

**MINUTES OF THE REGULAR MEETING  
OF THE LADY LAKE TOWN COMMISSION  
LADY LAKE, FLORIDA  
February 2, 2009**

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 Larry Lynn, Lady Lake Church of God

Prior to the invocation, Pastor Lynn thanked the Town Commission, Bill Vance and each department head for everyone's help during the past 2 years. He stated that the fees that the Town waived enabled the Lady Lake Church of God to do what they needed to do and the protection that was provided during this time of chaos gave them peace of mind to carry-on business.

**C. MOMENT OF SILENCE:** In remembrance of Those Who Lost Their Lives in the Devastating Ground-Hog Day Tornadoes

**D. PLEDGE OF ALLEGIANCE:** James Richards, Mayor/Commissioner

**E. ANNOUNCEMENT:** Ordinance No. 2009-01 The Villages Notice of Proposed Change (NOPC) for the Tri-County Village (Lake) DRI will not be heard tonight as advertised. This ordinance has been postponed to a date certain, being the next Town Commission Meeting of February 23, 2009 at 6:45 p.m.

**F. ROLL CALL:** Tony Holden, Commissioner Ward 2  
Ty Miller, Commissioner Ward 3  
Paul Hannan, Commissioner Ward 4  
Ruth Kussard, Commissioner Ward 1  
James Richards, Mayor/Commissioner Ward 5

**STAFF MEMBERS PRESENT:** Bill Vance, Town Manager; Derek Schroth, Town Attorney; Chief Ed Nathanson, Police Department; C.T. Eagle, Public Works Director; Mike Burske, Parks & Recreation Director; Guy Shields, Human Resources Director; Thad Carroll, Senior Planner; Kristen Kollgaard, Town Clerk; and Jayne York, Staff Assistant to Town Clerk

**G. PROCLAMATION:**

**1. "Florida Horse Festival and Carriage Show Days" – Proclamation Presented to Florida Carriage Museum and Equine Heritage Institute, Inc.**

Mayor Richards read the proclamation declaring February 20–29, 2009 “Florida Horse Festival and Carriage Show Days” and presented it to the two representatives of the Florida Carriage Museum. Casey Tifton was also introduced as the Show Manager for the museum.

**PRESENTATION:**

**Presentation from the Greater Lady Lake Dog Park in Honor of K-9 Tarek’s Achievement as the #1 K-9 in the Nation**

A representative of the Lady Lake Dog Park presented a check for \$250 to Chief Nathanson to be used in the department’s K-9 unit in recognition of K-9 Tarek’s achievement as the #1 canine in the nation for the year 2008.

Chief Nathanson accepted the check on behalf of the Police Department and the Town Commission and stated that the \$250 would be put towards the continuing certification of Tarek so he can maintain and retain his title.

**H. CONSENT:**

**2. Minutes**

Special Meeting – January 21, 2009 (on file in the Town Clerk’s office)

**3. Consideration of the Lady Lake Historical Society Request to Schedule a Community Yard Sale at the Log Cabin Park on Saturday, March 14, 2009 from 8:00 a.m. – 2:00 p.m. (Mike Burske)**

The background summary for this agenda item is on file in the Town Clerk’s office. It states that the Lady Lake Historical Society is seeking permission to host a rummage sale in front of the museum. The Historical Society will rent tables to vendors and also sell donated items. The anticipated date for this sale will be March 14, 2009 from 8:00 a.m. – 2:00 p.m.

*Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved Consent Items #2 and #3, by a vote of 5 to 0.*

**I. OLD BUSINESS:**

There was no Old Business.

**J. NEW BUSINESS:**

**4. Consideration of Request to Utilize Neel-Schaffer Inc. for Design, Permitting and Construction Services for County Road 466 Segment B Utility Improvements (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 Neel-Schaffer, Inc. has submitted a proposal for design, permitting and construction services for construction of the proposed 10-inch diameter water main and the proposed 10-inch diameter reclaimed water main located approximately 1,000 feet east of the Rolling Acres Road intersection of US Hwy 27/441. The Segment "A" portion is in construction presently. These services will ensure that all plans and permits will be in hand prior to construction of Segment "B". The total amount of the proposal is \$43,763.

Mr. Eagle stated that Steve Cockerham with Neel-Schaffer Inc. was present to answer any questions. He also stated that the original estimated cost of this project for the 10" water main and the 10" reclaimed water main was approximately \$862,000; with the new unit prices that are presently in effect that they are going to honor, the cost will be roughly around \$500,000 so there will be a couple hundred thousand dollars in savings on the project and that can attributed to the diligence of The Villages, Lake County and Neel-Schaffer Inc. on the Town's behalf.

Bill Vance, Town Manager, stated that the proposed bid is less than 10%; historically, professional services cost between 6% and 10% for project administration. Also, the savings that the entities involved were able to collectively coordinate on everybody's behalf will allow the Town the flexibility to entertain negotiations with The Villages to hopefully coordinate the interconnectivity of the two reclaimed systems which is a very proactive effort and will help the Town with its regional water efforts as well.

Mr. Vance thanked Mr. Eagle, Neel-Schaffer Inc., The Villages and Lake County. He stated that Staff recommends moving forward and executing this agreement.

Mayor Richards asked if the funding for this comes from the Enterprise Funds and Mr. Eagle confirmed that these are impact fees monies.

*Upon a motion by Commissioner Kussard and seconded by Commissioner Hannan, the Commission approved the Request to Utilize Neel-Schaffer Inc. for Design, Permitting and Construction Services for the Implementation of Water and Reclaimed Water System Improvements for the Segment B Portion of CR 466 with the Funding Coming from Water Impact Fees, by a vote of 5 to 0.*

**5. Update on Art in the Park to be Hosted by the Lady Lake Chamber of Commerce and the Town (Mike Burske)**

Mike Burske, Parks & Recreation Director, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). He stated that the Lady Lake Chamber of Commerce will be hosting an arts and craft show on February 7<sup>th</sup> and 8<sup>th</sup> and asked Betty Bernard, Executive Director of the Lady Lake Chamber of Chamber, to update the Commission on the progress of this event.

Ms. Bernard stated that there will be about 65 vendors this year so it will be much larger than the October show and added that this has become a signature event for

Lady Lake. She thanked the Commissioners, Chief Ed Nathanson and everyone who helps with Art in the Park and, in particular, pointed out that Mr. Burske is just “amazing” and doesn’t know what they would do without him.

**6. Consideration to Modify the Annual Leave Policy and Medical Leave Policy – Eliminating Part-Time Benefits (Guy Shields)**

Guy Shields, Human Resources Director, gave the background summary from the agenda item cover sheet (on file in the Town Clerk’s office). He stated that about 3 years ago, the Commission authorized benefits for part-time employees which were primarily for one individual who was interested in getting benefits at the time. There have been situations where, administratively, it has been very difficult or time-consuming to work around some of these benefits – a person may be scheduled to work 3 days a week and chooses one of those 3 days to go to the doctor and be paid when there are 2 other days that person could go. Mr. Shields has talked to the department heads involved and doesn’t see a reason to continue the benefits, especially in this tight budget situation. Other communities throughout the area were surveyed and all indicated that they don’t have benefits for part-time employees.

Mr. Shields stated that he is requesting to modify these policies to stop the benefits as of today and any benefits accrued through today must be used by September 13, 2009 – no one would lose anything but wouldn’t continue to accrue benefits going forward. The total budgeted cost is about \$8,100 on an annual basis for paid time-off.

Commissioner Kussard asked how many part-time employees this involved.

Mr. Shields stated that there are 6 part-time employees between the Police Department and the Library.

Bill Vance, Town Manager, stated that it has just gotten to the point that the Town doesn’t have the money to do this.

Mayor Richards stated that he was a little concerned because he knows there is some job-sharing – the Code Enforcement officers share a job and they don’t overlap.

