

**MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
March 16, 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:** Minister Mark Fessler, Fairway Christian 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: Bill Vance, Town Manager; Derek Schroth, Town Attorney; Chief Ed Nathanson, Police Department; C.T. Eagle, Public Works Director; Judi Kelch, Town Planner; Mike Burske, Parks & Recreation Director; Marilynn Nesbitt, Library Director; Kristen Kollgaard, Town Clerk; and Jayne York, Staff Assistant to Town Clerk

E. CONSENT:

1. Minutes

Special Meeting – February 3, 2009 (on file in the Town Clerk’s office)
Special Meeting – February 23, 2009 (on file in the Town Clerk’s office)
Special Meeting – March 3, 2009 (on file in the Town Clerk’s office)

2. Consideration for the Parks & Recreation Director to Purchase Two New Computers and Gravel Utilizing the Remaining Funds from the New Parks & Recreation Building (Mike Burske)

The background summary for this agenda item is on file in the Town Clerk’s office. It states that the Parks & Recreation Director is asking to purchase two computers, three monitors and additional gravel. At the present time, the Parks & Recreation staff is using very outdated computers which are in dire need of being replaced. They are also seeking additional gravel to lessen the dust and sand between the building and the pole barn.

Commissioner Kussard asked that Item #E-2 be pulled for discussion.

It was the consensus of the Commission to approve the minutes as presented.

Mike Burske, Parks & Recreation Director, gave the background summary from the agenda item cover sheet for Item #E-2.

Commissioner Kussard asked if the remaining monies from the building fund could be used for equipment.

Mr. Burske stated that the monies can be used for equipment.

Bill Vance, Town Manager, stated that these are not revenues or resources derived from the 1¢ sales tax which has to be dedicated towards infrastructure or facilities and even if they were, the case could probably be made that furniture potentially goes along with the facilities.

Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved the Request by the Parks & Recreation Director to Purchase Two New Computers and Gravel Utilizing the Remaining Funds from the New Parks & Recreation Building Fund, by a vote of 4 to 0.

Mr. Vance stated that these are anticipated to be the last expenses associated with the new building.

F. OLD BUSINESS:

G. NEW BUSINESS:

3. Consideration for the Town to Enter into a Service Contract with Dr. Ernest D. Scott, Executive Director, Center for Law Enforcement Technology to Perform a \$2,000 Audit of the Lady Lake Police Department (Tia O'Neal)

Tia O'Neal, Human Resources Manager, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). She stated that this review would be conducted by Dr. Scott who would identify the major strengths and areas of needed improvement for the Police Department. The review would also provide Town Staff the information needed to prepare a Request for Proposal if one was determined to be needed and approved by the Town Commission.

Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved Dr. Ernest D. Scott to Perform a Review of the Lady Lake Police Department for an Amount Not to Exceed \$2,000, by a vote of 4 to 0.

Town Manager Bill Vance stated that this audit is going to be an initial attempt to provide the Town Manager and the Commission with independent feedback associated with Police Department operations. Once this information is received, Staff and the Commission can collectively decide as to whether anything in addition is needed. If so, Staff could go out to a competitive bid process once it has been established as to where the Town is and where the Town would like to go. It does appear that there will be quite

a bit of work done for the \$2,000 investment and the audit is going to provide a lot of good information leading up to this year's budget process.

4. Consideration of Mittauer & Associates, Inc. Proposal for Engineering Services in Conjunction with the CDBG Program for FY 2009-2010 for Street Resurfacing in Skyline Hills Subdivision (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 the Town of Lady Lake annually receives CDBG (Community Development Block Grant) funding from Lake County and that this Grant allows engineering fees to be made part of the grant total. This proposal is contingent upon the successful execution of the 2009-2010 CDBG Partnership Agreement between the Town of Lady Lake and the Lake County Department of Community Services. Mr. Eagle also noted that this is for the next fiscal year – there is no fiscal impact this year; just getting it set and ready for next year.

Commissioner Kussard asked if this is totally funded by the Lake County CDBG Entitlement Program with no monies coming from the Town or is the \$6,900 for Engineering Services coming from the Town.

Mr. Eagle stated that the \$6,900 does come out of the grant funds; it is 100% paid by the grant with no money coming from the Town.

Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved the Mittauer & Associates Inc. Proposal for Engineering Services in Conjunction with the CDBG Program for FY 2009-2010 for Street Resurfacing in Skyline Hills Subdivision for an Amount Not to Exceed a Total of \$6,900, by a vote of 4 to 0.

5. Consideration of Approval of Professional Services Agreement for Cleaning Services for all Town Facilities (C.T. Eagle)

C.T. Eagle, Public Works Director, gave the background summary from the agenda item cover sheet. He stated that there were 6 bids received for cleaning services. JMC Services presented the lowest bid for the services and was awarded the contract. Cristel's Janitorial Services was the second lowest bid at that time. Issues have arisen with the current cleaning service that have facilitated Staff to issue a 30-day letter of termination to JMC Services as required by the Professional Services Agreement. Cristel's Janitorial Services have revised their pricing to match the current charges so there will be no increase in costs associated with this change in cleaning services.

Mayor Richards asked if this was just to complete this fiscal year.

Mr. Eagle stated that if the Commission agrees to this contract, it will start April 1, 2009 and run for the remainder of the fiscal year.

Upon a motion by Commissioner Holden and seconded by Commissioner Kussard, the Commission approved the Professional Services Agreement for Cristel's Janitorial

Services for Daily Cleaning Services in All Town Facilities for a Contract Amount of \$3,399.07 Per Month for the Remainder of the Current Fiscal Year with the Option to Renew This Contract in the Next Fiscal Year, by a vote of 4 to 0.

6. Consideration of Two (2) Pavement Management Program Professional Services Agreements and Fee Schedules (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 upon Commission approval on November 17, 2008, a Request for Qualifications was publicly advertised for the development of a Pavement Management Program for the Town of Lady Lake (RFQ No. 2008-13). The Town Clerk's office received 6 submittals; a four-member Selection Committee reviewed and graded the firms and shortlisted three firms. Those firms then made presentations before the committee and the Selection Committee chose two of the firms to negotiate agreements with. These two firms will be involved with the development and implementation of the Town-Wide Pavement Management Program on an as needed basis.

Mayor Richards stated that he understands that Mr. Eagle will be coming back before the Commission with an actual \$ amount.

Mr. Eagle confirmed that was correct and that it would probably be in April.

Upon a motion by Commissioner Miller and seconded by Commissioner Holden, the Commission approved the Two Professional Services Agreements and Fee Schedules for Use With the Continuing Pavement Management Program for the Town of Lady Lake, by a vote of 4 to 0.

7. Consideration of Seven (7) Continuing Engineering Professional Services Agreements and Fee Schedules (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 RFQ No. 2008-14 was publicly advertised as a Request for Qualifications for Continuing Engineering Services with a submittal date of January 7, 2009. The Clerk's office received 29 submittals that a five-member Selection Committee reviewed and graded. Ten of those firms were shortlisted and participated in a question-and-answer session with the Selection Committee that then chose seven firms to negotiate agreements with who will serve as Town Engineers on various projects on an as needed basis.

Bill Vance, Town Manager, stated that Staff is formally recognizing that the Town has coordinated a competitive process which is going to provide the Town options in the future. These firms will be used to coordinate potential proposals that will once again come before the Commission.

Upon a motion by Commissioner Holden and seconded by Commissioner Kussard, the Commission approved the Seven Professional Service Agreements and Fee Schedules

for Use as Continuing Engineering Services for the Town of Lady Lake, by a vote of 4 to 0.

8. Discussion Regarding Traffic Counts for Del Mar Drive and Avenida Central (C.T. Eagle)

C.T. Eagle, Public Works Director, stated that this is a discussion item only and that Staff does not have any recommendations at this time. Mr. Eagle gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office) and stated that Public Works has received numerous safety concerns from citizens regarding the intersection of Del Mar Drive and Avenida Central. Due to the safety concerns received, Staff proceeded with a 24-hour traffic count study for the intersection to determine if the intersection warranted further consideration. The traffic count findings were included in the Commission's packets.

Bill Vance, Town Manager, stated that Staff conducted a very brief, exploratory study of this intersection. There are a lot of potential complexities and this is just the start of this investigation.

- Terry Haley, 1218 Santos Place in The Villages, stated that he has lived here for 15 years and also worked in the Traffic Department for the City of Halifax. He stated that from what he can see from the study that was done, the study was not of much use. There has to be people out there with counters to count the traffic turning right or left or going straight ahead. He feels that the Del Mar gate has to be taken down or else manned during the busy times. He also thinks there should be a traffic light because this intersection is a death trap waiting to happen.

