

**MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
January 4, 2010**

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

- A. CALL TO ORDER:** James Richards, Mayor /Commissioner
- B. INVOCATION:** Pastor Irv Burton, North Lake Presbyterian Church
- C. PLEDGE OF ALLEGIANCE:** James Richards, Mayor /Commissioner
- D. ROLL CALL:** Tony Holden, Commissioner Ward 2
Ty Miller, Commissioner Ward 3
Ruth Kussard, Commissioner Ward 1
James Richards, Mayor/Commissioner Ward 5
- ABSENT:** Paul Hannan, Commissioner Ward 4

STAFF MEMBERS PRESENT: Kristen Kollgaard Interim Town Manager/Town Clerk; Derek Schroth, Town Attorney; Chief Ed Nathanson, Police Department; C.T. Eagle, Public Works Director; Mike Burske, Parks & Recreation Director; Thad Carroll, Senior Planner; Wendy Then, Growth Management Technician; and Jayne York, Staff Assistant to Town Clerk

E. PRESENTATION:

1. Presentation of 100 Years of Scouting and an Invitation to Celebrate with the Lady Lake Boy Scout Troop 244 and the American Legion Post 347 (Shelton Gotesky)

Mike Burske, Parks & Recreation Director, stated that Mr. Gotesky was unable to attend the meeting for the presentation so he would give a brief history of Scouting for Mr. Gotesky. He stated that February 8th is the 100th Anniversary of Boy Scouts and also commented that Scouting was founded in England in 1907/1908 by General Robert Baden Powell and on February 8, 1910, William Boyce officially started the scouting movement in the United States by incorporating the Boys Scouts of America in Washington DC. Today, scouting begins with Cub Scouts for 1st grade thru 5th grade and continues to Boy Scouts for ages 11 thru 17. In the last 15 years, the Explorers have become a scouting group for young men and women from ages 14 thru 20. Mr. Burske, on behalf of Sheldon Gotesky, extended an invitation to the Town Commission and Town Staff to attend a tree planting at the American Legion on February 8, 2010 at 6:30 p.m. where two trees will be planted to honor 100 years of scouting.

CONSENT:

2. Minutes

Regular Meeting – December 7, 2009 (on file in the Town Clerk's office)

Regular Meeting – December 21, 2009 (on file in the Town Clerk's office)

Upon a motion by Commissioner Miller and seconded by Commissioner Holden, the Commission approved the Minutes as Presented of the December 7, 2009 and December 21, 2009 Commission meetings, by a vote of 4 to 0.

G. OLD BUSINESS

There was no Old Business.

H. NEW BUSINESS

3. Consideration of PowerOne Proposal for 20 Hours of Block Time for Network and Connectivity Services for Utilities GIS Project (C.T. Eagle)

C.T. Eagle, Public Works Director, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). He stated that PowerOne was essential in the installation of the wireless network between the Public Works Complex and Town Hall. This proposal allocates time to assist staff in development and troubleshooting efforts for the GIS system. He also noted that this is a budgeted item.

Mr. Eagle stated that this was requested by IT Administrator Kevin Hendry to assist in some efforts to alleviate some problems with the networking. He added that this will help assist Staff as well as keeping the system running.

Mayor Richards asked if this was budgeted out of the Enterprise Fund.

Mr. Eagle stated that was correct and that it was under Other Contractual Services and not a capital item.

Upon a motion by Commissioner Holden and seconded by Commissioner Kussard, the Commission approved the PowerOne Proposal for 20 Hours of Block Time for Network and Connectivity Services for the Utilities' GIS Project in the Amount of \$1,600, by a vote of 4 to 0.

4. Consideration of Criminal Justice User Agreement Between the Florida Department of Law Enforcement and the Lady Lake Police Department (Ed Nathanson)

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Florida Department of Law Enforcement (FDLE) has entered into an agreement with the Federal Bureau of Investigations (FBI) regarding the access and use

of the National Crime Information Center (NCIC) system. In turn, FDLE enters into an agreement with each Florida agency connected to the Florida Criminal Justice Network (CJNet) and the Florida Crime Information Center (FCIC). It was also noted that Derek Schroth, Town Attorney, has reviewed and approved this document.