Mr. Shields stated that one of the Code Enforcement officers doesn’t need the benefits and is not interested in them at all. He stated that this is a cost and they are looking at everything that is going to cost the Town money.

Mr. Vance stated that if you have someone utilizing those benefits, not only do you pay them for the time away but you also have to pay somebody else to come in and cover their shift. The relationship with Code Enforcement is extremely flexible because Code Enforcement is a department that is on again, off again, etc. so there are part-time employees in those positions that are seeking to continue to make a contribution to their community – it’s not about the vacation or sick-time benefits and they have flexible schedules and appreciate the flexible schedule that they currently have with the Town.

Mr. Shields stated that the way it worked before was if a person wanted time-off, they would work extra hours the week before or the week after so over a period of time, they would have the same income coming in, then they would be off. The Town incurs costs now by granting these benefits that Staff feels the Town shouldn't have. Also, Mr. Shields stated some part-time employees pick a scheduled work day to go to the doctor because they are entitled to the benefit. He added that the biggest issue is the administrative time that at least one of these departments has spent working with the part-time person. Then the total cost is an issue.

Mr. Vance stated that part-time benefits don't make sense because eventually the part-time employee will take time off and eventually the Town will have the cost of covering their shift and paying them as well.

Mayor Richards stated that this is a portion of their salary and that would be taking a portion of their salary away.

*Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved the Revision to the Town of Lady Lake Human Resources Manual, Sections #21 and #22 and this Change Reflects the Deletion of Part-Time Employee Benefits, by a vote of 4 to 1 (Richards being the dissenting vote).*

**7. Discussion of Increase in the Communication Officers' Salaries (Guy Shields)**

Guy Shields, Human Resources Director, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). He stated that, based on the most recent 6-county survey of 911 communications officers, Staff has determined that the town of Lady Lake is not competitive in regards to starting wage rates for these positions. This is supported by the degree of difficulty in filling current openings and supplemental conversations with other local Lake County municipalities. The additional cost of the increase in Communication Officers' salaries would be offset by the reduction of one administrative position in the Police Department earlier this year.

Mr. Shields stated that it took 3 months to find the latest communication officer – there were over 100 applications for this job. The survey shows that the Town of Lady Lake is next to the bottom for pay in Lake County but the survey is not 100% accurate because the rate at the bottom is for a call taker for the Lake County Sheriff's Department. The Town does not have call takers – the Lady Lake dispatchers take the calls, do the radios, do the computers and communicate with the State; they do a variety of things and that is a dispatch job. Mr. Shields stated that the Town cannot compete with the top pay rates but 2 things that concern Staff are attracting qualified people and retaining qualified people and not turning into a situation where Lady Lake trains replacements for the other communities. The person that was hired has a lot of experience, had been sitting home for awhile and wanted to go back to work. Other than that, none of the other 100 applicants were qualified. He stated that this pay rate increase can be fully funded with the existing dollars in the department; they are not asking for extra money. They are asking to raise this rate which will carry on into the

future to be extra money and that will be part of the rate. The cost, including the benefits for these individuals, will total about \$19,500; taking the administrative position out of the Police Department will save in excess of \$30,000 including benefits so it is being fully funded internally; they are not asking for more money. Even raising the pay rate by \$1.00, Lady Lake will still trail Tavares, Lake County EMS, and Clermont and will only be 1¢ higher than Lake County Sheriff; this rate will be higher than Leesburg and Eustis. Mr. Shields stated that they are just asking to close the gap a little and added that Lady Lake will never have the money to pay the rates that Tavares and some of the others do.

Bill Vance, Town Manager, stated that Staff is basically providing the Commission with facts. He commented that this was an extremely long and hard search for somebody who was qualified to fill the dispatcher position. Lady Lake's pay is very low on the competitive scale and there are resources available in this year's budget to do something about it if the Commission desires. Mr. Vance stated that this is an item for the Commission's information at this point in time and also for additional debate during the forthcoming budget work sessions.

Commissioner Hannan confirmed with Mr. Shields that an administrative position was eliminated.

Mr. Shields stated that there were 2 administrative positions in the Police Department until December and one of those positions was rolled back to a dispatch position to replace a person that had been terminated; then they were looking to hire another dispatcher to take the place of a dispatcher who was moved to police officer. They went from 2 administrative assistants in Chief Nathanson's office to one.

Mr. Vance stated that it was previously communicated to the Commission during the budget process that the administrative activity within the Police Department due to the creation of the 2 lieutenants' positions would necessitate additional administrative support. It was tried for a while; the Town Manager assessed the situation and identified that they could get by with one administrative assistant. There was an opening for dispatch and one of those administrative assistants used to be a dispatcher and was qualified for the dispatch position so she was moved to that position.

Mr. Shields stated that there were 2 dispatch positions that were filled in a short period of time.

Mr. Vance stated that he would not be making a recommendation to go with another administrative assistant anytime soon and definitely not in the next fiscal year.

Commissioner Hannan stated that many cities and municipalities in Florida have combined their dispatch services with other towns and he thought there was a municipality nearby that had done that.

Mr. Shields stated that Tavares went with the Sheriff and then went back. When he called to ask why, he was told that Tavares was not happy with the Sheriff's service

because the Sheriff's Dept. tends to be more responsible for the Sheriff's Dept. than other areas.

Commissioner Hannan added that he thought Apopka was also sharing dispatch services with someone else and he thinks that seems to be a vital alternative to cost-cutting and the Town should keep that in mind.

Mr. Vance stated that the Town maintains very active relations with the Sheriff's Department and advised that there is an interlocal agency agreement on this agenda whereby, with its approval, the Town (at its expense) will agree to continue to provide public safety services to 700 homes in the County. In these regards, Staff knows there will be topics of discussion especially in the fiscal times the Town is currently experiencing. It's all about the level of service that the Town wants to pay for and that is a decision for the Commission every budget year.

Commissioner Hannan had a prepared statement stating that now is not really the time to start giving out increases that are not earned. The country is in the most severe economic crisis since the Great Depression; the economy has hit its worst in 25 years in regards to lay-offs in the United States and it has reached epidemic proportions. He stated that he is thankful that he is employed in these tough economic times. He is not in favor of giving increases in spite of being able to eliminate the one administrative assistant position.

Commissioner Kussard stated that she disagrees with Commissioner Hannan – she thinks the Town needs to offer a competitive salary. This is a community where a lot of seniors live and rely on the dispatcher getting the proper emergency assistance to their home in a hurry. Sheriff Borders and Fire Chief Tucker have both indicated how important the Lady Lake dispatch is and that they would have to change so many things if the Town didn't have that dispatch unit. She stated that she thinks it is very important to have qualified personnel in the Town and in order to have qualified personnel, the Town has to offer a competitive salary. She also added that this would be funded from the reduction of one administrative position.

Commissioner Miller stated that he agrees with Commissioner Kussard that the Town needs to offer a competitive salary to get the type of personnel that the Town is looking for.

*Upon a motion by Commissioner Kussard and seconded by Commissioner Miller, the Commission approved the Revision to the Town of Lady Lake Pay Schedule for Police Department Communication Officers to Reflect a \$1.00/Hour Increase, by a vote of 4 to 1 (Hannan being the dissenting vote).*

**8. Consideration of Request from Property Owner of 219 Skyline Drive to Reduce the Road Assessment Lien (Derek Schroth/Courtney Scritchfield)**

Derek Schroth, Town Attorney, stated that the party requesting this reduction is currently involved in litigation because the Town has filed for foreclosure. They contacted the Town Manager because their hearing was coming up so the Town

postponed their hearing so they could come before the Commission to make a proposal. Mr. Schroth stated that the original assessment was for \$2,449.60 and with interest for about 20 years and attorney's fees and costs, the total amount is now \$11,820.00. They were set for a hearing in December and that is when they contacted the Town.

Courtney Scritchfield stated that she bought the property at 219 Skyline Drive.

Mr. Schroth stated that the new purchaser acquired the property without a title search.