Mr. Vance stated that this intersection and this portion of The Villages development were included within The Villages DRI application that came before a previous Commission some years ago. After the fact, the Town is now taking a look at this situation even though nothing has been budgeted for any kind of study of this intersection. Instead of doing nothing and postponing the proposal for discussion during the budget process; Staff, at the very least, wanted to expend the \$485 to verify that there are a lot of vehicles going through this area and to independently establish that fact. This was also done in order to provide the Commission the opportunity to decide whether or not they want to invest additional Town resources and at what point in time the Commission might want to coordinate additional recommendations as far as potential improvement goes.

- Bill Calhoun, 913 Algonquin in The Villages, stated that this intersection is particularly dangerous and crowded at the beginning and at the end of the celebrations on Spanish Springs Town Square which is virtually every night. Until a solution is found, he suggested having an officer to control the traffic during the heavy usage times.

The Mayor stated that it could be made a 4-way stop without spending all the money needed for a stoplight. He also stated that the count was a just a raw count and asked if that met the MUTCD (Manual on Uniform Traffic Count Devices) standards.

Mr. Eagle stated that it did meet the MUTCD standards and that was taken into consideration when deciding to do the traffic count. Staff wanted numbers in order to see how much traffic (cars, golf carts, bicycles, pedestrians, etc.) was going through the intersection.

- Mr. Haley asked if the traffic counter took into consideration anything other than a four-wheeler going through the intersection; he stated that most traffic counters will take into consideration 18-wheelers and 6-wheelers in order to get a better count.

Mr. Eagle stated that this was not an actual study; it was a traffic count just to get numbers.

- Ruth Truttschel, 1227 Santos Place, stated that she has been a resident for almost 19 years. She stated that she was involved in an accident at that intersection and thinks the intersection should be a 4-way stop.
- Ed Pease, 1214 Panama Place, stated that he certainly recognizes the problem of increased traffic and is of the opinion that a stoplight would be the absolute worst scenario. He visualizes a real problem with a stoplight whereby traffic would block Panama Place and other entrances to nearby villas. He added that he doesn't have an opinion on a 4-way stop.
- Phil Mathias, Lakes of Lady Lake, stated that this sounds like a problem with The Villages and that maybe they could send an attendant to open the gate at certain times when the traffic is heavy.

Commissioner Kussard stated that it was residents in her area that had originally approached her about this issue and that she also uses this intersection frequently; she can't imagine someone opening the gate at certain times of the day because it is busy all the time. She stated that she doesn't know what the solution is but there have been a number of accidents in that area and she added that this is really a danger to the residents. She stated that she would like to see something done about this.

Mayor Richards stated that he goes through that intersection everyday and indicated that traffic also backs up 5 or 6 deep on Del Mar coming out of the gate. He stated that he understands that there have been 5 or 6 cross collisions at that intersection.

Mr. Eagle stated that there were 7 reported accidents within the last 12 months.

Mayor Richards stated that he would like to see an ordinance come back before the Commission to make that intersection a 4-way stop since it meets the MUTCD requirements.

Commissioner Kussard asked if this is something that has to be done in conjunction with The Villages or if the Town can just do an ordinance.

Mayor Richards stated that both streets are Town streets.

Mr. Vance stated that he concurs that this is within the realm of the Town's capability to coordinate and recommended that the Commission direct the Town Manager, Public Works Director and Town Clerk to draft an ordinance and also have a courtesy meeting with officials from The Villages to see if they have any related comments to hopefully coordinate some improvements that are going to be beneficial to all involved.

Mr. Eagle stated that the commercial side of Del Mar is a private road and not a road that is maintained by the Town.

Mr. Vance stated that there have been situations in the past where the Town has worked with The Villages just like he thinks the Commission wants Staff to work with them now to move toward a resolution.

Chief Ed Nathanson asked if the Commission would also take a look at the Rio Grande/Avenida Central intersection in regards to a traffic count because there is a lot of traffic at that intersection also.

Mayor Richards stated that if the counts are done according to the MUTCD, then there would be a legal and engineering stand for this and it needs to be brought forward.

Chief Nathanson stated that he was just mentioning it for consideration.

Mr. Vance stated that the Police Chief will be involved with these discussions so if there are other related ideas or recommendations, Staff will bring those forth as well after coordinating with all parties that have a vested interest.

It was the consensus of the Commission to move forward with this and draft an ordinance.

9. Consideration of Interlocal Agreement with Lake County for Maintenance of a Portion of the Right-Of-Way on County Road 466 (Marilynn Nesbitt)

Marilynn Nesbitt, Library Director, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). She stated that the Town of Lady Lake and Lake County have agreed upon a plan to resolve the drainage/easement issue to the satisfaction of the Town and the County. The County will build the drainage system and retention pond for CR 466 and Library runoffs. The County will then maintain the storm pipe system and the Town will maintain the ponds and the landscaped areas. The Interlocal Agreement details the responsibilities for both the County and the Town for CR 466 from US Hwy 27/441 west to the County line.

Mayor Richards asked what department would be maintaining the ponds and landscaped areas.

Mr. Vance stated that the Public Works Department would be maintaining these areas and that there is sufficient personnel to incorporate those responsibilities. He added that Staff and the Commission take a lot of pride in the condition of the Town so they would want to maintain these areas. Mr. Vance also stated that he and Ms. Nesbitt both support

this interlocal agreement but there is one item that they concurred that needed an additional documented understanding and that is the dirt from the stormwater retention areas. Mr. Vance understands that County Staff has agreed to dedicate the dirt coming out of the stormwater retention areas to the site preparation activities associated with the expanded area for the Library.

Ms. Nesbitt stated that she has contacted the County in those regards and they want a copy of the plans for the drainage issue so they can determine if they will need any dirt for the road – the Library plans show the depth of the pond which will be pretty deep. They will figure that out and let the Town know if it can have all of the dirt or just a portion.

Mr. Vance stated that Staff will follow up with those tasks.

Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved the Interlocal Agreement Between Lake County and the Town of Lady Lake for the Maintenance of a Portion of the Right-Of-Way on CR 466, by a vote of 4 to 0.

10. Consideration of Additional Services Invoice Dated 02-16-09 from Jamie Senatore for Providing Engineering and Other Services for Easement/Drainage Problem (Marilynn Nesbitt)

Marilynn Nesbitt, Library Director, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). She stated that this second additional services invoice covers work done on the easement/drainage problem from the end of November 2008 through February 23, 2009. Per Jamie Senatore, this completes all of the work done for this issue and there will be no further invoices from him for this issue.

Bill Vance, Town Manager, stated that he had attempted to coordinate additional services discussions with the Architect and it appeared to Mr. Vance that it was best to bring those proposals directly to the Commission since it is more efficient in that regard time-wise. The Town did receive a \$47,000 additional services bill that the Commission agreed to pay at the last Commission meeting. The Town Manager was aware of that work taking place but there was a lack of communication to specify that the work would be considered as additional and would cost \$47,000. The Town Manager was directed a bill after the work had taken place and the \$ amount for the work was identified at that point in time. After the fact, the Town Manager was trying to pursue information that he felt the Commission would need to consider that bill. The Commission, at the last meeting, formally agreed that they had all the information they needed to approve that payment. But, between the time that the work took place to when the bill was presented to the Commission, the Architect felt that there was a period of time that constituted a delay; therefore, the Architect felt he was due an additional \$1,202 in interest. Mr. Vance stated that it is up to the Commission to decide whether or not they feel they need to pay that amount of interest. The Town Manager took a second look at the contract and asked the Town Attorney to take a look at the contract; the Town Attorney has a position in this regard that his position is not going to eliminate the Commission's ability to pay that additional \$1,200 if the Commission so chooses to do so.

Ms. Nesbitt stated that, as it turns out, she thinks it would have been very difficult to give an estimate as to the cost of all of this prior to the work being done because there were so many different people involved and there were so many different options going on. The number of meetings could not be predicted or the amount of time that it was going to take because different options kept getting put forward and then something better would come up and things would get changed. She stated that, even if there had been an estimate in the beginning, it may very well not have been very accurate.

Mr. Vance stated that was the first time he ever experienced receiving a \$50,000 bill after the fact and he is not saying that the work was not well worth the price because the Town did save a lot of money on the stormwater improvements associated with the Library. He stated that he was just trying to establish facts – he had received a bill after the work had been done for a significant amount of money; he did not have all of the information that he needed to make a recommendation to the Commission; it took him 2 months to pursue that information and he was not completely successful at doing so but in the essence of going ahead and getting the matter resolved, he took it to the Commission anyway and allowed them the opportunity to decide to pay the bill or not pay the bill. They decided to pay the bill and now, the Town receives a bill essentially for the interest for the 2 months it took for the bill to get paid.

