

**MINUTES OF THE SPECIAL MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
January 21, 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 6:45 p.m.

- A. **CALL TO ORDER:** James Richards, Mayor/Commissioner
- B. **INVOCATION:** Father Dean Steward, St. Luke's Anglican Church
- C. **PLEDGE OF ALLEGIANCE:** James Richards, Mayor/Commissioner

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

STAFF MEMBERS PRESENT: Bill Vance, Town Manager; Derek Schroth, Town Attorney; Chief Ed Nathanson, Police Department; C.T. Eagle, Public Works Director; Thad Carroll, Senior Planner; Judi Kelch, Town Planner; Kevin Hendry, I.T. Administrator; Kristen Kollgaard, Town Clerk; and Jayne York, Staff Assistant to Town Clerk

E. **CONSENT:**

1. **Minutes**

Regular Meeting – January 5, 2009 (on file in the Town Clerk's office)

2. **Consideration of Funds Used From the Police Automation Fund to Utilize Power One for a 50-Hour Block of I.T. Professional Services (Kevin Hendry)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that a 50-hour block of time for I.T. professional services will be used primarily for a major project combining Email Exchange servers between Town Hall and the Police Department which also includes restructuring of IP subnets and some VPN connectivity issues. This project requires I.T. services above and beyond what the I.T. Administrator is prepared to handle at this time. Funds will be used from Communications and Automation Fund designed for technical enhancements. Three written quotes were provided for the service. Power One specializes in the projects requested and they will also be working with the Town on the GIS infrastructure in the future; it would be beneficial to use them for I.T. services as well.

3. Consideration of Acceptance of Conveyance of Off-Site Reuse Line for Benchmark/SRK 25 – Rolling Acres Road (Judi Kelch)

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Applicant and Owner, Benchmark/SRK Lady Lake, received site plan approval for the construction of the Village Crossroads and Lady Lake Crossings shopping centers at the southwest corner of US Hwy 27/441 and Rolling Acres Road. To obtain reuse for irrigation at the site, the Applicant has constructed those improvements in accordance with the LDRs and is donating these improvements to the Town. The Town has received the associated easement and the letter of credit warranting the construction of the improvements in accordance with the Water and Sewer Developer's Agreement.

Upon a motion by Commissioner Kussard and seconded by Commissioner Miller, the Commission approved Consent Items #1, #2 and #3, by a vote of 5 to 0.

F. OLD BUSINESS:

There was no Old Business.

G. NEW BUSINESS:

4. Consideration of the Master Utility Agreement with the Florida Department of Transportation (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 Utility Master Agreement allows the Town of Lady Lake to be reimbursed for the relocation of any facilities and/or utilities owned by the Town, within the Town's right-of-ways which are required to be relocated according to any FDOT project. Mr. Eagle stated that this agreement is essential to the upcoming US Hwy 27/441 widening project as well as any other proposed FDOT project in the future.

There were no comments or questions from the Commission.

Upon a motion by Commissioner Holden and seconded by Commissioner Kussard, the Commission approved the Master Utility Agreement with the Florida Department of Transportation, by a vote of 5 to 0.

5. Update Regarding Taking Over Maintenance and Costs for the Street and Streetlights in Cierra Oaks (Bill Vance/C.T. Eagle)

Mayor Richards stated that he had recently received an e-mail and it is his understanding that the Town does actually maintain those streets.

C.T. Eagle, Public Works Director, stated that was correct and that the Town took over the maintenance in July 2004. Mr. Eagle also gave the Commission an update on the Cierra Oaks Homeowners' Association; he passed out a letter from Greg Wasserman,

Vice-President of the Cierra Oaks HOA, to the Commission regarding the streetlights that the Town did take over.

Bill Vance, Town Manager, stated that the Cierra Oaks HOA has no objection to the Town taking over the fiscal responsibilities for the streetlights which were off. He stated that was a situation that could not continue; those streetlights have been added to the Town's utility account with Progress Energy and that if the Commission has no related objection, consensus approval would be sufficient.