Diana Moore accompanied Ms. Scritchfield and stated that she had done an abstract title and it only indicated the code enforcement lien. Ms. Moore stated that Ms. Scritchfield is 20 years old and she purchased the abandoned property at the tax deed office; Ms. Moore also stated that this property has changed hands 4 times since 1989 and the road assessment lien had not been paid. Ms. Scritchfield paid the code enforcement lien and has spent quite a bit of money cleaning up the property and also paid the back taxes – and there is still more maintenance to do on the property. She wants to be a part of the community. Ms. Moore asked the Commission if there was something that they could mutually agree on in order to help Ms. Scritchfield from losing her first home; she added that this is a single-wide mobile home that Ms. Scritchfield has already put a lot of work into and that she could pay the \$2,449.60 right now but not the \$11,800.

Mayor Richards stated that he knows that this seems difficult but the reason for the foreclosure is because all of the previous owners did not pay and it wasn't until the foreclosures started happening that the Town received communications from the property owners. This has been ignored in the past and Mr. Schroth has spent 2½ - 3 years chasing these things down.

Commissioner Hannan asked if the Town could go after the original owner.

Mr. Schroth stated probably not; he added that these road assessments run with the land and this property was purchased through a tax deed sale so it is not like the owner had given a warranty deed warranting that the property was free and clear in any way.

Commissioner Kussard stated that not only are people losing their jobs but there is also a terrible situation in this country with foreclosures and she would hope that there is some way of helping this lady – this is her first home and she has already put a lot of money into this home.

Commissioner Holden stated that he would also like to help her if there is a way it can be done without having repercussions on other properties that the Town has dealt with.

Commissioner Miller stated that he has mixed feelings but thinks that the Town needs to access that property and charge what is owed against the property.

Bill Vance, Town Manager stated that he and the Town Attorney could work on something between now and the next Commission meeting that would fulfill the

financial obligations of the Town but also hopefully allow this young lady to keep her home.

Mayor Richards stated that he would like to see something that would allow the Town to recoup the expense that went out for the attorney's time and the money that had been expended; find some way such as a payment plan for the full amount.

Mr. Vance stated that an agreement could be negotiated and brought back for the Commission's consideration. He added that this young lady was not around in 1990 – she did not initially agree to pay that debt and then ignore it for a period of 19 years – it seems to be a lesson learned at this point in time. If the Town can coordinate affordable payback arrangements that are to the satisfaction of the Town Commission and to the private party, then this can move forward and, at the very least, she is buying time. If Ms. Scritchfield is able to stay within the dwelling on this property; potentially, some day she could recoup this when she sells this property. She would have options if Staff can come up with something that is affordable to her and acceptable to the Town.

Mr. Schroth stated that the amount needs to set first and if there is a consensus on the amount, then maybe a mortgage can be placed on the property.

**The tape was changed to Side "B" at 6:45 p.m.**

For the record, Mr. Vance stated that no settlement offers for less than what is owed have been approved in the past in relation to these paving assessments.

Mayor Richards suggested that the Town Manager and Town Attorney work on this to negotiate something with the property owner and then bring it back to the Commission.

Mr. Schroth asked if this would be for the total amount.

Mr. Vance stated that the options are to move forward with foreclosure or the Town can coordinate some kind of affordable arrangement which would allow the property owner to keep the property. The Town's goal from what he is hearing from the Commission is to provide an opportunity for the property owner to keep the property. If there is consensus approval from the Commission, he and the Town Attorney will negotiate with the property owner and come back next meeting with an agreement that Staff supports or a recommendation to move forward with the foreclosure. Mr. Vance also stated that Staff needs to keep in mind that there are potentially other situations where people did not do title searches for whatever reason and are going to compare their situation to this situation.

***It was the consensus of the Commission to have the Town Manager and Town Attorney attempt to work out a payment arrangement for the road assessments owed by Ms. Scritchfield and to bring that back for the Commission's approval.***

9. This item has been pulled; however, the agenda number was left to maintain the numbering sequence of the original agenda packets.

**10. Consideration of the Addendum to Agreement #A1733 with Florida Department of Corrections Regarding the Lake County Law Enforcement Probation Coalition (Ed Nathanson)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Lady Lake Police Department recommends the approval of the Addendum to Agreement #A1733 which establishes a Community Partnership with the Florida Department of Corrections. This Addendum requests the collaboration and sharing of data and other information regarding strategy, goals, objectives and other desired outcomes in order to further the effective implementation of successful reentry as a crime reduction strategy with support and collaboration from local criminal justice agencies, state, county and local agencies, churches, support groups and citizen volunteers and mentors. Town Attorney Derek Schroth has reviewed and approved this document.

Chief Ed Nathanson stated that this is an annual renewal and that it is imperative in the field of law enforcement to have mutual aid with the surrounding law enforcement agencies – it always seems to work out great. Two years ago, after the tornadoes, there were 43 law enforcement personnel in Lady Lake within an hour and were available for almost 2 weeks; the Lady Lake Police Department consisted of 29 people.

Commissioner Hannan asked if the Department of Corrections was included in this agreement previously and the Chief answered that they have been involved all along.

Commissioner Hannan asked if the Department of Corrections, since it is in partnership with the Town, could be used to clean the Town's streets.

Chief Nathanson stated that, as a rule, the Department of Corrections doesn't do the roadside gangs from the prison; that is done by the Sheriff's Dept. from the jail.

Mr. Vance stated that the Town has used the roadside gangs to clean up the hills around the bridge on US Hwy 27/441 several years ago. He stated that the Town could entertain doing more of that and that can be coordinated.

The Chief added that inmates were used from the County jail to help move from the old Town Hall building to this one, moving things around and setting up special events so they have been used from time to time.

Commissioner Hannan stated that the Town should probably use them as much as it can.

Commissioner Kussard stated that everyone cooperating with one another is wonderful.

*Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved Chief Ed Nathanson to Sign the Addendum to Agreement #A1733 Establishing a Community Partnership Between the Florida Department of Corrections and the Lady Lake Police Department, by a vote of 5 to 0.*

**11. Consideration of the Mutual Aid Agreement for the Voluntary Cooperation and Operational Assistance Between the Lake County Sheriff's Office and Municipal Police Departments in Lake County (Ed Nathanson)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Lady Lake Police Department recommends the approval of renewing the combined Voluntary Cooperation and Operational Assistance Mutual Aid Agreement between the Lake County Sheriff's Office and other Municipal Police Departments in Lake County, Florida. This agreement allows the Lake County Sheriff's Office and the Lady Lake Police Department to receive and extend mutual aid.

Chief Ed Nathanson stated that this agreement is very similar in nature to the previous agreement except that it is specific to the Lake County Sheriff's Department and all of the municipalities. It is a cooperative spirit and something that the Town has done on an annual basis; he added that the Sheriff has been a very good partner to the Lady Lake Police Department.

*Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved Chief Nathanson to Sign and Renew the Combined Voluntary Cooperation and Operational Assistance Mutual Aid Agreement, by a vote of 5 to 0.*

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

Thad Carroll, Senior Planner, announced that there will be 4 hearings for Comprehensive Plan Amendments and that there is a sign-up sheet if anyone wants a copy of the Notice of Intent when published by DCA.

**12. Ordinance No. 2007-02 – Second/Final Reading – Annexation – South Side of Griffin Avenue Between County Road 25 and Rolling Acres Road – Fennell Investments, Ltd.**

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 this is an application for annexation filed by Fennell Investments Ltd and the parcel area is 5.75 acres located on the south side of Griffin Avenue between Rolling Acres Road and County Road 25. He also stated that the current Future Land Use designation of the property is Lake County Urban which permits 7 dwelling units per acre and the current Zoning designation is Rural Residential. At the present time, the property is vacant and the proposed use of the property is commercial uses.