Derek Schroth, Town Attorney, stated that there are 2 issues on the interest. The first is that a bill was submitted for the \$47,000 and that amount has been paid in full. Now, after payment in full has been rendered, the Architect comes back and says that interest is owed because that payment was made late but he accepted that payment in full. The other issue is delay – the delay arguably was caused by Mr. Senatore not providing all of the bills and then there was a gap in the dates from when Mr. Senatore provided the explanation for it. Mr. Schroth stated that Mr. Senatore is charging interest for what he feels was a late payment on the bill.

Mr. Vance stated that the Architect provided information that he felt was sufficient and made it known that he felt what he had provided to-date was sufficient. At that point in time, Mr. Vance conveyed that to the Commission at the next opportunity after exhausting all efforts to get some of the information that the Town Manager thought was necessary.

Mayor Richards stated that usually in a contract, there are formal change orders so if the Commission is going to commit the Town, the Commission decides what the total \$ amount is so if anything comes up, they have to notify the Commission, do a change order with an estimated amount and then the Commission is in control of it rather than just getting a bill after the fact. The Mayor commented that other than the interest, the other items were actual expenses.

Commissioner Holden confirmed that the \$1,200 in interest is included in the \$4,600 bill.

The Mayor responded that was correct and stated that it has gotten so far to this stage that a certain part of him says approve it because there was a loss on Mr. Senatore's part and time is money.

Ms. Nesbitt also stated that according to the Architect's contract, this whole issue was outside of the scope of his services so it really wasn't a change order; it is additional services and Staff did get authorization to go ahead and proceed with it.

Mr. Vance stated that he understood everything that was going on but when there is an agreement with an architect to design a building on the Town's behalf, that design process is not always going to be easy and things are going to come along that the Town will pay that person to solve on its behalf so he understood that the work was taking place. His assumption, since nobody had clarified, was that this was outside the scope of the contract. The \$47,000 worth of work was completed and then the Town Manager was provided that information without any prior involvement and he had to substantiate payment of a bill after the work had taken place. That puts the Town Manager in a position that he wants to avoid any chance he has to do so; he was trying to do the best he could and Ms. Nesbitt was trying to do the best she could and it was a learning experience for the Architect.

Ms. Nesbitt stated that it was partially her fault also because she was telling the Architect to move forward; they were trying to get this done as quickly as they could.

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

Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved the payment of the Additional Services to Jamie Senatore for \$4,602 less the interest of \$1,202, by a vote of 2 to 2. (See motion below).

Mr. Schroth stated that if the payment of the bill is delayed another 30 days, Mr. Senatore may charge more interest.

Mr. Vance stated that if the Commission wants to wait until the entire Commission is present, the Town Attorney has provided a position that the \$47,000 has been paid in full so the decision to pay the additional \$1,202 could, in a legal estimation, be postponed until the next meeting on April 6, 2009 or the Commission could pursue another motion and another vote this evening.

Mr. Schroth suggested that the new part of the bill (\$3,400) be paid and then debate the \$1,202 interest when the full Commission is present since this is a deadlock.

The Mayor stated that if that is allowed (another vote taken), he would just change his vote which would make it 3-1 and Mr. Senatore would get the \$3,400. It was also confirmed that the issue of the \$1,202 interest would be discussed at the next regular Commission meeting.

Mr. Schroth stated that the motion needed to be read.

Mayor Richards stated that a motion has already been made to approve the payment of James Senatore's services minus the interest and there was a second to that motion (see previous motion); he asked for another vote of that motion which then passed 4 to 0.

11. Request from Presco Development LLC to Discuss Two Items Regarding the Nine Oaks Residential Community (Lance Samardge)

Lance Samardge, representative for Presco Real Estate Group, stated that he wanted to address two key items that significantly impact their project (Nine Oaks) which is a 273-unit fee-simple affordable residential subdivision located on the north side of Lake Ella Road 1.3 miles west of US Hwy 27/441.

Mr. Samardge stated that their team has spent countless hours designing and maximizing the most efficient layout for this project – the pre-plat has been redesigned twice, once to maximize open space and the second time to protect nine historic oak trees located on the site. He also stated that this is the first clustered neighborhood within the town limits; in addition, it encompasses numerous pocket parks as well as one centrally located park that is over 6 acres in size. Presco was able to create a layout where over 50% of these lots back up to open space, not to other lots.

Mr. Samardge stated that Nine Oaks is the only fee-simple affordable residential community being developed inside the Town limits right now. Presco's investment in Lady Lake is not a small one and they appreciate the opportunity to work within the community; however, they are finding it more and more difficult to deliver the finished product that was sought after in the beginning due to economic conditions. He stated that he is requesting to move forward with their project in a manner that is not protocol per the Town's LDRs but does not adversely impact the Town in any way.

Mr. Samardge stated that the first item is the proposal of a two-step plan to the Town's current construction plan approval process, that being approval of the mass grading plan prior to the full construction plans. Currently, after approval of the pre-plat, the next step in the Town's process is submittal of the construction plans for the entire project including all utilities. He stated that Presco recently submitted their mass grading/storm water plan to St. John's for their approval and also requested application information from Ms. Kelch in order to submit the same mass grading/storm water plans to the Town so that, upon approval, Presco could begin grading their site while still finalizing their engineering plans. This would allow them the opportunity to expedite the process to be able to move forward and to also meet milestones within their bank loan documents.

Bill Vance, Town Manager, confirmed with Mr. Samardge that Presco does not have a St. John's permit yet but wants to start moving dirt.

Mr. Samardge stated that Presco wanted to be able to submit their mass grading plan (the same as they submitted to St. John's last month) to the Town and upon attaining their permit from St. John's, they would go ahead, upon approval from the Town of Lady Lake and alter the topography by completing the mass grading. There would be no infrastructure whatsoever installed at this point in time and St. John's does not require any infrastructure to be in place to certify the project once the topography has been altered. St. John's would certify the project at that point in time and Presco would not have to go back to attain another permit prior to any infrastructure. Mr. Samardge stated that all that Presco is trying to do here is to begin moving the dirt because this is a very topographically challenging project and completing the engineering plans is taking quite

a bit of time to get all of the utilities in the correct place with the stormwater being the easiest. He also stated that their engineer has done this on other occasions elsewhere and they didn't realize that this was going to be an issue at this point.

Mr. Vance stated that Staff is always looking for win-win situations that can be recommended to the Commission but when someone is proposing something that contradicts the rules that have been established by previous Commissions, Staff just cannot waive those rules whenever it is fiscally not convenient for somebody to adhere to them. Staff wants to pursue flexibility, but in this case, the Town would have to direct the Applicant to pursue variances which would basically be requesting that rules that everybody else to date has had to adhere to would in this case be waived. He doesn't know how that can be substantiated to not do so in the future.

Mayor Richards stated that he is confused because in the past, a developer had to have a full set of plans in order for St. John's to issue a permit.

Judi Kelch, Town Planner, stated that the Town's LDRs require the full improvement plan – the road, the details of the road construction, etc. – but the LDRs do allow for the developer to request a variance from the Commission.

Mayor Richards asked Ms. Kelch if she knew if St. John's approves grading plans without having the final plans.

Ms. Kelch stated that she was not sure.

Mayor Richards stated that he hates going away from the LDRs.

Mr. Vance asked if there was any documented position from St. John's as to how they could work with Presco in regard to these proposals. He also stated that the second proposal is related to not having to pre-pay for capacity and commented that capacity has a definite value attached to it so the Town to-date has not given any capacity away.

The Mayor stated that the Town also has expenses in order to have that capacity.

Mr. Vance stated that if you attain capacity, then you can attach that capacity to the property and that obviously increases the value of the property and in this case, the Developer wouldn't have to pay anything to do so.

Commissioner Kussard stated that if the Commission agreed to this, it would be setting a precedent and she's not sure that this is something that the Commission should do at this point in time.

Commissioners Holden and Miller both agreed with Commissioner Kussard.

Mr. Samardge stated that the second item he wanted to discuss was the capacity issue and because Presco is being impacted in so many different ways by the current economic conditions, they are trying to find ways they can work without impacting anybody negatively or adversely. He stated that they currently have a Developer's Agreement for

another one of their projects that has already reserved capacity and they were hoping there might be an opportunity, since that project is not moving forward right now, that they could utilize that capacity for this project.

Mr. Vance responded that Presco was very fortunate to have benefited from the Town's first Developer's Agreement; at that time, the benefit for the Town as related to that first agreement was the extension of utility infrastructure at the developer's expense all the way down Griffin View Dr. to the corner of Gray's Airport Road. There was not the prepayment of impact fees which there would be currently – a developer would currently have to extend the infrastructure and also pre-pay the impact fees. But the benefit within that first agreement (which has never been repeated) was the extension of the Town's utility service area which would allow the Town to acquire more customers over time and as those folks pay their impact fees, then Staff could work with the Developer if the payment of the impact fees took place within a certain amount of time. After considering the possibility of taking that agreement and attaching it to this property, Staff realized that there was absolutely no benefit to the Town because the Town has utilities adjacent to this site so the Town would not even get an extension of the Town's utility service area. That is why Staff could not support the recommendation or proposal from the developer to take capacity from one location which they did not have to pre-pay to receive and attach it to another with no benefit to the Town as related to the extension of water and sewer and reuse.