Mayor Richards asked Mr. Eagle if there are sufficient funds in the operating budget to assume this responsibility.

Mr. Eagle confirmed that it would not be a significant impact to the budget since there are just a few lights in this area.

It was the consensus of the Commission to proceed accordingly with taking over the maintenance of the streetlights.

6. Consideration of the Interlocal Agreement Between Lake County and the Town of Lady Lake for the Rolling Acres Road Project Development and Environment (PD&E) Study (Thad Carroll)

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Town of Lady Lake wishes to conduct a Project Development and Environment (PD&E) Study for Rolling Acres Road from County Road 466 to U.S. Highway 27/441. The purpose of this PD&E study is to ensure that the design of this transportation project appropriately reflects and incorporates the unique engineering and community characteristics of an area. Rolling Acres Road is a heavily used transportation corridor providing connection from areas in the southwest quadrant of town (including The Villages) to Lady Lake's burgeoning highway commercial corridor. This corridor is quickly approaching maximum capacity service levels, thus improvements to this segment of Rolling Acres Road must be addressed in the very near future in order to maintain an adequate Level of Service.

The Interlocal Agreement as proposed reflects a cooperative effort to expedite the PD&E Study by advancing funds currently allocated in FY2011 per Lake County's Capital Improvement Plan to the current fiscal year (2009). This study will be paid through transportation impact fees allocated for projects in Transportation Impact Fee District #3. In accordance with the terms of the agreement, the Town of Lady Lake shall pay all project costs up front and subsequently submit invoices to Lake County for reimbursement.

The Town of Lady Lake has received a Scope of Services from GMB Engineering, which is currently under contract for the provision of engineering services to the Town. Per Section 287.055 (2)(g) of the Florida Statutes (see below), the Town is not required to competitively bid the PD&E Study, contingent that the cost of the study remains under \$50,000. GMB engineering has agreed to provide services in accordance with the scope of the study for an amount not to exceed \$49, 555.51.

Section 287.055 (2)(g) A "continuing contract" is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which construction costs do not exceed \$1 million, for study activity when the fee for such professional service does not exceed \$50,000 or for work of a specified nature as outlined in the contract required by the agency, with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.

At this time, the Growth Management Department as well as the Public Works Department of Lake County, Florida, respectfully request the Commission's consideration and adoption of the Interlocal Agreement between Lake County, Florida and the Town of Lady Lake for the Rolling Acres Road Project Development and Environment (PD&E) Project as prepared.

Thad Carroll, Senior Planner, stated that per the Interlocal Agreement as drafted by Lake County Florida, the Town would utilize the services of GMB Engineering to perform this PD&E Study. The study will cover approximately 1.52 miles connecting US Hwy 27/441 to County Road 466. The Town will pay for the services and then the county will reimburse up to a maximum amount of \$50,000 and because it is under \$50,000, the Town does not have to go to a competitive bid. The County is okay with the scope and these funds will be distributed to the Town. Even though this is in the 2011 plan, this is going to the Lake County Commission so that funding can be moved to 2009 in their Capital Improvement Plan in order for the Town to receive the reimbursements prior to year 2011. Mr. Carroll stated that this is a good effort to expedite improvements on Rolling Acres Road; basically, the scope of the study is to find out what it is going to take to widen the road to 4 lanes and what the future traffic needs are on this segment of road – and that is what this Interlocal Agreement will cover.

Bill Vance, Town Manager, stated that, besides the widening of US Hwy 27/441 and County Road 466, he knows of no other more important transportation priority for the Town to begin to attempt to expedite at this point in time than the widening of Rolling Acres Road. This PD&E Study is also going to incorporate a lot of the shortfalls that currently exist as related to the intersection on the southern side towards The Village Crossroads shopping center where there are a lot of things that could be improved in that area. He stated that this work is very important and that Mr. Carroll has done an excellent job working with the Lake County Staff to get the best obligation for the Town in order to be reimbursed in 2009. The consensus among Staff is that the Town would absolutely like to get started on this and also get reimbursed at the successful conclusion of this PD&E effort in 2009.

Mayor Richards asked if this was budgeted.