Mr. Carroll stated that when evaluating an annexation, Staff looks for a contiguous boundary with the Town of Lady Lake and the creation of an enclave. This will not create an enclave; however, it will resolve an enclave so there will be a continuous Town boundary spanning across Griffin Road.

Mr. Carroll stated that the Technical Review Committee (TRC) reviewed the application on December 19, 2006 and determined that the application was complete and ready for transmittal to the Planning & Zoning Board with a vote of 4-0; the Planning & Zoning Board reviewed the application on January 11, 2007 and recommended approval and forward to the Town Commission with a vote of 6-0; the Town Commission approved the ordinance on the First Reading on February 1, 2007 by a vote of 5-0; to date, no objections have been received and this application does satisfy all requirements per State Statute for annexation.

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

*Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved Ordinance No. 2007-02 – Second/Final Reading – Annexation – South Side of Griffin Avenue Between County Road 25 and Rolling Acres – Fennell Investments Ltd, by the following roll call vote:*

<i>HOLDEN</i>	<i>AYE</i>
<i>MILLER</i>	<i>AYE</i>
<i>HANNAN</i>	<i>AYE</i>
<i>KUSSARD</i>	<i>AYE</i>
<i>RICHARDS</i>	<i>AYE</i>

**13. Ordinance No. 2007-03 – Second/Final Reading – Large Scale Comprehensive Plan Amendment – South Side of Griffin Avenue Between County Road 25 and Rolling Acres Road – Fennell Investments, Ltd.**

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 application includes the previous property as well as an additional 12.56 acres, the parcel area being 18.31 acres in size. The Applicant is Fennell Investments Ltd and the parcel is located on Griffin Avenue. The current Future Land Use designation of the property is Urban as well as Rural High Density. (Mr. Carroll noted that, in the packet, it indicates Single Family Very Low Density which is what was applied for and since that time, the nomenclature has changed in the Future Land Use designations). The proposed Future Land Use designation is the Commercial General-Retail Sales and Services. The present use of the property is Residential and commercial uses allow for 245,000 square feet as proposed by the Applicant. This is a policy-specific amendment meaning that if they exceed the 245,000 square feet at any time in the future, they will have to come back for rezoning and will also have to submit to DCA again for review.

Mr. Carroll stated that they are requesting retail and the retail would span around the property on the easterly boundary as well as to the south and it is consistent with adjacent uses and in character with the adjacent community.

Mr. Carroll stated that the Technical Review Committee (TRC) reviewed the application on December 19, 2006 and determined that the application was complete and ready for transmittal to the Planning & Zoning Board with a vote of 4-0; the Planning & Zoning Board reviewed the application on January 11, 2007 and recommended approval and forward to the Town Commission with a vote of 4-2; on February 1, 2007, the Local Planning Agency (LPA) voted 5-0 to approve the ordinance as presented; the Town Commission approved the First Reading of the ordinance on February 1, 2007 with a vote of 5-0; to date, there have been no objections to this Future Land Use Amendment.

Commissioner Kussard stated that the last time this came before the Commission, the residents were very concerned about what retail services would be there and she asked if Staff knew what they were planning.

Mr. Carroll stated that this issue will be addressed in the next agenda item which is the rezoning.

Mayor Richards asked about the right-of-way on the west side.

Mr. Carroll stated that has been vacated and the easterly half of that right-of-way is already retail so the westerly half is included in this legal description; by the Large Scale Amendment, this would make that continuous all the way through there with real property as opposed to right-of-way. All of the right-of-way addressed with this ordinance has been vacated.

- Phil Mathias, Lakes of Lady Lake, stated that he has a concern in regards to the traffic on Griffin Avenue because it is difficult to get on and off of that road now and then there will be more traffic from this commercial area.

Town Manager Bill Vance stated that, at this point in time, the Applicant is attempting to get the property inside the corporate limits of the Town so the property can be eventually marketed. Right now, no specific utilization request has been made. A site plan process would still have to be coordinated in the future and that process would include the County's transportation department because that is a County road where the potential use would have to be identified and negotiations would take place with the County to accommodate any improvements which would have to be made to attain the access permit from the County; that permit would be attached to the site plan application as proof that what they proposed to do has been deemed responsible by the entities involved.

Lee Fennell, Applicant, commented that the right-of-way on the east is all vacated but the right-of-way west of the property next to the assisted living facility has not been vacated and he anticipates that at some point in the future, that will be opened so that what is now Old Vineyard Road that ends at the northeast corner of the Home Depot

property would eventually be through to Griffin Avenue which should help some of the traffic issues. He also stated that Don Griffey with Griffey Engineering was present and had the done traffic studies for Fennell Investments.

*Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved Ordinance No. 2007-03 – Second/Final Reading – Large Scale Comprehensive Plan Amendment – South Side of Griffin Avenue Between County Road 25 and Rolling Acres Road – Fennell Investments, Ltd, by the following roll call vote:*

<i>HOLDEN</i>	<i>AYE</i>
<i>MILLER</i>	<i>AYE</i>
<i>HANNAN</i>	<i>AYE</i>
<i>KUSSARD</i>	<i>AYE</i>
<i>RICHARDS</i>	<i>AYE</i>

**14. Ordinance No. 2007-12 – Second/Final Reading – Rezoning – South Side of Griffin Avenue Between County Road 25 and Rolling Acres Road – Fennell Investments, Ltd.**

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 this is an application for rezoning from Lake County R-1 and Lady Lake AG-1 to Lady Lake LC (Light Commercial). This property is 18.31 acres in size and the present use of the property is Residential and vacant on the 5-acre portion; this rezoning will allow 245,000 square feet maximum to be developed on the parcel.

Mr. Carroll addressed Commissioner Kussard’s earlier question stating that this originally did come before the Planning & Zoning Board and the Town Commission as a request for a HC (Heavy Commercial) zoning designation which is what the property to the south is for Home Depot. Mr. Carroll stated that the Applicant, in response to concerns expressed by some residents on the north side of Griffin Avenue, withdrew the application for rezoning of the property to HC - Heavy Commercial in January 2007 and has instead applied for rezoning to the more restrictive LC–Light Commercial designation. The Applicant wishes to go even further in his effort to address the fears of nearby residents and has submitted a Land Use Agreement (Exhibit B) that further restricts the light commercial uses.

Mr. Carroll stated that the Technical Review Committee (TRC) reviewed the application on April 2, 2007 and determined that the application was complete and ready for transmittal to the Planning & Zoning Board with a vote of 4-0; the Planning & Zoning Board reviewed the application on April 12, 2007 and recommended approval and forward to the Town Commission with a vote of 7-0; the Town Commission approved the First Reading of the ordinance on February 1, 2007 with a vote of 5-0; to date, there have been no objections to this LC amendment.

Commissioner Kussard commended Mr. Fennell, one of the major developers in Lady Lake, on his willingness to work with the residents to put their minds to ease that something was going to come into their neighborhood that they were not going to approve of.

Mr. Fennell thanked Commissioner Kussard for the comment and stated that they do try to be good neighbors.

There were no comments or questions from the public.

*Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved Ordinance No. 2007-12 – Second/Final Reading – Rezoning – South Side of Griffin Avenue Between County Road 25 and Rolling Acres Road – Fennell Investments Ltd, by the following roll call vote:*

<i>HOLDEN</i>	<i>AYE</i>
<i>MILLER</i>	<i>AYE</i>
<i>HANNAN</i>	<i>AYE</i>
<i>KUSSARD</i>	<i>AYE</i>
<i>RICHARDS</i>	<i>AYE</i>

**15. Ordinance No. 2007-34 – Second/Final Reading – Annexation – Board of Public Instruction – North of Anderson Lane and West of Highway 27/441**

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, Land Planning Group Urban & Regional Planners (LPG), has filed an application on behalf of the Lake County School Board to annex property located east of Rolling Acres Road and North of Anderson Lane, which includes 40 +/- acres of property currently in unincorporated Lake County.