Mr. Vance also added that Staff will absolutely expedite every service that the Town can provide to help this developer with the requirements of the Town's LDRs. The problem seems to be the delay that the developer has associated with working with the State agencies.

Mayor Richards stated that Staff will continue to work with Presco and if documentation is received from St. John's, the Commission can then take another look at this in regards to the mass grading. He added that if Presco is going to reserve capacity, they will have to pay for it.

Mr. Vance stated that if Staff receives some clarification from St. John's as to any related position they might have, Staff would take that documentation from St. John's and use it to the benefit of the Applicant in anyway possible.

Mr. Samardge stated that they should be hearing back from St. John's soon with either a Request for Additional Information (RAI) or a permit. He also wanted to clarify Presco's position in regards to the capacity reservation and that they were not trying to take away the Developer's Agreement as they were still planning to extend the utilities down Griffin View Dr.; they were just trying to utilize that capacity for this project and they then would have to pre-pay the capacity on the other project. Mr. Samardge added that everything else in the Developer's Agreement would remain the same.

Mr. Vance stated that the first Developer's Agreement was a learning experience and the Town is going to benefit from the eventual expansion of its utility system to Gray's Airport Road so that is a definite benefit in exchange for the capacity that the Town has already designated but the Town is not looking to repeat such a generous

recommendation in the future. Right now, everything that the Town receives for pre-payment of impact fees is invested into the things that are going to make the capacity available that will be necessary for these developments. He stated that, financially, he does not have the flexibility to transfer reserved capacity.

- Bill Calhoun questioned why this issue didn't come through the Technical Review Committee (TRC) and the Planning & Zoning Board because it probably wouldn't have made it to the Commission.

Mr. Vance stated that Presco specifically wanted to come before the Commission because they wanted to pursue assistance that only the Commission could provide and if this had gone to the Planning & Zoning Board at a regularly scheduled meeting, it would have been delayed in getting to the Commission so it was an attempt to expedite any service that the Town could potentially provide to the Applicant.

12. Consideration of Future Use of Town-Owned Skyline Hills' Properties and Consideration of Payment of Back Property Taxes Before Tax Collector's Tax Deed Sale (Derek Schroth)

Derek Schroth, Town Attorney, stated that the Town has acquired 5 properties through foreclosures and that there are also 4 others that are outstanding. The 4 outstanding as well as the 5 that the Town owns all have back taxes due – some of that is the Town's tax money because the Town's millage is included in the tax bill and there is an argument that if these properties are used for public purpose, you can go before the County Commission and have the taxes waived. He added that there was one sale on March 10th and the Town had to pay the \$3,929 in taxes. Another sale is coming up on March 31st where there is about \$8,800 owed. Mr. Schroth stated that he needed direction from the Commission as to whether these properties were going to be used for redevelopment and resale – with regards to the properties that the Town will end up owning, he asked if the trailers and debris would be cleared from these properties and then the properties resold in order to recoup everything that has been spent including the taxes or does the Town have some public purpose for these lots and then will ask for an exemption on the taxes (some of which is the Town's money anyways).

Bill Vance, Town Manager, stated that those 2 options can be pursued at this point in time. It appears to Staff that the option associated with getting the Town reimbursed would be the primary option to pursue initially. If, at some later date, it appears that any of these parcels would serve a public purpose, then the Commission could direct Staff to approach the County Commission to seek a waiver of the taxes.

Mayor Richards stated that there are just a few lots that are adjacent to each other and there is already a park on Skyline so there is little or no public use for these properties.

Mr. Vance stated that was Staff's understanding also.

The Mayor stated that the idea of foreclosing and rolling them over to the Town to eventually sell to someone else would end up being a private use.

Mr. Vance added that there has been some redevelopment of that area, which is not going to happen overnight, and this Commission has supported rezoning changes which now allow for single-family homes within these neighborhoods that previously could just have manufactured housing. The Town does have opportunities to actually expand on those efforts if this Commission would like to but the first thing the Town must do is to acquire the property to move in those directions and also pursue the Town's reimbursement.

Mr. Schroth stated that the tax assessed values for these properties is still more than the amount the taxes would be if the Town paid them plus the lien plus court costs plus interest plus attorney's fees.

Mr. Vance stated that those values will continue to rise based upon the fact that these properties are in Lady Lake and Lady Lake's total valuation is significantly increasing over time due to all of the Town's successful economic development efforts.

Mayor Richards stated that somehow we are going to have to find the money, at least temporarily, to pay the taxes on the properties.

Mr. Vance stated that the Town does have a reserve fund balance available; at the conclusion of the last fiscal year, the fund balance in the reserves stood at approximately \$3.1 million. There will be an official audit report at the March 25th Special Commission meeting so there is flexibility for the Commission to move forward and have resources available in order to continue with these foreclosure activities and these resources would eventually be reimbursed from the sales of the properties. To date, Staff has received approximately \$75,000 of the \$189,000 in debt that had been outstanding since the early 90's. Staff has gotten really active in the last 18 – 24 months after starting the effort in 2005 so progress is being made on this.

Mr. Schroth stated that the last 4 items on the list have been paid. The only ones left are the 5 properties that the Town currently owns and the 4 that are set for sale; there are potentially 3 others who are on payment plans and not shown on the list.

Commissioner Kussard asked how many properties the Town is looking at foreclosing on.

Mr. Schroth stated that the current number is 4. Taxes are delinquent on the 5 that the Town owns plus the 4 that the Town will own which is approximately a total of \$44,000.

Commissioner Kussard asked if it is more to the Town's advantage to clean up these properties, remove the trailers and sell the properties separately as opposed to keeping the buildings on those properties.

Mr. Vance stated that would be the quickest way to get it done. The Town would have to expend the \$44,000 and seek reimbursement later. There is the flexibility to continue on with this active redevelopment effort which is long overdue in some areas of these neighborhoods.

Mayor Richards stated that Habitat for Humanity could be chosen for some of the properties and Commissioner Holden agreed that it would be a good location for Habitat.

- Diana Moore, Lady Lake, stated that she can't see a park being located on any of these properties where there would be a residence on each side.

Mr. Vance stated that Staff has no plans to recommend parks; Staff has plans to clean up these properties as fast as possible so they can be put on the market and pursue reimbursement for the Town. The Town Attorney will also be providing information regarding some other code liens and the flexibility that Staff needs to make decisions on the spot which are in the best financial interests of the Town.

Upon a motion by Commissioner Holden and seconded by Commissioner Kussard, the Commission approved the Authorization of the Payment of Taxes as Directed by the Town Attorney, by a vote of 4 to 0.

Mr. Schroth asked if there was any objection to the methodology for code enforcement liens as far as what the Town is doing now and what the Town will need to do. He stated that when a code enforcement lien is established, it usually comes to his office for foreclosure. Because of the current economic situation, when a code enforcement lien is filed, people usually just stop paying their mortgage. Since it is a code enforcement lien and not a special assessment lien, the Town is in an inferior position – a special assessment lien has priority over everything except county taxes. If the Town files a foreclosure on a code enforcement lien and the bank is no longer getting paid, the bank can wipe the Town out through their foreclosure so the time and money that Staff has spent in court costs and attorney fees is all for nothing. In the future, he and the Town Manager will look to see if there is a significant mortgage on the property and if that mortgage is anywhere close to the property's value, Staff may just let the lien sit for any time period until the market recovers because at this point the Town is losing money on pursuing some of these code enforcement liens.

Mayor Richards asked if the Magistrate had any powers that could change the lien to an assessment.

Mr. Schroth stated that it is by statute. The Code Enforcement lien is inferior to the first mortgage on the property and in some instances, it is not worth the time or money because the bank is no longer getting paid and will wipe out the Town's interest. He added that a lien is good for 20 years.

Bill Vance stated that there are about 4 or 5 remaining situations with payment plans and those payment plans are going to have to be restructured prior to the expiration of the 20-year time frame to recover these debts. Staff will be coming back to the Commission with some related recommendations for payment plans that will be similar to the arrangements that were made recently where 10 years are provided to retire the debt based upon a monthly payment of X amount and as long as the payment is made every month, there will be no problem. If they miss a payment, the Town will then move forward with foreclosure.

13. Consideration of Final Commercial Plat for Summit Medical Plaza – County Road 466 (Judi Kelch)

Judi Kelch, Town Planner, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). She stated that the Applicant, Robert Johnson, for Owner, PPF, LLP, has submitted the final plat for the Summit Business Park located at 721 CR 466, north side of CR 466 just west of Rolling Acres Road. The Final Plat was reviewed by Growth Management, the Town Consulting Surveyor and the Town Attorney to determine if it is in compliance with the Land Development Regulations (LDRs) and Florida Statutes Chapter 177. Revisions were made from comments and the revised plat was found to meet the requirements of the Land Development Regulations and Florida Statutes Chapter 177.

