer Clark for his efforts and provided a report on his recovery. He urged all to get vaccinated against Covid 19 and the Delta variant.

G. PROCLAMATION

3. Proclaiming National Clown Week (Mayor Kussard/Doris Turlo)

Mayor Kussard read the proclamation proclaiming August 1st through August 7th, 2021 as National Clown Week. This was presented to Doris Turlo of Clown Alley #179.

H. CONSENTⁱⁱ

4. Minutes — July 19, 2021 — Special (Conceptual) Commission Meeting

5. Minutes — July 19, 2021 — Commission Meeting

6. Minutes — July 26, 2021 — Commission Budget Workshop

7. Consideration of the Fiscal Year 2021-2022 Benefits (Medical, Dental, Life Insurance, Long Term Disability, Short Term Disability, Critical Illness, Accident Coverage) (Tamika DeLee)
(The background summary for this item is on file in the Clerk's Office.)

8. Consideration of Approval of Additions to the Fall Event Schedule to Include a Kids Day at the Driving Range on August 28, 2021, a Movie Night at the Museum on November 13, 2021, and an Open House at the Community Building on September 18, 2021 (Mike Burske) (The background summary for this item is on file in the Clerk's Office.)

9. Consideration of Approval for the Orange Blossom Gardens Lion's Club and Silver Trefoils to Utilize the Parks and Recreation Building for a Staging and Storage Area for their Annual Pajama and Book Drive (Mike Burske) (The background summary for this item is on file in the Clerk's Office.)

Commissioner Hannan motioned to approve Consent Items H-4 through H-9. Commissioner Vincent seconded the motion. The motion passed by a vote of 5 to 0.

I. NEW BUSINESS

10. Consideration of Approval to Invest \$8,360.00 to Design and Incorporate a Bathroom Facility at the Proposed Town Park Project on Property at the Corner of E. Lady Lake Blvd. and Old Dixie Parkway (Mike Burske)

Parks and Recreation Director Mike Burske presented the background summary for this item.

Mayor Kussard asked if there were any questions or comments from the Commissioners.

Commissioner Hannan asked if the bathroom would be open 24/7.

Mr. Burske replied that it would not; staff would open the restroom at sunrise and close it at sunset.

Commissioner Hannan stated he is not in favor of this because there is a restroom a few 100 yards away that can be used.

Mayor Kussard stated she had heard from residents who had asked about this in case parties were held at the park.

Commissioner Holden motioned to approve the investment of \$8,360.00 to design and incorporate a bathroom facility at the proposed town park project. Commissioner Rietz seconded the motion. The motion passed by a vote of 4 to 1 (Hannan).

11. Discussion of the Tentative Millage Rate and Set Proposed Date, Time, and Place for the First Public Hearing for the Tentative Millage Rate and Budget, and Set Proposed Date, Time, and Place for the Second Public Hearing for the Final Millage Rate and Budget (Pam Winegardner)

Finance Director Pam Winegardner presented the background summary for this item.

Mayor Kussard asked if there were any questions or comments from the Commissioners. There were no comments.

Commissioner Holden made a motion to set the tentative millage rate at 3.3962 mills for Fiscal Year 2021-2022. Commissioner Rietz seconded the motion, and it passed by a vote of 4 to 1 (Hannan).

Commissioner Holden made a motion to set the date, time, and place of the first public hearing for the tentative millage rate on Wednesday, September 8, 2021 at 6 p.m., in the Commission Chambers; and set the date, time, and place of the second public hearing for adopting the final millage rate and budget on Monday, September 20, 2021 at 6 p.m., in the Commission Chambers. Commissioner Rietz seconded the motion. The motion passed by a vote of 5 to 0.

12. Consideration to Reconsider the Vote Approving the Re-Opener Changes to the Agreement between the Town of Lady Lake (TOLL) and the Florida Police Benevolent Association (PBA) for the Period of October 1, 2021 through September 30, 2022, which Occurred at the July 19, 2021 Commission Meeting (William Lawrence/Tamika DeLee)

Town Attorney Derek Schroth presented the background summary for this item. He stated the procedures for this is that if any Commissioner wants this reconsidered, a motion for reconsideration needs to be made, and then a vote would occur. If this passed, then it would be back on the table and a discussion could ensue. After discussion, a Commissioner could then make whatever motion is deemed appropriate at that time and another vote would need to occur.