Mr. Carroll stated that the subject property is currently vacant and is contiguous to the current municipal boundary of the Town at the southwesterly corner of the property. He added that the property satisfies the necessary criteria as required for annexation under Florida Statute 171.0413. He stated that it is the intent of the School Board to develop the subject parcel as an educational facility to serve the communities of northwest Lake County and provide relief to the Villages Elementary which is currently over capacity. Mr. Carroll stated that the Applicant will be required to file a site plan for the proposed facility if the annexation is approved for the property.

Mr. Carroll stated that the Applicant is requesting a concurrent Future Land Use Amendment to reclassify the parcel to Lady Lake Other Institutional Facility (OIF). In addition, the Applicant is also seeking to rezone the property to Public Facilities District (PFD), a compatible zoning designation in accordance with the directives of the Comprehensive Plan which provides for the development of institutional facilities such as public schools. Mr. Carroll commented that the Applicant must submit

construction plans for the proposed school if the Town Commission approves the comprehensive plan amendment and rezoning of the above property prior to any development occurring onsite.

Mr. Carroll stated that the Technical Review Committee (TRC) reviewed the application on October 16, 2007 and determined that the application was complete and ready for transmittal to the Planning & Zoning Board with a vote of 4-0; the Planning & Zoning Board reviewed that application on November 8, 2007 and recommended approval and forward to the Town Commission with a vote of 6-0; the Town Commission approved the First Reading of the ordinance on December 6, 2007 with a vote of 5-0.

**The tape was changed to Tape #2 at 7:15 p.m.**

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

*Upon a motion by Commissioner Hannan and seconded by Commissioner Kussard, the Commission approved Ordinance No. 2007-34 – Second/Final Reading – Annexation – Board of Public Instruction – North of Anderson Lane and West of US Hwy 27/441, by the following roll call vote:*

<i>HOLDEN</i>	<i>AYE</i>
<i>MILLER</i>	<i>AYE</i>
<i>HANNAN</i>	<i>AYE</i>
<i>KUSSARD</i>	<i>AYE</i>
<i>RICHARDS</i>	<i>AYE</i>

**16. Ordinance No. 2007-35 – Second/Final Reading – Large Scale Comprehensive Plan Amendment – Board of Public Instruction – North of Anderson Lane and West of Highway 27/441**

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, Land Planning Group Urban & Regional Planners (LPG), has filed an application on behalf of the Lake County School Board for a Large Scale Comprehensive Plan Amendment for property located east of Rolling Acres Road and North of Anderson Lane, which includes 40 +/- acres of property currently in unincorporated Lake County.

Mr. Carroll stated that the subject property is currently vacant and is contiguous to the current municipal boundary of the Town at the southwesterly corner of the property. The parcel is concurrently being considered for annexation via an accompanying ordinance. In becoming incorporated into the Town of Lady Lake, the Future Land Use designation of the parcel must be changed to one which supports the intent of the Applicant's proposed activity. It is the intent of the School Board to develop the subject parcel as an educational facility to serve the communities of northwest Lake County and provide relief to the Villages Elementary which is currently over capacity.

Therefore, the Applicant is requesting a Future Land Use Amendment to reclassify the property to an Other Institutional Facility (OIF) designation to comply with the directives of Lady Lake's adopted Comprehensive Plan.

Mr. Carroll stated that the Technical Review Committee (TRC) reviewed the application on October 16, 2007 and determined that the application was complete and ready for transmittal to the Planning & Zoning Board with a vote of 4-0; the Planning & Zoning Board reviewed the application on November 8, 2007 and recommended approval and forward to the Town Commission with a vote of 6-0; the Local Planning Agency recommended approval of the ordinance on December 6, 2007 with a vote of 5-0; the Town Commission approved the First Reading of the ordinance on December 6, 2007 with a vote of 5-0; to date, there have been no objections.

Mr. Carroll stated that concurrency reports were included in the Commission's packets and noted that by reassigning this property and getting this property into the Town, the Town can potentially avoid future concurrency problems because now school concurrency is subject to review by the DCA; therefore, Staff does recommend approval of this request.

Mr. Carroll also stated that this application was submitted to the Florida Department of Community Affairs (DCA) who offered a couple of comments in the Objections, Recommendations, and Comments Report (ORC) that was issued on December 1, 2008. If this ordinance is adopted, Staff will submit to DCA within 10 days and within 45 days, Staff will receive a Notice of Intent from DCA regarding this amendment.

Commissioner Hannan asked if the mineral rights issue had gone away.

Bill Vance, Town Manager, stated "unfortunately not." Initially, Staff had talked about using \$500,000 of the \$1.5 million supplemental educational impact fee fund to settle that issue; Staff was informed about 9 months ago by the School Board attorney that \$500,000 was an exorbitant amount and this situation could be taken care of in less than 6 months for less than \$500,000. In the last 30 or 45 days, the School Board gave the School Board attorney direction to move forward with eminent domain and the information that was provided at that time was that the eminent domain process associated with the mineral rights could take up to 18 months and at the conclusion of the process, it was quite possible that if a resolution has not been reached that the issue could be sent to jury trial. So if a jury is involved, you have no idea as to what their ruling or recommendation to the judge is going to be. Staff continues to stay in close contact with the School Board representatives and is ready to invest those impact fee funds into things associated with this effort with future schools in northwest Lake County. What better time with the economy the way it is to get resources back into the economy to get great prices from consultants and engineers who are going to help the Town establish visions and design facilities. No, it is not resolved but there are still a lot of things going on.

Commissioner Kussard stated that the Town paid for environmental studies to be done and asked if that would have to be done again and spend more money since this has become a long process.

Mr. Vance stated that was quite possible. He added that the Town did not invest that money at the time with any knowledge that there was going to be a situation that was going to hold this project up for several years. The information that Staff had was that this was responsibly going forward; there was a joint work session with the School Board and a joint understanding was established as to how all involved wanted to proceed. There was an interlocal agreement that the Town executed and directed to the School Board and the Town has yet to receive that back. Lady Lake is the only town in Lake County that has an educational impact fee in place and has in excess of \$1 million dedicated solely for supporting the expedition of future schools in this community. Staff is doing a lot and will keep investigating ways to enhance this effort in close coordination with the Commission and the School Facilities Steering Committee.

There were no comments or questions from the Commission.

*Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved Ordinance No. 2007-35 – Second/Final Reading – Large Scale Comprehensive Plan Amendment – Board of Public Instruction – North of Anderson Lane and West of US Hwy 27/441, by the following roll call vote:*

<i>HOLDEN</i>	<i>AYE</i>
<i>MILLER</i>	<i>AYE</i>
<i>HANNAN</i>	<i>AYE</i>
<i>KUSSARD</i>	<i>AYE</i>
<i>RICHARDS</i>	<i>AYE</i>

**17. Ordinance No. 2007-36 – Second/Final Reading – Rezoning – Board of Public Instruction – North of Anderson Lane and West of US Hwy 27/441**

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, Land Planning Group Urban & Regional Planners (LPG), has filed an application on behalf of the Lake County School Board to rezone property located east of Rolling Acres Road and North of Anderson Lane, which includes 40 +/- acres of property currently in unincorporated Lake County.

Mr. Carroll stated that the subject property is currently vacant and is contiguous to the current municipal boundary of the Town at the southwesterly corner of the property. The parcel is concurrently being considered for annexation via an accompanying ordinance. In becoming incorporated into the Town of Lady Lake, the zoning designation of the parcel must be amended to one which supports the intent of the Applicant's proposed activity. It is the intent of the School Board to develop the

subject parcel as an educational facility to serve the communities of northwest Lake County and provide relief to the Villages Elementary which is currently over capacity. Therefore, the Applicant is requesting to rezone the property to Public Facilities District (PFD), the appropriate designation to comply with the directives of Lady Lake's Land Development Regulations.