Ms. Kelch stated that the Technical Review Committee (TRC) reviewed the application on February 17, 2009 and found the application to be complete and ready to transmit to the Planning & Zoning Board by a vote of 3-0; the Planning & Zoning Board reviewed the application and recommended approval and forward to the Town Commission by a vote of 5-0.

Commissioner Holden stated that he sees a problem with the eastbound traffic on CR 466 wanting to enter the medical complex. An eastbound vehicle would have to go to the Rolling Acres Road intersection and make a U-turn in order to enter the driveway of the medical complex. He asked if it would be much better if the adjacent properties agreed to a right-of-way for an access road that would run along the back of the properties and would also be next to the Town property.

Bill Vance, Town Manager, stated that access to the rear of the property would be through the parking lot of the Rolling Acres Sports Complex and the Commission previously took the position that they did not want to encourage a lot of golf cart traffic through that area. He stated that the proposal, right now, is just to sub-divide the buildings that currently exist and the developer will then create an association similar to a homeowners' association where all of the different property owners agree to covenants that are going to guarantee the maintenance of the facilities and the grounds.

Mayor Richards stated that where there is a multi-lane highway, many times turn lanes are not used.

Commissioner Kussard stated that the buildings are right up next to the highway.

Ms. Kelch stated that the application went to the County and it was approved based upon the improvements of CR 466. The County looked at it and made their recommendations. Even on the driveway location, the County determined where they would give the driveway permit and the County did discuss with the Town how it had to be laid out.

Mayor Richards stated that a left-hand turn from the eastbound traffic side of the road would require a median cut.

Commissioner Holden stated that the Town could have required enough of development's property across the back of the properties for an access road.

Ms. Kelch stated that corner lots gets kind of tricky and also that there can't be a median cut too close to the intersection.

Commissioner Holden stated that you have to assume that 50% of that traffic going to that medical center will be eastbound; therefore, every vehicle going to all of these facilities will be making U-turns or going down Rolling Acres Road and will have to turn around in somebody's driveway in order to get into the medical center and that is just not the proper way to develop things.

Mr. Vance stated that when this development was proposed, the Developer came before the Commission with a site plan application and worked with the Town to save various historic trees; they also had to maximize the utilization of every square foot so they could get their stormwater retention areas. It's just unfortunate that at times it's not possible to incorporate everything that is going to make a perfect site. The Commission has to make a decision if these folks have done all that they can possibly do in coordination with the County because the Developer worked with the County and donated the CR 466 right-of-way. Many people on CR 466 did not think to donate their property and work with the County and the Town so the Developer did everything they could to develop this site to the best of their capabilities. The site plan was approved by the Commission; the access was approved by the County and at this point in time, all the Developer is proposing is to split up these buildings into separate units so they can be sold individually and that is what is before the Commission for consideration.

Mayor Richards stated that the Commission has approved all of the final plans and the units have been built.

Commissioner Kussard stated that she agrees with Commissioner Holden on this issue. There are 18 units in this complex and people have to get in and out of there; even with the four-laning, traffic is going to be horrendous. The Town doesn't need another traffic jam-up.

Mayor Richards stated that the structure is already under construction and if the platting of this property doesn't get approved so the units can be sold, the developer will have to lease them.

Mr. Vance stated that Staff can continue to support negotiations with the 2 parcels of property between this parcel and Rolling Acres Road in regards to better access to these properties. Mr. Vance added that with development, unfortunately, at times comes inconvenience.

The tape was changed to Tape #2 at 7:32 p.m.

- Bill Calhoun, member of the Planning & Zoning Board, stated that this subject was addressed several weeks ago and the same concern was expressed. The Developer was present at that meeting and there were 2 problems discussed. One

was that the development was too close to the intersection to put a driveway in on the east side of their property. At that meeting, Mr. Calhoun asked if the Developer could work in cooperation with the adjacent development and was told that if the 2 developers had gone into the processes together at the same time, it could have been worked out but apparently now they are “dead in the water.” They can’t do anything other than what is already in the site plan. As has been stated many times, it is going to be inconvenient and probably unsafe to some extent. He doesn’t think there is any legal way that the Town can stop it.

- Phil Mathias stated that he drives CR 466 many days and agrees with Commissioner Holden that this is a bad situation and that the traffic back- up will be that much more with people making U-turns.

Ms. Kelch also commented that the retention area is to the rear of this property and there may not be room for a driveway now.

Mr. Vance stated that there is additional flexibility and that Staff is doing things to support responsible development in Lady Lake. One of the next things will be a PD&E Study for widening Rolling Acres Road to 4 lanes. The Town is fortunate enough to have 17 acres at the Rolling Acres Sports Complex but Staff doesn’t necessarily want to accommodate or encourage traffic coming from The Villages to the rear of these properties. Potentially, Staff could work with the property owners to accommodate right-of-way acquisition that would provide for a feeder road opportunity into some of these parcels if doing so appears to be a good idea. Mr. Vance also stated that Commissioner Holden made some excellent points. As the Town moves forward with its development, there has to be balance as to whether or not something is a good idea and also protection provided for the property owner’s right to pursue a return on the investment in their property. Mr. Vance stated that he concurs that everything is not perfect with this area and that there is room for potential improvement.

Mayor Richards stated that this final plat meets all of the Town’s LDRs as far as platting and this is allowed. The designs have been approved and the buildings are under construction so he doesn’t think that the Commission has a choice but to approve it.

No one made a motion so the Mayor passed the gavel to Mayor Pro-Tem Ruth Kussard.

Upon a motion by Mayor Richards and seconded by Commissioner Miller, the Commission approved the Final Commercial Plat for Summit Medical Plaza – County Road 466, by a vote of 3 to 1 (Kussard being the dissenting vote).

14. Consideration of Acceptance of Conveyance of the Lift Station, Off-Site Improvements and Easements for Lady Lake Apartments – County Road 25 and Teague Trail (Judi Kelch)

Judi Kelch, Town Planner, gave the background summary from the agenda item cover sheet (on file in the Town Manager’s office). She stated that the Applicant and Owner, Rath/Harper Associates, received site plan approval for the construction of the Lady Lake Apartments on CR 25/Teague Trail. To obtain water and sewer utilities at the site, the

Applicant was required to construct certain on-site and off-site utility improvements. The Applicant has constructed these improvements in accordance with the LDRs and is donating the lift station and off-site improvements to the Town. The Town has received associated easement, deed and bond warranting the construction of the improvements in accordance with the Water and Sewer Developer's Agreement. Ms. Kelch added that this involved about \$235,000 worth of work that is being donated to the Town.

Upon a motion by Commissioner Kussard and seconded by Commissioner Holden the Commission approved the Acceptance of Conveyance of the Lift Station and Off-Site Improvements in Relation to Lady Lake Apartments, by a vote of 4 to 0.

15. Consideration of Waiver to Chapter 10, Minimum Width Landscaping Buffer for Cichielo Commercial Property – 208 & 216 County Road 446 (Judi Kelch)

Judi Kelch, Town Planner, gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). She stated that Lake County on behalf of James Cichielo and Bieu Le has requested a waiver to Chapter 10, Section 3.b.B.2 which requires either a 15' landscape buffer or a 10' landscape buffer with a wall or fence along Hwy 466. Due to the improvements of Hwy 466, Lake County had to acquire some additional right-of-way from the already developed Cichielo/Le property. The taking of this additional right-of-way is going to impede into the existing landscape buffer essentially requiring the removal of the buffer. Because the site is already developed, moving the landscape buffer further in and on the parcel is not an option but Lake County and the property owner have agreed to relocate as much of the landscaping as possible filling in areas that may be sparse or into nooks that can accept the plant material type.

Ms. Kelch stated that this is just a formality so that the Commission knows what is going on and that there will be a change to the site.

Town Manager Bill Vance stated that there are many negotiations that have been very successful along the CR 466 corridor and this is one of them. The County has contributed, the property owners have contributed and the Town Commission now has an opportunity towards contributing to the successful conclusion of this negotiation in this regard.

Mayor Richards stated that if a road is going to be widened, a business still has to have parking available. The County would have to take the whole property if the owner couldn't use it the way he wanted or if this waiver is not granted.

Commissioner Kussard confirmed that by relocating some of the landscaping, that would not be eliminating any of the parking spaces.

Ms. Kelch answered that was correct.

Upon a motion by Commissioner Kussard and seconded by Commissioner Miller, the Commission approved the Waiver to Chapter 10, Section 3.b.B.2 for the Cichielo/Le Property Located at 208 & 216 Hwy 466, by a vote of 4 to 0.