Mr. Carroll confirmed that this is in the budget and stated that Staff has to reflect the fiscal impact on the cover sheet even though it is going to be reimbursed by the County.

Mr. Vance stated that the issue during the budgeting process was that it was communicated that the Town could be reimbursed in 2011; this Commission was firm that it would like to see the funds reimbursed in 2009. Although it is not in writing, it is Staff's understanding that this is what is going to take place.

Upon a motion by Commissioner Hannan and seconded by Commissioner Miller, the Commission approved the Interlocal Agreement Between Lake County, Florida and the Town of Lady Lake for the Rolling Acres Road Project Development and Environment (PD&E) Study, by a vote of 5 to 0.

7. Consideration of Major Site Plan – Bryant Retail Center – MJSP 09/07-029 – County Road 25 (Judi Kelch)

Judi Kelch, Town Planner, gave the background summary from the agenda item cover sheet and also gave a Power Point presentation (both on file in the Town Clerk's office). She stated that a major site plan has been submitted for the construction of 900 square feet of office space and 42,850 square feet of self-storage type warehouse on 5.95 acres located at 40248 County Road 25. The property is zoned CP – Planned Commercial and the Future Land Use Map designation for the site is RET – General Commercial Retail Sales & Services; the proposed use is consistent with directives of the Comprehensive Plan.

Ms. Kelch stated that site plans have been submitted by Ed Abshier Engineering, Inc., landscape plans by Tillman & Associates Engineering, LLC and architectural plans by David King Jr. Architect. The Applicant has been working to comply with all requirements of the Land Development Regulations (LDRs) for the site plans, as well as meeting Chapter 10-Landscaping & Tree Protection and complying with Chapter 20-Commercial Design Standards of the LDRs. Reviews have been completed for the Town by Land Design Innovations, Mark Churchelow and Neel-Schaffer Engineering.

Ms. Kelch stated that the Applicant is requesting three (3) waivers:

1. Chapter 20-Commercial Design – to not construct a sidewalk along Hollingshed as Hollingshed does not connect to any other roads to the east, only County Road 25 to the west and a sidewalk will be constructed along County Road 25.
2. Chapter 20-Commercial Design – to not construct the street wall along Hollingshed Avenue as the wall could only be a maximum of five feet in height which does not serve any public benefit.
3. Chapter 10-Landscaping – to not provide landscaping around 70% of the base of the buildings. Due to the nature of the use, self-storage warehouse, 70% of the base is not able to be landscaped and what could possibly be landscaped may not survive the type of vehicular and foot traffic self-storage warehouses see.

Ms. Kelch stated that the Technical Review Committee (TRC) reviewed the application on October 7, 2008 and found the application to be complete and ready to transmit to the Town Commission with a vote of 4-0.

Ms. Kelch stated that both the Applicant and the Engineer were present to answer any questions.

Bill Vance, Town Manager, stated that the consideration of the motion from Staff was to approve this site plan application as presented and Staff has no objections with the application or the waiver requests.

Mayor Richards stated that he was a little bit bothered by the wall and the fact that they can't have landscaping around the self-storage area. He stated that the front where the businesses will be located will look good but then there will be all the storage units located in back along Hollingshed Road and that does concerns him.

Ms. Kelch stated that there will be landscaping along Hollingshed Road and along the front façade of the building. There will also be a wall constructed that comes around the corner so along with the trees and shrubbery, the view of the storage units when approaching from either direction on County Road 25 will be somewhat blocked.

- Phil Mathias, Lakes of Lady Lake, asked if the building was only going to be 18' off of the right-of-way.

Ed Abshier, engineer on the project, stated that the building is actually 10' off of the right-of-way which is in line with the Town's Commercial Design Standards for a 35 MPH road. He added that this is a self-storage building and the entrance to that building will be from the driveway so there will just be a pretty façade along County Road 25.

- Mr. Mathias stated that he thought there was a proposal for the County to widen County Road 25.

Mr. Abshier stated that this project has gone to the County and they requested that there be 50' of right-of-way on their side of County Road 25 and there is already 50' of existing right-of-way (100' total right-of-way).