Mr. Carroll stated that the Applicant is requesting a concurrent Future Land Use Amendment under separate ordinance to reclassify the parcel to Lady Lake Other Institutional Facility (OIF). This designation is in accordance with the directives of the Comprehensive Plan and provides for the development of institutional facilities such as public schools. PFD is a permitted zoning designation under this Future Land Use category and supports the development of educational facilities.

Mr. Carroll stated that the Technical Review Committee (TRC) reviewed the application on October 16, 2007 and determined that the application was complete and ready for transmittal to the Planning & Zoning Board with a vote of 4-0; the Planning & Zoning Board reviewed the application on November 8, 2007 and recommended approval and forward to the Town Commission with a vote of 6-0; the Town Commission approved the First Reading of the ordinance on December 6, 2007 with a vote of 5-0.

There were no comments from the Commission or the public.

*Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved Ordinance No. 2007-36 – Second/Final Reading – Rezoning – Board of Public Instruction – North of Anderson Lane and West of US Hwy 27/441, by the following roll call vote:*

<i>HOLDEN</i>	<i>AYE</i>
<i>MILLER</i>	<i>AYE</i>
<i>HANNAN</i>	<i>AYE</i>
<i>KUSSARD</i>	<i>AYE</i>
<i>RICHARDS</i>	<i>AYE</i>

**18. Ordinance No. 2008-17 – Second/Final Reading – Annexation – Austin Property – County Road 25 and Marion County Road**

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 Agent, Steven J. Richey, has filed an application on behalf of Gloria Austin, Trustee, to annex property located on the southeast intersection of County Road 25 and Marion County Road, which includes 19.3 +/- acres currently in unincorporated Lake County.

Mr. Carroll stated that the subject parcel is comprised of two properties, one of which is currently vacant and the other which is currently occupied by a single-family residence and storage building. The property is contiguous to the current municipal

boundary of the Town via adjacency across County Road 25. The property satisfies the necessary criteria as required for annexation under Florida Statute 171.0413.

Mr. Carroll stated that it is the Applicant's intent to develop the subject parcel as commercial property consisting of the following uses:

- 75,600 Total Commercial Square Footage
- 48,000 Total Office Square Footage
- 18 Apartment Units (net 800 square feet per unit)

Mr. Carroll stated that the Technical Review Committee (TRC) reviewed the application on July 1, 2008 and determined that the application was complete and ready for transmittal to the Planning & Zoning Board with a vote of 4-0; the Planning & Zoning Board reviewed the application and recommended approval and forward to the Town Commission; the Town Commission approved the First Reading of the ordinance on August 4, 2008 with a vote of 5-0; to date, there have been 2 phone calls and 1 letter concerning the amendment as well as some public comment at the First Reading.

Commissioner Hannan asked about the content of the 2 phone calls.

Mr. Carroll stated that the content was just curiosity as to what is being proposed and going on; they had some concerns regarding traffic and some blind spots. Those individuals did show up at the Planning & Zoning Board meeting; the Applicant addressed those comments and came back with a revised conceptual plan.

Commissioner Kussard asked if this property was near the Carriage Museum property.

Mr. Carroll stated that the properties have the same owner but this property is a different location than the Carriage Museum.

*Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved Ordinance No. 2008-17 – Second/Final Reading – Annexation – Austin Property – County Road 25 and Marion County Road, by the following roll call vote:*

<i>HOLDEN</i>	<i>AYE</i>
<i>MILLER</i>	<i>AYE</i>
<i>HANNAN</i>	<i>AYE</i>
<i>KUSSARD</i>	<i>AYE</i>
<i>RICHARDS</i>	<i>AYE</i>

**19. Ordinance No. 2008-18 – Second/Final Reading – Large Scale Comprehensive Plan Amendment – Austin Property – County Road 25 and Marion County Road**

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 Agent, Steven J. Richey, has filed an application on behalf of Gloria Austin, Trustee, for property located on the southeast intersection of County Road 25 and Marion County Road, which includes 19.3 +/- acres currently in unincorporated Lake County. The Applicant has requested the following change to the property:

*Large Scale Comprehensive Plan Amendment of 19.3 +/- acres to change from Future Land Use of Lake County Urban to Lady Lake Commercial General-Retail Sales & Services (RET).*

Mr. Carroll stated that the subject parcel is comprised of two properties, one of which is currently vacant and the other which is currently occupied by a single-family residence and storage building. It is the Applicant's intent to develop the subject parcel as commercial property consisting of the following uses:

- 75,600 Total Commercial Square Footage
- 48,000 Total Office Square Footage
- 18 Apartment Units (net 800 square feet per unit)

Mr. Carroll stated that in the justification statement provided for the Large Scale Comprehensive Plan Amendment application, the Applicant states that the subject property is located within an area suitable for urban uses per the Lake County Comprehensive Plan. The requested land use of Commercial General is comparable to the existing Urban land use assigned to the property in accordance with the Lake County Comprehensive Plan, thereby minimizing unaccounted impacts on the surrounding properties and infrastructure.

Mr. Carroll stated that the Technical Review Committee (TRC) reviewed the application on July 1, 2008 and determined that the application was complete and ready for transmittal to the Planning & Zoning Board with a vote of 4-0; the Planning & Zoning Board reviewed the application and recommended approval with a vote of 5-0; the Local Planning Agency approved the ordinance on August 4, 2008 with a vote of 5-0; the Town Commission approved the First Reading of the ordinance on August 4, 2008. The application was transmitted to the Florida Department of Community Affairs (DCA) who subsequently offered comment and issued an Objections, Recommendations, and Comments Report (ORC) on December 1, 2008. The Applicant has addressed those comments and those will be submitted to DCA upon adoption of this ordinance.

Commissioner Hannan asked if it was conceivable, if this is all approved, that the County will come in and lower the speed limit because the population changes.

Mr. Carroll stated that Don Griffey, Griffey Engineering, prepared the traffic study for this project and asked him to comment.

Mr. Griffey stated that they don't get into that great of detail for this level of approval. Typically, when a project like this comes through the development approval process, speed limit is not one of the things that is addressed – they look at access, turn lanes, capacity of the road system, etc. He suggested that, if the Town has a concern, the best way to approach that is to petition the County to do a speed study; speeds are a direct reflection of the volume of traffic on a road – usually, the more traffic, the lesser the speed and posted speeds are based on the typical travel speed at the 85<sup>th</sup> percentile. The more vehicles that are on a road, the tendency will be the need to post a lower speed limit.

Bill Vance, Town Manager, stated that Staff has asked the County to take a look at areas south of Griffin Avenue to unify the speed limit. There was a situation where it was 40 MPH in one direction and 30 MPH in another. The Town has an excellent relationship with Lake County Public Works and Staff could initiate an investigation as to what the Town would need to do to go further north along County Road 25.

Commissioner Hannan stated that this would probably make sense after everything is approved and once ground is broken.

Mr. Griffey stated that the Town could do it as an on-going thing; you don't even have to wait until that project is underway. It may not meet the criteria today, but it's something that the Town can continually keep an update on. He added that there is a good rationale for consistency in speed limits and he thinks the County staff will recognize that it kind of jumps up and down along certain roads and that is not a good system to have in place.

Mr. Vance stated that this request could be incorporated into a related request. After Sam's Club opened, the amount of traffic on US Hwy 27/441 changed dramatically, within just a matter of days. He added that Staff will be working with the County Public Works and the MPO to get them to take a second look at the current traffic volume in northwest Lake County through Lady Lake to see if there is a need to start working on anything else to accommodate the expedition of US Hwy 27/441 improvements which he understands are still in the right-of-way acquisition process.

Commissioner Hannan also suggested Vineland Road going all the way through to Griffin Avenue to relieve some traffic on the highway.

Mr. Vance stated that a commercial corridor traffic study has been done and will be coming before the Commission in the future for the Commission's formal recognition in addition to the PD&E work on Rolling Acres Road.