Mayor Kussard asked if there were any questions or comments from the Commissioners.

Commissioner Holden made a motion to approve the reconsideration of this item.

Commissioner Vincent seconded the motion. The motion passed by a roll call vote of 4 to 1 (Kussard).

Mr. Schroth stated that now it will be as if this agenda item was before the Commission for the first time and they could discuss it and make the appropriate motion.

Commissioner Holden opened the discussion by stating that he believes the agreement before them now will cost the Town too much. He stated it will also allow police officers to retire after 20 years with 70% pay. He stated an officer could still be in their early 40's and draw a pension for the next 40 years easily. He stated that he would not like to change any terms of the current agreement.

Commissioner Hannan stated he would like to hear Commissioner Vincent's opinion as he has worked with unions in his past and knows how they operate, as does Commissioner Holden.

Mayor Kussard first confirmed with the Town Attorney that this could be discussed at a public meeting.

Commissioner Vincent stated he understands that the eight year vesting is a recruitment tool, although the Town would not be able to foresee whether an officer would retire after eight years or 20 years. He stated the cost of this change is unknown, and he believes that committing to this may cost the Town too much. He asked if this cost can be capped.

Finance Director Pam Winegardner stated that another actuarial impact study will have to be completed by Foster & Foster for whatever is approved by the Commission to discover the financial impact for the Town.

Commissioner Hannan asked when the last impact study was done.

Ms. Winegardner replied that an impact study was done for the current proposal before the Commission, and the previous study was done in September of last year. She stated officers would be able to retire earlier but would lose money if they did so under the current proposal.

Mayor Kussard stated there were two closed-door meetings on this, and everything was agreed upon. She stated she is surprised and appalled that this is being discussed again. She noted the Town has an excellent police department. She stated her husband was a union man in the fire department and she is familiar with unions as well.

Commissioner Holden stated that the Town's current police pension fund is at 3.3 % and at 30 years, an officer can draw 99% pay. He stated this is the best pension fund he has seen in his life. He stated he would like to keep the pension plan as it is, plus offer the two percent cost of living and up to two percent merit raise.

Town Manager Bill Lawrence noted that the Town of Lady Lake is not experiencing what other police departments are across the nation; as our department is currently at full strength. He stated the retirement pension is a recruiting tool. He noted that it would behoove officers to stay longer than the eight years vesting period so that they could build their retirement fund; otherwise, they would be leaving money on the table. He stated this pension also attracts mature police officers with experience that may have retired from other departments, and then they can come here for a chance at a second retirement.

Commissioner Rietz agreed with the Mayor that all five Commissioners agreed on the negotiated items during the workshop. He questioned why it was on the agenda under Consent at the previous meeting without discussion.

Mayor Kussard stated items put on Consent are usually items that have been discussed previously.

Commissioner Holden stated he felt he was not given adequate time to review the material.

Mr. Lawrence stated that materials cannot be distributed outside of the Executive Session; it is supplied during the session.

Mayor Kussard agreed that they have never received materials prior to an Executive Session and that all the items were discussed and agreed upon during the session.

Mr. Schroth stated the Commissioners will need to make a motion to either approve or deny the negotiated terms as presented for reconsideration. If denied, the terms can be re-negotiated with the Police Benevolent Association and discussed in another Executive Session.

After several attempts to word the motion to deny, Mr. Schroth instructed the Commissioners on how to make the motion for clarity.

Commissioner Holden made a motion to deny the existing proposal as presented, and to counter-offer that all items in the current agreement remain the same other than the two percent cost of living increase and up to two percent merit increase. Commissioner Vincent seconded the motion. The motion passed by a vote of 3 to 2 (Rietz/Kussard).

Commissioner Vincent stated he is not totally in favor of the two and two percent increases, but he would like to change the eight year vesting.

Mayor Kussard asked if another closed session would need to be held.

Mr. Schroth replied that he thinks there will and there may have to be another meeting with the Police Benevolent Association to negotiate new terms.

Commissioner Holden stated that each item would need to be agreed upon separately at the next meeting.

Commissioner Rietz asked if Article 21 or any other articles are staying in.