H. TOWN ATTORNEY'S REPORT:

16. Ordinance No. 2009-03 – First Reading – Amending Ordinance No. 2007-22 Regarding Water Conservation

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

C.T. Eagle, Public Works Director, stated that the only change in this ordinance from the one in 2007 is that St. John's has changed the rules from 2 days of watering per week to one day in the winter during Eastern Standard Time and the 2 days per week remain during Daylight Savings Time. There were also some minor language corrections. He added that St. John's has already approved this ordinance and has asked the Town to implement it.

Commissioner Kussard confirmed that the residents are allowed to water twice during part of the year (summer months) and only once during the rest of the year (winter months). She commented that people are already confused about which days to water and now they are going to go from two days to one day.

Mr. Eagle stated that St. John's has launched a huge ad campaign on TV.

Bill Vance, Town Manager, stated that Lady Lake has a very active water conservation program and that Staff actively helps educate the local water users in this regard.

- Bill Calhoun, Lady Lake, stated that the Town doesn't have much recourse because St. John's has set this forth but it doesn't make sense to water two times per week during the rainy season; it would make more sense to water twice weekly during the dry season.

Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved Ordinance No. 2009-03 – First Reading – Amending Ordinance No. 2007-22 Regarding Water Conservation, by the following roll call vote:

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

17. Ordinance No. 2009-04 – First Reading – Revising the Rate of Water and Sewer Impact Fees and Establishing a Reuse Impact Fee (C.T. Eagle)

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

C.T. Eagle, Public Works Director, gave the background summary. He stated that the rates as recommended by Burton & Associates have been brought before the Commission for its consideration. Mr. Eagle introduced Kevin Krueger with Burton & Associates who gave a presentation on the results of the study.

Town Manager Bill Vance stated that the ordinance reflects the rates at 100% of what the study suggested.

Mr. Krueger gave a Power Point presentation on the background of impact fees and also gave an overview of the study. He stated that the Town's water and impact fees were last updated in 1993 and that the Town currently does not charge a reclaimed water impact fee. The recommended impact fee rates as a result of the study are \$1,499 for water (77% of the full-cost recovery), \$3,172 for sewer (55% of the full-cost recovery) and \$292 for reuse (100% full-cost recovery); these rates are slightly higher than the average for surrounding communities by about 5%. He stated that implementing fees at this level would allow the Town to maximize the extent to which growth pays for itself and also allow the Town to remain competitive within its market. Another recommendation to Staff is to consider an automatic annual adjustment of fees as suggested by the Engineering News Record Construction Cost Index. This is not in the proposed ordinance but it could be added and this would allow the Town to capture increases in construction costs over time without requiring direct action from the Commission.

Commissioner Kussard stated that the recommended fees look good rather than the full-cost recovery fees. She also commented that if someone was building a home today in Lady Lake, the total amount of all impact fees would be over \$20,000 and that even the affordable housing would have to pay that.

Mr. Vance stated that the feedback that Staff has been receiving from property owners has been very pro impact fee. They realize that if the new residents to the Town do not pay or reimburse the Town for the cost associated with the infrastructure that they are going to be utilizing, the Town will have to go back to the folks that were there previously and who previously paid for that infrastructure. Staff's recommendations for the impact fees are middle of the road.

Mayor Richards stated that these impact fees seem steep but if the fees aren't received from the new development, then it will have to go back on the existing users because it has to be paid for.

Commissioner Kussard stated that if the impact fee rates are too steep, that will totally limit any construction of residential development. She agrees to the recommended rates.

Commissioner Miller asked when it was predicted that Florida would run out of water.

Mr. Vance stated that everyone is working to avoid that situation and the Town works actively in regards to the additional responsible development and actively supports St. John's. Lack of water capacity could basically shut everything down until the State of Florida determines where its future water supplies are going to come from.

Mr. Eagle stated that it is not likely that the Town will run out of water in the near future – the Town has 3 wells that are doing just fine.

Commissioner Miller stated that it has been said that Florida will not run out of water; it will just run out of "cheap" water.

Commissioner Holden stated that at the last County Water Alliance meeting, it was noted that sea water is slowly getting into the aquifer near the coast and if it is drawn down more, the faster the salt water will come in. When there is salt in the water, then you are looking at “reverse osmosis” which is about 4 times more expensive to purify as the water being drawn from the aquifer. The more the aquifer is drawn down, the more polluted the water will be in the future; water will get expensive in the future.

- Bill Calhoun, Lady Lake, asked why developers are being allowed to put in St. Augustine grass which uses 8 times more water than any other kind of grass.
- George Hansford, President of Homebuilder’s Association of Lake & Sumter Counties, stated that he would like to speak in opposition to any impact fee increase at this time primarily because of the economic conditions and pricing ourselves out of any type of home. He stated that a study was done several years ago and 75% of the families in Lake County cannot afford a \$220,000 home and now another \$4,000 is being added to the price of a home along with the impact fees that the Town already has. He also stated that, in the ordinance, it doesn’t appear that the Town is charging impact fees for commercial and his understanding is that it is not legal to discriminate between residential and commercial.

Mr. Vance stated that commercial is being charged for impact fees.

- Mr. Hansford also stated that there are some cities and towns in the state that have placed moratoriums on impact fees for anywhere from six months to two years trying to help get construction moving again in order to continue the tax base for cities and counties. Increasing impact fees is the opposite direction and the Homebuilder’s Association would like to see a moratorium. It is an affordability issue and he asked that the Commission not adopt the impact fees at this time or place a moratorium on the fees.

Mr. Krueger stated that an option for the Town considering the economic times is to phase in these impact fees to whatever level the Commission would like over the next 2 to 3 years.

Mr. Vance stated that there is also some activity going on in Tallahassee effective July 1st which may take away that flexibility.

- Bill Calhoun, Lady Lake, stated that he serves on the County Impact Fee Committee and that there was a lot of pressure put on the Lake County Commission by the Builder’s Association about impact fees and that has been true across the state. There has been fear-mongering and threats to those cities that people are not going to build there and their tax base will go to waste. There is still the problem of moving people into these cities and having infrastructure (roads, sewers, schools, etc.) and who will pay for it if it is not done through impact fees – somebody has to pay for it and it should be the person buying the house or develops the property.

- Linda Naggle, Executive Director of the Homebuilder's Association, asked for a copy of the revised ordinance since the copy she had was prior to some changes being made. She wanted to emphasize the importance of keeping in mind the state of the economy at the present time since it does create an additional burden not only upon builders but also upon all of the small businesses that are represented in the building industry who rely on the ability to sell their products to homeowners, to add their supplies to the houses and commercial buildings that are being built. When impact fees are increased, it not only affects the homeowner or the owner of that commercial building, it also affects everyone whose work is dependent upon having a successful economy. She also pointed out that the State of Florida ranks 2nd in the nation in the rate of impact fees, second only to the State of California and the State of California caps their impact fees according to the rate of inflation and added that a 237% increase is not anywhere near the rate of inflation.

Commissioner Holden stated that he agrees completely with Mr. Calhoun. If the Town does not charge impact fees, then all of the current residents must have their taxes increased to subsidize the new residents coming in. It sounds like a lot of money but if you build out in the country, you have to drill wells and provide your own infrastructure for sewer. He also commented that soon the State is going to raise the cost of installing septic systems which is estimated to cost about \$10,000 per septic system.

Mr. Schroth stated that, before the Commission votes, he wanted to clarify some language on page 5 (Sec. 13-46-b) of the ordinance. This section states that the fee payer (Developer) can submit an independent fee calculation study and that the Town Commission has the discretion to adopt or reject it. He added that this language is included in the ordinances regarding the Library and Parks & Recreation impact fees. Mr. Schroth asked the Commission if they wanted that flexibility or if they just want to state that these are the Town rates and in the event that the Developer objects to it, it can be litigated before the Court to determine that it is unreasonable.

Bill Vance, Town Manager, recommended that the Town stay consistent with the other ordinances that have already been put in place.

Tape #2 was changed to Side "B" at 8:20 p.m.

Mr. Schroth stated that this language in the ordinance will prevent direct suit to the Circuit Court because the Developer would have an administrative remedy – they could come before the Commission with their expert to say that they have done their own study and the impact fee rate should be X number of dollars as opposed to what is set forth in the code.

Mr. Vance stated that it is being proposed that the Town charge much less than the 100% the study endorsed that the Town could charge. The opportunity for any proposed alternative study will be provided and a welcomed one for anybody that would like to at least attempt to avoid litigation initially to come to the Commission to make their points prior to going from there. Mr. Vance also recommended that if this language is deleted

from this ordinance that the Commission go back and make that change to the Library and Parks impact fee rates.