Mr. Carroll added that this is being considered as a policy-specific amendment and this limits the maximum square footage of the amendment to 75,600 square feet of commercial, 48,000 square feet of office uses and residential uses not to exceed 18 dwelling units. They have toned it down from what was potentially doable on that site so that will limit some traffic impacts as well.

*Upon a motion by Commissioner Holden and seconded by Commissioner Miller the Commission approved Ordinance No. 2008-18 – Second/Final Reading – Large Scale Comprehensive Plan Amendment – Austin Property – County Road 25 and Marion County Road, by the following roll call vote:*

<i>HOLDEN</i>	<i>AYE</i>
<i>MILLER</i>	<i>AYE</i>
<i>HANNAN</i>	<i>AYE</i>
<i>KUSSARD</i>	<i>AYE</i>
<i>RICHARDS</i>	<i>AYE</i>

**20. Ordinance No. 2008-19 – Second/Final Reading – Rezoning – Austin Property – County Road 25 and Marion County Road**

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 Agent, Steven J. Richey, has filed an application on behalf of Gloria Austin, Trustee, for property located on the southeast intersection of County Road 25 and Marion County Road, which includes 19.3 +/- acres currently in unincorporated Lake County. The Applicant has requested the following change of zoning for the property:

*Rezoning of 19.3 +/- acres to change the zoning designation from Lake County Agriculture to Lady Lake Planned Unit Development – Mixed Use (PUD).*

Mr. Carroll stated that the subject parcel is comprised of two properties, one of which is currently vacant, and the other which is currently occupied by a single-family residence and storage building. It is the Applicant’s intent to develop the subject parcel as commercial property consisting of the following uses:

- 75,600 Total Commercial Square Footage
- 48,000 Total Office Square Footage
- 18 Apartment Unites (net 800 square feet per unit)

Mr. Carroll stated that the Applicant contends that the proposed project will compliment the existing recreational, residential, and commercial uses in the area; and further, that the commercial, office and residential uses will complement one another within the proposed development providing a live, work and play atmosphere. The Lakes of Lady Lake Subdivision and Golf Course is located across from the subject property and commercial properties are located in the general vicinity one-half mile south on County Road 25.

Mr. Carroll stated that the Technical Review Committee (TRC) reviewed the application on July 1, 2008 and determined that the application was complete and ready for transmittal to the Planning & Zoning Board with a vote of 4-0; the Planning & Zoning Board reviewed the application and recommended approval and forward to

the Town Commission with a vote of 5-0. At that meeting, residents expressed concern regarding a blind spot that existed at the proposed entrance to the development from Marion County Road. The Applicant has since submitted a revised conceptual plan that designates that entrance as an emergency access only; this closure has resulted in the entrance off of County Road 25 being modified to a boulevard entrance. The Town Commission approved the First Reading of the ordinance on August 4, 2008 with a vote of 5-0.

Commissioner Kussard stated that with a zoning designation of Mixed Use-PUD, there can be anything in there except for Heavy Commercial. She also noticed there was going to be 18 apartment units that would be 800 square feet each and asked what type of apartments these would be.

Mr. Richey stated that they wanted some people who have businesses on the lower level to live above the businesses. The PUD documents limit them to the planned commercial in the document; it doesn't open it up to other uses and the site plan can't be changed to other uses – it is tied to this site plan, this square footage and these uses which are offices and the limited commercial.

Commissioner Kussard stated that she also sees that the surrounding community is basically agricultural and rural; she doesn't really think it fits in with the commercial.

Mr. Richey stated that there are 3 or 4 residences across the road to the north and they were concerned about traffic going out on Marion County Road so that entrance was changed to a fire break/emergency entrance on Marion County Road resulting in no traffic generated that way. Also, the buildings have been faced internal to the site; in addition, there was also an easement to the west that was a concern and a 15' buffer has been placed all the way around the site. Those are all conditions of not only the Comp Plan but also conditions of the zoning.

Commissioner Kussard asked if the neighbors were happy with the changes and Mr. Richey stated that he had met with the neighbors and confirmed that they are satisfied.

Mr. Richey added that Ms. Austin's goal is have the Carriage Museum within the Lady Lake town limits in the future but there are still some parcels to put together to get contiguous in order to meet the law and they are not there yet. He also commented that the County doesn't seem to appreciate the nature of Ms. Austin's facility and he thinks that Lady Lake has appreciated what she does and they want to continue to work with the Town.

There were no comments or questions from the public.

***Upon a motion by Commissioner Hannan and seconded by Commissioner Kussard, the Commission approved Ordinance No. 2008-19 – Second/Final Reading – Rezoning – Austin Property – County Road 25 and Marion County Road, by the following roll call vote:***

***HOLDEN***

***AYE***

<i>MILLER</i>	<i>AYE</i>
<i>HANNAN</i>	<i>AYE</i>
<i>KUSSARD</i>	<i>AYE</i>
<i>RICHARDS</i>	<i>AYE</i>

**21. Ordinance No. 2008-31 – First Reading – Amending the Memorandum of Agreement to Permit Additional Uses Under the Planned Commercial (CP) Zoning Designation for Sabal Palm Ventures, LLC – 510/520 County Road 466**

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, LPG Urban & Regional Planners, has submitted an application on behalf of Sabal Palm Ventures LLC to modify the allowable uses permitted under an existing Memorandum of Agreement (MOA) set forth by Ordinance No. 2007-08 and adopted by the Town Commission on April 19, 2007. Under the terms of the MOA, the following uses were permitted:

- Storage Area
- Dental and Medical Labs and Clinics
- General Office Buildings
- Professional Offices
- Financial Offices

Mr. Carroll stated that, at this time, the Applicant wishes to amend the Memorandum of Agreement to incorporate additional uses of:

- Medical/Dental (Offices, Labs, Clinics)
- Financial/Professional/General Offices
- Storage/Warehouse Buildings
- Restaurant
- Personal Services
- Retail Sales and Services

Mr. Carroll stated that the property is approximately 4.5 +/- acres and is located on County Road 466 just east of Rolling Acres Road. It is currently zoned Planned Commercial (CP) and will remain the same. The total square footage of all buildings on the property amounts to 125,501 square feet and is proposed to be allocated as follows:

<u>Square Footage</u>	<u>Proposed Uses</u>
11,072	Retail Sales/Services, Personal Services
8,814	Medical/Dental (Offices, Labs, Clinics)
8,815	Financial/Professional/General Offices
6,800	Restaurant
90,000	Storage/Warehouse Buildings

Mr. Carroll stated that, at the December 8, 2008 Planning & Zoning Board Meeting, the Applicant had proposed the uses of retail; specifically, Furniture and Appliance, Home Building Supply, and Video Rental as well as Restaurant uses and Personal Services that were not in the previous MOA. Concerns were raised by Rev. Paul Harsh of the First Baptist Church of Lady Lake, whose church is adjacent to the Applicant's property, regarding these proposed uses. Of key concern was the potential of the Applicant to sell and serve alcohol on-site under the restaurant use as well as a concern over potential video rentals that could be deemed pornographic. As an abutting property and one which shares a cross access parking agreement, Pastor Harsh stated that he was unaware of the proposed changes until he received a letter from Town Staff, adding that the Applicant never discussed these changes with him or any church representative prior to the evening of December 8<sup>th</sup>. Since that time, discussion with Pastor Harsh has occurred and the Applicant has proposed an agreement amenable to both parties.

Mr. Carroll stated that the requested modification is consistent with the directives of the Comprehensive Plan and does not require an amendment to the Future Land Use Designation. The requested uses are in character with adjacent uses and zoning designations of nearby properties.

Mr. Carroll stated that the Technical Review Committee (TRC) reviewed the application on November 18, 2008 and determined that the application was complete and ready to transmit to the Planning & Zoning Board with a vote of 4-0; the Planning & Zoning Board reviewed the application on December 8, 2008 and passed a motion to send the application back to Staff to check out issues regarding the concerns addressed by the pastor; on January 12, 2009, the Planning & Zoning Board approved the application as revised and recommended forwarding to the Town Commission with a vote of 5-0; the Second/Final Reading before the Town Commission is scheduled for February 23, 2009; to date, there have been no objections since the concerns of the church were addressed.