Chief Ed Nathanson stated that he was seeking permission from the Commission to sign the user agreement between the Florida Department of Law Enforcement and the Lady Lake Police Department. This allows the department to interface with the FDLE, FCIC, NCIC and CJNet; it is something that the department currently uses and because of homeland security issues, some modifications have been made to the existing contract. It has been reviewed by the Town Attorney so this is more for formality and for doing business “in the sunshine.”

Interim Town Manager Kris Kollgaard confirmed with the Chief that this is done every year.

Chief Nathanson stated that this is done every time there is a modification to the contract or there is a change in administration or something like that; he also noted that there is no cost to the Town, it is a totally secure system and all of the Town’s operators are certified.

Upon a motion by Commissioner Kussard and seconded by Commissioner Miller, the Commission approved the Criminal Justice User Agreement Between the Florida Department of Law Enforcement and the Lady Lake Police Department, by a vote of 4 to 0.

5. Consideration of Major Site Plan 09/09-002 – Tire Kingdom – Lady Lake Crossing (Judi Jankosky)

Wendy Then, Growth Management Technician, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). She stated that a major site plan has been submitted for the construction of a 7,298 square foot automobile service center on a 0.808-acre parcel. The property is part of the zoned PUD – Planned Unit Development (Ordinance No. 2006-04), which under the current LDRs, permits an automobile service center on this site. The Future Land Use Map designation for the site is RET – Retail Sales & Services and the use is consistent with directives of the Comprehensive Plan. The site and landscape plans have been submitted by Kimley-Horn and Associates, Inc. and the architectural plans were completed by Oswell & Nitishin Architecture. The Applicant has been working to comply with all requirements of the Land Development Regulations (LDRs) for the site plans, as well as meeting Chapter 10 – Landscaping & Tree Protection and Chapter 20 Commercial Design Standards. Reviews were completed by Town staff, Neel-Schaffer Engineering, Lake-Sumter MPO, and Mike Churchelow (fire review).

Ms. Then stated that the latest revisions to the site plan were submitted on October 15, 2009 to address outstanding issues regarding the site plan, commercial design standards and landscaping in order to comply with the Town’s LDRs. She also stated that there are no waiver requests associated with the site plan. Also included in the Commissioners’

packet was the signage plan and it was noted that proposed sign #6 is an off-premises sign that will require a variance. A variance application package has been sent to the sign designer. Approval of the site plan does not indicate approval of the off-premises sign.

Ms. Then stated that the Technical Review Committee (TRC) reviewed and recommended the transmittal of the Major Site Plan 09/09-002 for Tire Kingdom to Town Commission on October 20, 2009 with a vote of 4-0. It was noted that the Planning & Zoning Board does not review Site Plans.

Ms. Then also noted that this is a very nice Mediterranean-style building and that the Owner and Applicant, Andrew Davies, was present to answer any questions.

There were no questions from the Commission or the public.

Upon a motion by Commissioner Kussard and seconded by Commissioner Miller, the Commission approved Major Site Plan 09/09-002 – Tire Kingdom – Lady Lake Crossing, by the following roll call vote:

<i>HOLDEN</i>	<i>YES</i>
<i>MILLER</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

I. TOWN ATTORNEY’S REPORT:

6. Ordinance No. 2009-28 – First Reading – WRYP, LLC – Annexation of 9.56± Acres of Property into the Town of Lady Lake – Located Approximately 2,000 Feet West of Rolling Acres Road on Hwy 466 (Thad Carroll)

Derek Schroth, Town Attorney, read the ordinance by title only.

Thad Carroll, Senior Planner, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). He stated that the Applicant, Cullison-Wright Construction, has filed an application on behalf of WRYP, LLC, to annex property located approximately 2,000 feet west of Rolling Acres Road on Highway 466, which includes 9.56 ± acres currently in unincorporated Lake County.