Mr. Schroth stated there is no agreement as the Commission has denied the proposal as presented at this time. The terms will have to be renegotiated as the PBA may not agree, and another Closed Executive Session will have to be held. It will then have to come back to the Commission at another meeting for final decision.

J. TOWN ATTORNEY'S REPORT

13. Ordinance 2021-11 (First Reading) — An Ordinance Providing for Amendment of the Town Charter; Amending Article X — Elections, Section 10.2 — Qualifications; Amending Article X, Section 10.03 – Form of Ballot; and Amending Article X, Section 10.5 – Elections; Providing Requisite Ballot Language for Submission to Electors; Providing for Severability; Providing for Inclusion in the Charter; Providing for Repeal of Conflicting Ordinances; and Providing for an Effective Date (Nancy Slaton)

Town Attorney Derek Schroth read the title of the ordinance.

The Town Clerk presented the background summary for this ordinance. She noted that three qualifying packets have currently been handed out for each of the three Wards. If no others come forward, and if these three are unopposed, an election would not have to occur. She suggested that these changes to the Charter by referendum could then be postponed to a year when an election is certain, thus saving the cost of an election. This will be known when the qualifying period ends on August 13th, and prior to the second and final reading of this ordinance which is scheduled for August 16th.

Mayor Kussard asked if the Commissioners or anyone from the public had any comments or questions. Hearing none, she asked for a motion.

Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved the first reading of Ordinance 2021-11, by the following roll call vote:

Commissioner	Vote
Hannan	YES
Kussard	YES
Holden	YES
Vincent	YES
Rietz	YES

K. TOWN MANAGER’S REPORT

Town Manager Bill Lawrence congratulated Officer Jacob Clark for receiving his life-saving award. He also thanked Finance Director Pam Winegardner and the Finance Department team of Dawn, Debbie, Becky & Michelle for their efforts on the budget proposal presented at the budget workshop.

L. MAYOR AND COMMISSIONER’S REPORT

Mayor Kussard asked if any of the Commissioners had anything to report. She stated she had a meeting on July 13th with Jim Cummings, President of the Lady Lake Dog Park Association, regarding extending the hours of operation for the dog park. Presently, the hours are 8 a.m. to noon, and he has asked that the hours for the dog park be extended to 4 p.m. She stated she sent an email to residents who live in the vicinity and received 19 responses. Only three were opposed. Mayor Kussard asked if the Commissioners would agree to temporarily extending the hours to 4 p.m. for six months, and if the agreement can be revised and brought back for a vote at the August 16th meeting.

The Commissioners were in agreement on this matter.

M. PUBLIC COMMENTS

Mayor Kussard asked if there were any comments from the audience.

Mr. Ed Freeman of 147 Evergreen Lane commented on the police agreement. He thanked the Commissioners for bringing this item up again, and stated he would like to see the word “COLA” to go away, as it is not a cost of living increase; it is just a raise.

Lauren Newman of Casa Montessori stated that her school has been severely impacted by the highway widening project. She stated that on July 20th, she tried to get a permit to put up a sign and was told they have exceeded the number of times they can put up signs for the enrollment period. She complained that the noise and machinery caused by this construction project are affecting enrollment.

Commissioner Hannan asked if Mr. Carroll could address this.

Mr. Carroll stated that the Land Development Regulations regulate the number of times a banner can be put up, and that it may set a precedent for other businesses up and down the highway if this request is approved. He stated that now that they are aware of our code, they need to plan the time slots for putting up banners for this next year.

Commissioner Hannan stated he was in favor of helping out this business.

It was the consensus of the Commissioners to allow Casa Montessori to fly banners until school starts on August 23rd.

Commissioner Vincent asked if Southland could be contacted and asked to change their staging area.

Ms. Newman stated that would be great as it is very close to their fence and the children are right there.

The Commissioners asked Public Works Director C.T. Eagle to contact Southland (contractor for the road widening project).

George with Activism News Network commented on the proposed fence for the back parking lot. He stated he drove back there earlier and noted signage stating authorized personnel only, but no "No Trespassing" signs. He stated they requested a public records request asking who was being harassed.

N. ADJOURN

There being no further business, the meeting was adjourned at 7:06 p.m.

s/ Nancy Slaton, Town Clerk

s/ Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Town Clerk