Commissioner Kussard stated that the church was opposed to the restaurant because of the possibility of it serving alcohol and asked if there was the possibility of removing the restaurant.

Mr. Carroll stated that the pastor attended the January 12, 2009 Planning & Zoning Board meeting and commented that he was okay with the revised MOA since it prohibited the sale of alcohol that could be transferred to the church property. Apparently, the pastor was appeased by the language of the revised MOA.

Bill Vance, Town Manager, asked Mr. Carroll to confirm that this is the same MOA that the Planning & Zoning Board approved, the same MOA that the pastor signed off on and that there are minutes indicating the pastor was okay with this and had no objections.

Mr. Carroll stated that was correct; Rev. Harsh was not okay with the first version of the MOA and is okay now that the changes have been made. He attended the meeting and stated that he was okay.

There were no comments or questions from the public.

*Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved Ordinance No. 2008-31 – First Reading – Modification of Planned Commercial Uses to include Additional Uses Under the Planned Commercial (CP) Zoning Designation, by the following roll call vote:*

<i>HOLDEN</i>	<i>AYE</i>
<i>MILLER</i>	<i>AYE</i>
<i>HANNAN</i>	<i>AYE</i>
<i>KUSSARD</i>	<i>NAY</i>
<i>RICHARDS</i>	<i>AYE</i>

**22. Ordinance No. 2009-02 – First/Final Reading – Adoption of Annual Capital Improvements Plan to the Comprehensive Plan**

Derek Schroth, Town Attorney, read the resolution 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 it is 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 (2009-2013). 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 also provides a five-year schedule of capital improvements that are aimed at achieving and maintaining the Town's adopted levels of service. In addition 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. Amendments to implement this section must be adopted and transmitted no later than

December 1, 2008. Thereafter, 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), after December 1, 2008, and every year thereafter, 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 January 12, 2009 with a vote of 5-0; per Section 163.3177(3)(b)2, of the Florida Statutes, Capital Improvement Element amendments require only a single adoption public hearing; the Local Planning Agency recommended approval of the ordinance on February 2, 2009 with a vote of 5-0.

Mr. Carroll stated that in order for the DCA to consider any land use changes, this must be transmitted to DCA and found in compliance. He added that this annual Capital Improvements Plan was a cooperative effort with the Finance Department as well as good coordination with C. T. Eagle, Public Works Director.

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

*Upon a motion by Commissioner Hannan and seconded by Commissioner Kussard, the Commission approved Ordinance No. 2009-02 – First/Final Reading – Adoption of Annual Capital Improvements Plan to the Comprehensive Plan, by the following roll call vote:*

<i>HOLDEN</i>	<i>AYE</i>
<i>MILLER</i>	<i>AYE</i>
<i>HANNAN</i>	<i>AYE</i>
<i>KUSSARD</i>	<i>AYE</i>
<i>RICHARDS</i>	<i>AYE</i>

**23. Resolution No. 2009-100 – Amending Resolution No. 2008-109 – Extend the Time Limit Allowed for Waiving Building Permit Fees and Other Fees Customarily Imposed by the Town for Those Residents of the Town of Lady Lake Whose Homes or Structures Were Destroyed or Damaged by the Tornadoes of February 2, 2007**

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

There were no comments from the Commission or the public.

*Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved Resolution No. 2009-100 – Amending Resolution No.*

*2008-109 – To Extend the Time Limit Allowed for Waiving Building Permit Fees and Other Fees Customarily Imposed by the Town for Those Residents of the Town of Lady Lake Whose Homes or Structures Were Destroyed or Damaged by the Tornadoes of February 2, 2007, by a vote of 5 to 0.*

**L. TOWN MANAGER’S REPORT:**

**24. Discussion of Representation for Upcoming Lake County Days in Tallahassee (Bill Vance)**

Bill Vance, Town Manager, stated that it has been informally discussed that the Town would send representation to Lake County Days in Tallahassee. He stated that the State is going to be considering another \$3 billion or \$4 billion in potential cuts in the upcoming budget and it seems like a good idea to have some local government representatives from Lady Lake and Lake County to say “don’t pass any more of the State’s financial obligations down to local government at the same time that you are taking away resources from local government.” Attendance at this conference is important to help protect the Town’s interests to the best of the Town’s capabilities and the Town Manager stated that he does have sufficient funds in his budget to be able to pay for both the Town Manager and a Commissioner to attend.

Mayor Richards stated that if Commissioner Kussard was willing, it might be a good experience for her to attend and represent Lady Lake.

*It was the consensus of the Commission that Commissioner Kussard should attend the Lake County Days in Tallahassee as one of Lady Lake’s representatives.*

**M. MAYOR/COMMISSIONER’S REPORT:**

**25. Discussion of Naming Road Connecting Sam’s Club and Fennell Boulevard**

Mayor Richards stated that there have been several proposals and e-mails in regards to naming this road.

Commissioner Hannan stated that it would be extremely honorable and appropriate to name the road after a fallen comrade from the Town of Lady Lake.

Commissioner Kussard stated that she would rather see a name that would include all of the veterans because some family could feel left out if there is more than one fallen comrade; this way, it would be all-inclusive, such as Veterans Drive. She also suggested Nathanson Way since Chief Ed Nathanson is the longest-serving employee of the Town.

Chief Ed Nathanson suggested naming the road Pullen Way.

Commissioner Holden stated that Sam's Club paid for the street (blacktopping and taking care of it) and have put many millions of dollars into their buildings and property and he suggested something with their name on it.

Commissioner Miller stated that, because of its location, he thinks it would be nice to name the street after Chief Ed – he has served many years for the Town and has done many things for the Town and is very deserving. He added that he wouldn't have any objections to the other suggestions, though.

Derek Schroth, Town Attorney, suggested some public input.

Mr. Vance stated that Mr. Schroth's idea is good; it could be made known what is going to take place and then anyone interested in making a suggestion would be more than welcome to.

Mr. Vance also commented that a fantastic memorial is anticipated in memory of Mayor Pullen which is a very nice plaque at the Village Crossroads fountain. If the Town wants to name this road after Mayor Pullen, that's fine also. He wanted to let everyone know that it is not all or one as far as the recognition of one of Lady Lake's best servants ever.

Kristen Kollgaard, Town Clerk, stated that she could put public input in regards to this matter on a future agenda and have it at the beginning of the meeting and make the public aware prior to the meeting.

Mayor Richards suggested having an article in the newspaper requesting suggestions for naming the road. The Mayor asked Mr. Vance and Staff to get some information out to the public.

Commissioner Hannan had nothing to report.

Commissioner Kussard had nothing to report.

Commissioner Holden had nothing to report.

Commissioner Miller stated that he thought the opening of the Sam's Club went extremely well and also commented that it is a very beautiful facility and it has drawn a lot of people.

Mayor Richards agreed that it is a very nice facility and stated that Sam's Club really came forward and wanted to be a member of the community. They were very good to deal with.

**L. OPEN FORUM:**

**Tape #2 was changed to Side "B" at 8:00 p.m.**

- Phil Mathias suggested that maybe some or all of the Commissioners might want to attend Sheriff Borders' "Sheriff's Citizens Academy." Mr. Mathias stated that he spent an hour in the dispatch center, attended County Manager Cindy Hall's presentation in regards to Lake County services and also spent some time with Lake County Public Works Director Jim Stivender learning about county roads and the funding for those roads and it all was very educational.

**M. ADJOURN: There being no further discussion, the meeting was adjourned at 8:05 p.m.**

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Kristen Kollgaard, Town Clerk

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James Richards, Mayor

Minutes transcribed by Jayne York, Staff Assistant to Town Clerk