Mr. Carroll stated that, in accordance with the language specified in the Sewer and Water Utility Agreement executed on July 3, 2009 by the Lady Lake Town Commission, the Applicant is required to annex into the Town due to the fact that the subject property is now contiguous to the existing municipal boundary. The property is currently under construction and received entitlements for construction through Lake County, Florida.

Mr. Carroll stated that the annexation application was received on November 19, 2009 and was determined to be complete satisfying the necessary criteria as required for annexation under Florida Statute 171.0413. All material was found to be in compliance with the Land Development Regulations (LDRs) as well as the adopted Comprehensive Plan.

Mr. Carroll stated that the Technical Review Committee (TRC) reviewed the application on December 1, 2009 and determined the application to be complete and ready for transmittal to the Planning & Zoning Board with a vote of 4-0; the Planning & Zoning Board recommended approval of the ordinance on December 14, 2009 with a vote of 5-0; the Second/Final Reading before the Town Commission is scheduled for January 20, 2010. Mr. Carroll also noted that the Applicant was present to answer any questions along with Richard Bush of Kimley-Horn & Associates.

There were no comments from the Commission or the public.

Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved Ordinance No. 2009-28 – First Reading – WRYP, LLC – Annexation of 9.56± Acres of Property into the Town of Lady Lake – Located Approximately 2,000 Feet West of Rolling Acres Road on Hwy 466, by the following roll call vote:

<i>HOLDEN</i>	<i>YES</i>
<i>MILLER</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

7. Ordinance No. 2009-29 – First Reading – WRYP, LLC – Small Scale Comprehensive Plan Amendment of 9.56± Acres of Property Located Approximately 2,000 Feet West of Rolling Acres Road on Hwy 466 to Change From Future Land Use of Lake County Urban Expansion to Lady Lake (OIF) Other Institutional Facility (Thad Carroll)

Derek Schroth, Town Attorney, read the ordinance by title only.

Thad Carroll, Senior Planner, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). He stated that the Applicant, Cullison-Wright Construction, has filed an application on behalf of WRYP, LLC to amend the Future Land Use designation of property located approximately 2,000 feet west of Rolling Acres Road on Highway 466, which includes 9.56 ± acres currently in unincorporated Lake County, from Lake County Urban Expansion to Lady Lake Other Institutional Facilities.

Mr. Carroll stated that the property is currently under construction and received entitlements for construction through Lake County, Florida. The Applicant has commenced construction of a 145 bed assisted living facility consisting of approximately 75,000 square feet, and intends to construct a future second building of similar use within the proposed property as allowed per the Land Development Regulations. The Applicant would be required to file a site plan(s) for any additional structures not already approved by Lake County and obtain all necessary permits from outside agencies provided the small-scale comprehensive plan amendment is approved for the property. Mr. Carroll also noted that the application for this comp plan amendment is requesting the same zoning classification as to the property to the east so it is in character with adjacent uses.

Mr. Carroll stated that the application was received on November 19, 2009 and has been determined to be complete. The applicant has submitted all appropriate material in

compliance with the Land Development Regulations (LDRs). Additionally, the application was determined to be in compliance with the directives of the adopted Comprehensive Plan. A justification statement has also been included as part of the Small Scale Comprehensive Plan Amendment Application, which the applicant submitted for justifying why the future land use should be amended for the development proposed as well as citing consistencies with the objectives of the plan. Mr. Carroll noted that the impact on Town services is detailed in the Staff report – Potable Water, Sewer, Schools, Transportation, and Parks & Recreation – and that none of those are found to be deficient as a result of this project and that this project will not have any impact on schools as no students will be generated as a result of this project.

Mr. Carroll stated that the Technical Review Committee (TRC) reviewed the application on December 1, 2009 and determined the application to be complete and ready for transmittal to the Planning & Zoning Board with a vote of 4-0; the Planning & Zoning Board recommended approval of the ordinance on December 14, 2009 with a vote of 5-0; the Local Planning Agency (LPA) earlier this evening approved the ordinance with a vote of 4-0; the Second/Final Reading before the Commission is scheduled for January 20, 2010.