Mr. Schroth stated that there are benefits and burdens to both sides. There have been threats in the past from certain developers so if someone is upset and there is an impact fee that could affect a residential subdivision of several hundred homes and that person has hundreds of thousands of dollars at stake, rather than sue the Town, they could produce their own study and if it is persuasive, the Town could adopt that as the impact fee. One of the issues involved in that is if each developer comes in with a different study and there is not consistency in the impact fee, then that can be problematic. This is a provision that the Town has in the ordinances for the Library and Park impact fees.

Mr. Vance stated that just because the Developer produces a study, it does not mean that their study is going to stimulate the Commission to accept it as a direction that the Commission wants to take. They would have to disprove this study that has been done for the Town. Staff is recommending increases that do not come close to reflecting the 100% increase that the study could endorse this Commission making – the water is a 16% increase to an impact fee that has not been raised since 1993; the sewer increase is an average of all sewer impact fees in Lake County; and the reuse impact fee of approximately \$300 seems to be very affordable compared to water and sewer.

Commissioner Kussard stated that she thinks the Town needs to be consistent with the Parks and Library impact fees.

Commissioner Holden stated that he is in favor of passing the ordinance as submitted.

Mayor Richards stated that the Staff recommended rates for the impact fees as indicated in the ordinance would be \$1,499 for water, \$3,172 for sewer and \$292 for reuse.

Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved Ordinance No. 2009-04 – First Reading – Revising the Rate of Water and Sewer Impact Fees and Establishing a Reuse Impact Fee as Recommended by Staff and Including Sec. 13-46-b, by the following roll call vote:

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

18. Resolution No. 2009-102 – Lake County for Baird Home Corporation Variance for Nonconforming Lot Area for Septic Tank System – Northwest Corner of Second Street and County Road 466

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

Judi Kelch, Town Planner, stated that this is a variance in coordination with Lake County and the improvements of CR 466. She gave the background summary from the agenda item cover sheet (on file in the Town Clerk's office). She stated that Lake County, on

behalf of Baird Homes Corporation, has filed a variance application from Chapter 3, Section 8.a.1.C which states no portion of any nonconforming lot shall be sold or used in a manner which diminishes compliance with lot width or area requirements established by the code.

Ms. Kelch stated that Baird Homes Corporation owns a residential lot of record that the Land Development Regulations define as a legal nonconforming lot of record. A legal nonconforming lot of record is allowed to develop a single family residence and is exempt from the lot width and area requirements as required by the LDR but shall meet all other requirements of the zoning district such as setbacks and building floor area. However, a nonconforming lot cannot expand the nonconformity by sale or use.

Ms. Kelch stated that the zoning of the lot in question is MX-5, Mixed Low Density Residential, which requires a lot size of 12,500 square feet when no center sewer is available, thus a private septic tank system will be utilized. The current nonconforming status would allow the lot to be developed as a single family residence with a private septic tank system even though the lot area does not currently meet the 12,500 square feet requirement.

Ms. Kelch stated that the road improvements of CR 466 necessitated Lake County to obtain approximately 1,400 square feet of the approximate 8,500 square foot lot making the lot 7,100 square feet. Because of this taking, the owner wishes to secure a variance that would allow the parcel of land to retain the nonconforming status because the sale of a portion of the property is not voluntary nor an intentional act.

Ms. Kelch stated that the owner has been advised that the Town of Lady Lake is not the permitting agency for septic tank systems and has been advised to contact the Lake County Health Department whom is the permitting agency for septic tanks.

Ms. Kelch stated that the Technical Review Committee (TRC) reviewed the application on March 3, 2009 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 March 9, 2009 and recommended approval and forward to Town Commission with a vote of 5-0.

Bill Vance, Town Manager, stated that this parcel is approximately 1/3 of a mile away from the closest access to sewer. By providing this variance, final approval is not being given for the septic tank – that would have to come from the County. This would just be working with somebody who is working with the County and working with the Town on the expansion of CR 466 which will benefit all involved.

Mr. Vance stated that if there are neighborhoods with healthy septic tanks and the Town does not have to treat their wastewater, then that is more capacity that the Town retains at its sewer plant which delays the eventual expansion of the Town's sewer plant at Town expense that much longer.

Commissioner Holden stated that the 7,100 square foot lot would be about 1/6 of an acre and the Town ordinance requires 12,500 so this is under 2/3 of the size as required by the

ordinance. He stated that he is opposed to this especially because it is facing a street on three sides.

Ms. Kelch stated that this lot is currently classified as a non-conforming lot which does not have to meet the 12,500 square feet requirement. This lot was platted years ago and grandfathered into the LDRs as a nonconforming lot which allows the smaller lot size and also allows a septic system as long as the County Health Department approves it.

Mr. Schroth stated that the practical aspect of this is that this has been involved in negotiations with the County so if this party is not able to obtain this variance, then the damages would substantially increase and would require the County to pay more for taking their land and rendering it effectively useless. The County would have to pay the whole value of the lot if the Commission does not grant this variance.

Commissioner Holden asked if the value would be what the property owner paid for the land which was about \$25,000.

Mr. Schroth stated that it would be today's market value.

Commissioner Holden stated that the County is probably paying \$25,000 for that easement anyway so the County might as well take the whole parcel.

Mr. Schroth stated that there would probably have to be a new appraisal and there might be more attorneys' fees on both sides. He also stated that he thought the County was the one who was actually requesting this on behalf of the owner.

Mr. Vance stated that there would have to be a DOT appraisal and then the argument would be made before a judge and who knows what a judge would determine to be fair market value especially since this property is in Lady Lake which is an expanding community; Staff has heard of some settlements in this area which were more significant than what Staff thought they should have been but the Town was not involved in those negotiations nor those condemnations. By allowing a house on this property, the Town would definitely be doing the County a favor as far as moving ahead with the CR 466 project.

Cindy Davis, Lake County Right-of-Way Department, stated that the County is in negotiations with Baird Homes and this is basically the only thing that they have asked for since there are not able to have any buildings on the property at this point. They are asking for some type of allowance for the septic so they will be able to put some type of residential home on the property at a later time.

Mr. Vance stated that if this variance is not approved, the services would have to be extended to this site at the County's or the Town's expense.

Mr. Eagle stated that it would be a significant distance to the northwest and Mr. Vance added that it would be a significant expense for this one home on this non-conforming lot. Before the LDRs were approved, the creation of these lots did not conform to today's

standards. Mr. Vance also asked Ms. Kelch if there were other homes on comparable lots in that vicinity.

Ms. Kelch responded that there are several in the First, Second and Third Street area – she stated that she does not know the exact lot sizes but they are all very comparable.

- Bill Calhoun stated that when this issue was discussed at the Planning & Zoning Board meeting, another representative from Lake County was present and stated that the 7,100 square feet of lot that would remain was within the compliance of their regulations for building a home and using a septic system.

Upon a motion by Commissioner Miller and seconded by Commissioner Kussard, the Commission approved Resolution No. 2009-102 – Variance to Chapter 3, Section 8.a.1.C Which States No Portion of Any Nonconforming Lot Shall be Sold or Used in a Manner Which Diminishes Compliance with Lot Width or Area Requirements Established by the Code, by the following roll call vote:

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

19. Resolution No. 2009-103 – Lake County for CRC Properties – Variance Request for Off-Premises Directional Sign – Northeast Corner of First Street and County Road 466

Derek Schroth, Town Attorney, stated that this resolution was also related to the CR 466 improvements and is a request for a variance on off-site signage.

Judi Kelch, Town Planner, gave the background summary from the agenda item cover sheet (on file in the Town Clerk’s office). She stated that Lake County, on behalf of CRC Properties, Inc., has filed a variance application from Chapter 17, Section 7.A.17 which prohibits off-premises signs.

Ms. Kelch stated that customers of CRC Properties, Inc. traveling east on CR 466 currently access the Century Plaza on North Old Dixie Hwy by making a left turn onto Old Dixie Hwy from CR 466. The road improvements of CR 466 necessitate Lake County to install a concrete divider median from the intersection of CR 466 and US Hwy 27/441 running west, which will block traffic going east on CR 466 from making a left turn onto Old Dixie Hwy. Because of this, the County and CRC Properties, Inc., in their ROW acquisition negotiations, wish to secure a variance that would allow an off-premises directional sign on a county-owned triangular parcel located at the intersection of First Street and Lemon Street. This off-premises directional sign would direct eastbound traffic on CR 466 wishing to enter the Century Plaza onto First Street then onto Lemon Street which goes directly into the back entrance of the development.

Ms. Kelch stated that the Technical Review Committee (TRC) reviewed the application on March 3, 2009 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 March 9, 2009 and recommended approval and forward to the Town Commission with a vote of 5-0.

Commissioner Kussard asked if the Town would be able to tell them what kind of sign.

Ms. Kelch responded yes and stated that the Town has its requirements.