Mr. Carroll noted that Richard Bush with Kimley-Horn & Associates was present to make a brief statement and to answer any questions.

Richard Bush, with Kimley-Horn & Associates and agent for the Applicant, stated that they are in agreement with all of Staff's conditions on this project. There is a Memorandum of Agreement with the next agenda item and they are in agreement with conditions set forth on that. This project has been envisioned to be in the Town of Lady Lake since its inception; all of the utility plans were designed to Town standards and were reviewed by Town Staff as well as the site plan that was reviewed by the Town Staff. He stated that they always knew that this property was going to be annexed into the Town and the project just happened to be able to get under construction while this annexation was proceeding. Construction is going very well and they hope to have that site open for business later in the year; it is going to be a very attractive project and his client is very happy to be working in the Town of Lady Lake.

There were no questions or comments from the Commission or the public.

Upon a motion by Commissioner Miller and seconded by Commissioner Holden, the Commission approved Ordinance No. 2009-29 – First Reading – Small Scale Comprehensive Plan Amendment of 9.56± Acres of Property Located Approximately 2,000 Feet West of Rolling Acres Road on Highway 466 to Change from Future Land Use of Lake County Urban Expansion to Lady Lake (OIF) Other Institutional Facility – WRYP, LLC, by the following roll call vote:

HOLDEN	YES
MILLER	YES
KUSSARD	YES
RICHARDS	YES

8. Ordinance No. 2009-30 – First Reading – WRYP, LLC – Rezoning of 9.56± Acres of Property Located Approximately 2,000 Feet West of Rolling Acres Road on Hwy 466 from Lake County Community Facility District (CFD) to Lady Lake Public Facilities District (PFD) (Thad Carroll)

Derek Schroth, Town Attorney, read the ordinance by title only.

Thad Carroll, Senior Planner, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). He stated that the Applicant, Cullison-Wright Construction, has filed an application on behalf of WRYP, LLC to amend the zoning designation of property located approximately 2,000 feet west of Rolling Acres Road on Highway 466, which includes 9.56 ± acres currently in unincorporated Lake County, from Lake County Community Facilities District (CFD) to Lady Lake Public Facilities District (PFD). Mr. Carroll also noted that at the time of annexation and small-scale comprehensive plan amendment, a zoning classification must be assigned in accordance with the Town's LDRs.

Mr. Carroll stated that the property is currently under construction, and received entitlements for construction through Lake County, Florida. The Applicant has commenced construction of a 145 bed assisted living facility consisting of approximately 75,000 square feet, and intends to construct a future second building of similar use within the proposed property as allowed per the Land Development Regulations. The Applicant would be required to file a site plan(s) for any additional structures not already approved by Lake County and obtain all necessary permits from outside agencies provided the rezoning ordinance is approved for the property.

Mr. Carroll stated that the Assisted Living Facility is in character with adjacent uses; primarily, the property to the east which is the location of a proposed Skilled Nursing Facility. The Applicant has been provided a Memorandum of Agreement (Exhibit "B") which outlines the permitted uses, as well as a Bubble Plan (Exhibit "C") as required by the PFD rezoning process per Chapter 5 of the Land Development Regulations.

Mr. Carroll stated that the Technical Review Committee (TRC) reviewed the application on December 1, 2009 and determined the application to be complete and ready for transmittal to the Planning & Zoning Board with a vote of 4-0; the Planning & Zoning Board recommended approval of the ordinance on December 14th, 2009 with a vote of 5-0; the Second/Final Reading before the Town Commission is scheduled for January 20, 2010.

There were no questions or comments from the Commission or the public.

Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved Ordinance No. 2009-30 – First Reading – Rezoning of 9.56± Acres of Property Located Approximately 2,000 Feet West of Rolling Acres Road on Hwy 466 from Lake County Community Facility District (CFD) to Lady Lake Public Facilities District (PFD), by the following roll call vote:

HOLDEN

YES

<i>MILLER</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

9. Ordinance No. 2009-31 – First and Final Reading (NOTE: Only one Reading Required) – An Ordinance of the Town of Lady Lake Comprehensive Plan, Providing for Updates to the Capital Improvements Element, Chapter 8 (Thad Carroll)

Derek Schroth, Town Attorney, read the ordinance by title only.

Thad Carroll, Senior Planner, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). He stated that the Capital Improvements Element focuses on capital infrastructure planning for the time-period covered by the comprehensive plan and based upon the public facility needs identified in the other elements of the Comprehensive Plan. The Capital Improvements Element must provide a five-year schedule of capital improvements, which must include specific capital projects necessary to achieve and maintain level-of-service standards identified in the other elements of the Comprehensive Plan, reduce existing deficiencies, provide for necessary replacements, and meet future demand during the time period covered by the schedule (2010-2014). The financial feasibility test also applies to the five-year time period addressed by the schedule of capital improvements

Mr. Carroll stated that the Capital Improvements Element is important in setting direction for the Town of Lady Lake for several reasons. It sets policy to coordinate the provision of infrastructure with the land use plans of the community over the timeframe of the Comprehensive Plan. It provides a five-year schedule of capital improvements that are aimed at achieving and maintaining the Town's adopted levels of service and it identifies sufficient revenues to fund the identified capital improvements.

Mr. Carroll stated that, pursuant to §163.3177 (3)(b)1, of the Florida Statutes, the capital improvements element must be reviewed on an annual basis and modified as necessary in accordance with §163.3187 or §163.3189 in order to maintain a financially feasible 5-year schedule of capital improvements. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer or delay the construction for any facility listed in the 5-year schedule. All public facilities must be consistent with the capital improvements element. A local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to §163.3187(1)(a), unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.

Mr. Carroll stated that, in order for the Florida Department of Community Affairs (FDCA) to consider any land use changes and amendments to the Future Land Use Map of the Town of Lady Lake, FDCA must review and find in compliance, a financially feasible Capital Improvement Plan in accordance with §163.3187(1)(a), of the Florida

Statutes. Attachment Exhibit “A” of the ordinance provides the necessary amendments to reflect a financially feasible plan for the five-year planning period.

Mr. Carroll stated that the Planning & Zoning Board recommended approval of the ordinance on December 14, 2009 with a vote of 5-0; the Local Planning Agency (LPA) reviewed the ordinance earlier this evening and recommended approval with a vote of 4-0. He also noted that the ordinance will be transmitted to DCA within the next 10 days.

There were no questions or comments from the Commission or the public.

Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved Ordinance No. 2009-31 – First/Final Reading – Amendment of the Town of Lady Lake Comprehensive Plan, Chapter 8, Amending Data & Analysis and Amending Goals, Objectives and Policies to Incorporate Capital Improvements for the 2010-2014 Five-Year Planning Period , by the following roll call vote:

<i>HOLDEN</i>	<i>YES</i>
<i>MILLER</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

J. TOWN MANAGER’S REPORT:

Kris Kollgaard, Interim Town Clerk, stated that she had nothing to report.

K. MAYOR/COMMISSIONERS’ REPORT:

Commissioner Kusssard stated that she wanted to commend the Lady Lake Police Officers for the excellent job they did in arresting the 4 men on December 23rd who were wanted for armed robbery and also for the grand larceny arrest on December 26th. She stated that she doesn’t hear of every occasion where the Town’s police officers are involved; however, when she does, she wants them to know how much she appreciates them and that this is just another example of the wonderful job that the Lady Lake Police Department is doing.

Commissioner Holden had nothing to report.

Commissioner Miller had nothing to report.

Mayor Richards had nothing to report.

L. OPEN FORUM:

There were no comments from the public.

M. ADJOURN: There being no further discussion, the meeting was adjourned at 6:26 p.m.

Kristen Kollgaard, Town Clerk

James Richards, Mayor

Minutes transcribed by Jayne York, Staff Assistant to Town Clerk