Upon a motion by Commissioner Holden and seconded by Commissioner Kussard, the Commission approved Resolution No. 2009-103 – Variance to Chapter 17, Section 7.A.17 Which Prohibits Off-Premises Signs, by the following roll call vote:

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

20. Resolution No. 2009-104 – Confirming Support of the Funding of Public Education

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

Town Manager Bill Vance stated that this resolution was included on this agenda at the request of the Mayor.

Mayor Richards stated that he thinks it makes sense to support the funding of public education and that, as elected officials, the Commission needs to send word back up through the State that if they are going to enact these laws on how children are to be educated, then they also need to fund it.

Mayor Richards stated that he thinks that the people have spoken on this and the Town needs to send it back to the State. He would appreciate the support by allowing him to sign this resolution.

Commissioner Kussard stated that she agrees that the State is making too many stipulations on what the schools have to do and no one is funding it; therefore, it is important that they either fund these different programs or that money is made available somewhere.

The other commissioners all agreed with Commissioner Kussard.

Mayor Richards stated that the Town is just trying to show their support in regards to the public funding of education.

Upon a motion by Commissioner Kussard and seconded by Commissioner Miller, the Commission approved Resolution No. 2009-104 – Confirming Support of the Funding of Public Education, by the following roll call vote:

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

21. Resolution No. 2009-105 – Requesting Lake County to Install a “No Left Turn” Sign from the Village Crossroads North Exit onto Rolling Acres Road

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

Mayor Richards stated that this area is a mess and that it is dangerous going through there no matter which direction. He added that it is going to cause some havoc to have the “No Left Turns” but feels that it needs to be.

Commissioner Kussard stated that she totally avoids that area.

Commissioner Miller agreed that this area is a mess.

- Bill Calhoun, Lady Lake, stated that drivers are going to be in the same situation as on CR 466 and will have to make a U-turn someplace to get back to where they want to go.
- Mark Clark stated that he is very familiar with this intersection because he picks up his children at The Villages Elementary School every afternoon. After picking up the children, he turns into the Target complex to turn around and go back down Rolling Acres Road to access where he lives. He stated that there is traffic coming out of the Target complex and also Villages Crossroads on the other side of Rolling Acres Road – some vehicles are crossing, some are turning left, some are turning right. He stated that they need to eliminate left turns from both sides, not just exiting from the Villages Crossroads. He added that the median needs to be extended and also stated that it is inconvenient to have to do U-turns but it is dangerous if you don't. In addition, he feels that it will be difficult to enforce the “no left turns.”

Mayor Richards stated that this area is under design right now in the PD&E Study.

Bill Vance, Town Manager, stated that there were competing development interests in the past (Sembler with Target Shopping Plaza, The Villages, Lake County and Benchmark) and it was identified at that time that this was going to be an imperfect situation. The Commission, in the past, understood that the Town was going to take a comprehensive look at the long-term solutions for that intersection on Rolling Acres Road with a PD&E Study. He added that Staff and the Commission have expedited this study to the point that work will begin on this in 2009.

Mr. Vance stated that he picks up a child at the school also and he goes across CR 466, turns right onto Rolling Acres Road, picks up his child at school and continues to US Hwy 27/441, turns right again and heads south down US Hwy 27/441. He commented that this is not the most convenient way to do this but that it is the safest way.

Chief Ed Nathanson stated that this is not a perfect situation by any means. Right now the “No Left Turns” are a necessary evil until the PD&E Study is completed. Especially during peak school hours with ingress and egress in the morning and then again in the afternoon, people making left turns out of Villages Crossroads, people turning right out of Target Shopping Center, people shooting across Rolling Acres Road from one shopping area to another. He stated that the Police Department works a lot of accidents at that intersection. Not only do they deal with people making no U-Turns there but while his officers are issuing citations, people are making those U-turns right in front of the officers because they can’t catch 2 or 3 at a time; add to that the accidents, the traffic construction, the people not knowing where they are going and people cutting through. It is not a perfect situation but he asked that, at this time, the Commission consider this as a step in the right direction; without the signage, he and his officers have nothing to sink their teeth into. The Chief stated that this intersection will be addressed during the PD&E Study because it is one of the major concerns on Rolling Acres Road and he added that he will be giving the PD&E Study consultants a first-hand look at this situation so they can get a good perception of this problem from all viewpoints and all angles as opposed to just sitting in a room and people talking about something that they can’t fathom. Staff wants the consultants to have a visual picture of the situation.

Mr. Vance stated that this is just a request to the County – since it is a County road, they will have to investigate and determine whether or not the “No Left Turn” signs will be installed.

Mayor Richards mentioned that the entrance to the Meadows subdivision is in close proximity to this area and that those residents would really be constrained if “No Left Turns” were posted at their entrance.

Mr. Vance stated that this proposal pertains only to the Benchmark (Villages Crossroads) property and that Staff can look at any additional situations later.

Upon a motion by Commissioner Kussard and seconded by Commissioner Miller, the Commission approved Resolution No. 2009-105 – Requesting Lake County to Install a “No Left Turn” Sign From the Village Crossroads North Exit onto Rolling Acres Road, by the following roll call vote:

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

22. Resolution No. 2009-106 – Notice of Intent to Withdraw From Public Risk Management (PRM) Which Will Provide the Town the Flexibility to Investigate Other Opportunities During These Difficult Financial Times

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 all members of the Public Risk Management Pool must give at least a one-year notice of their intent to withdraw from the pool. During this one-year period, the Town can put out for bid the package of insurance and decide to change to another option or remain with Public Risk

Management. The last time the Town did this was in 2002 and there is no cost to explore other options.

Town Manager Bill Vance stated that the Town has to give 12-month notice even if it is just going to investigate this possibility due to today's fiscal constraints placed on local governments. The Town has no choice but to take advantage of every opportunity to investigate a reduction in whatever costs the Town is encountering. Mr. Shields has worked in coordination with other PRM members and they have collectively negotiated a 20% decrease in next year's PRM policies; that decrease and those rates are going to reflect approximately a \$70,000 savings. The Town wants to take that savings but it also wants to indicate to PRM that the Town is going to investigate other options to see if it can secure additional savings above and beyond the \$70,000 that the Town will experience the next fiscal year. This doesn't mean that the Town is going elsewhere for the insurance but notification has to be given in this format if the Town is going to investigate other opportunities.

Mayor Richards stated that Public Risk Management is a group of communities that get together and pool their resources. He asked if PRM had not been very effective for the Town or if Staff believes there is that much more of a savings elsewhere and commented that a lot of people have been left high and dry by insurance companies lately.

Mr. Vance stated that just because the Town gives PRM a notice of intent that the Town is going to investigate pulling out doesn't mean that the Town has to pull out and the Town doesn't perceive that PRM could initiate any activity to kick the Town out. He stated that he would double-check on that prior to giving them the notice. This is utilizing flexibility that the Town and all members of this pool have to see if the grass, potentially, could be greener and if the grass is greener, then Staff would come back to the Commission for direction as how to proceed. A collection of members of the PRM pool indicating an interest in this regard apparently created a 20% savings for the next fiscal year which will benefit all members. Staff would like to take that savings and indicate a desire to potentially withdraw which is going to provide the Town the opportunity to investigate other possibilities.

Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved Resolution No. 2009-106 – Notice of Intent to Withdraw From Public Risk Management (PRM)Effective April 1, 2010, by the following roll call vote:

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

I. TOWN MANAGER'S REPORT:

Town Manager Bill Vance had nothing to report.

J. MAYOR/COMMISSIONER'S REPORT:

The Commissioners did not have anything to report.

K. OPEN FORUM:

- Lorena Crosby, Water Oak resident, stated that she is a happy camper now that a Jo-Ann Fabric store has located in Lady Lake. It was about 2 years ago that she wrote Jo-Ann Fabrics a letter requesting that they open a store in the fast-growing town of Lady Lake. Recently she sent a thank-you note to the CEO of Jo-Ann Fabrics and shortly after that she received a reply, which she read to the audience, thanking Ms. Crosby for her support and commenting that they should have opened the store sooner.

- Phil Mathias asked about the box signs that are empty and if the Town is doing anything about getting them closed up – he was referring to the open box signs that used to be convenience stores/gas stations such as the one located near Hermosa and US Hwy 27/441.

Mr. Vance asked Mr. Mathias to send him a specific e-mail with that question and stated that he would research this matter and will get an update as to where the Town is in those regards. Mr. Vance also announced that the Planning & Zoning Board has a work session planned for April 1st to specifically discuss signs and revisions to the Town sign ordinance.

- Mr. Mathias also asked if the \$2,000 Police Department audit would fall under the direction of the Commission.

Mayor Richards answered that, initially, this is a simple audit to determine if the Town will be seeking a Request for Proposal as to specific areas in the Police Department to evaluate. If the Commission decides to seek a RFQ, it will need to determine where to get the funding for it.

L. ADJOURN: There being no further discussion, the meeting was adjourned at 9:05 p.m.

Kristen Kollgaard, Town Clerk

James Richards, Mayor