- Mr. Mathias referred back to the medical building on Griffin Ave. where the building is right next to the road.

Mayor Richards stated that there is a much greater right-of-way on County Road 25 than on Griffin Ave.

- Mr. Mathias also stated that he is concerned about the landscaping on that right-of-way.

Mr. Abshier stated that where the wall turns the corner and goes down to the driveway, that is a tall wall and it's actually a 10' – 12' wall that looks like part of the building that comes around that corner; it's not just a short wall.

Upon a motion by Commissioner Miller and seconded by Commissioner Hannan, the Commission approved Major Site Plan – Bryant Retail Center – MJSP 09/07-029 – County Road 25 Including the 3 Requested Waivers, by a vote of 5 to 0.

8. Consideration of Major Site Plan – Cart World – MJSP 06/08-004 – Hermosa Street (Judi Kelch)

Judi Kelch, Town Planner, gave the background summary for the agenda item cover sheet and also gave a Power Point presentation (both on file in the Town Clerk's Office). She stated that a major site plan has been submitted for the construction of 9,162 square feet of retail, office and service area on 2.62 acres located at the northeast corner of US Hwy 27/441 and Hermosa Street. The property is zoned HC - Heavy Commercial and the Future Land Use Map designation for the site is RET – General Commercial Retail Sales & Services; the proposed use is consistent with directives of the Comprehensive Plan.

Ms. Kelch stated that site plans have been submitted by BESH Engineering, Inc., landscape plans by Landscape Dynamics and architectural plans by Jass & Associates Architecture. The Applicant has been working to comply with all requirements of the Land Development Regulations (LDRs) for the site plans as well as meeting Chapter 10-Landscaping & Tree Protection and complying with Chapter 20-Commercial Design Standards of the LDRs. Reviews have been completed for the Town by Land Design Innovations, Mark Churchelow and Neel-Schaffer Engineering.

Ms. Kelch stated that the Applicant is requesting four (4) waivers which were presented to the Commission at the September 16th Workshop:

1. Chapter 20-Commercial Design to allow a metal exterior on the back service bay portion of the building.
2. Chapter 20-Commercial Design to allow black coated chain link fence in the area not immediately facing US Hwy 27/441 (this is basically the back area).
3. Chapter 20-Commercial Design to allow the building to be constructed without a 3' parapet that is required to hide rooftop mechanical equipment as there will not be any rooftop mechanical equipment.
4. Chapter 10-Section C.4.F for landscape buffer between Lots 1 and 2 (Lot 1 is the building and Lot 2 is the retention area – landscaping buffers are required for parking but not between the parcels).

Ms. Kelch stated that the Applicant received approval from the Town Commission on October 20, 2008 (Resolution No. 2008-128) for a variance from Chapter 15, Article II, Section 2,a,2,C to reduce the driveway setback on Hermosa Street from US Hwy 27/441 from 100' to 71'.

Ms. Kelch stated that the Technical Review Committee (TRC) reviewed the application on October 7, 2008 and found the application to be complete and ready to transmit to the Town Commission with a vote of 4-0.

Bill Vance, Town Manager, asked Ms. Kelch to communicate the position of the Tree & Beautification Committee. He also stated that there was consensus approval of the

Commission for the waivers at the conceptual presentation; he added that Robert Johnson, the Applicant's representative, was present to answer any questions.

Ms. Kelch stated that the conceptual presentation was September 16, 2008.

Mr. Vance stated that Staff's recommendation is approval of this site plan.

Ms. Kelch stated that Staff has no problem with the waivers as they have discussed with the Applicant.

Commissioner Hannan asked if there had been any negative feedback from the neighboring properties.

Mr. Johnson stated that the neighbors have been very responsive especially in regards to the FEMA issues; they have been working with the neighbors to the north (Water Oak) and there have been no objections.

Ms. Kelch stated that Staff also has not received any objections.

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

Upon a motion by Commissioner Holden and seconded by Commissioner Miller, the Commission approved Major Site Plan – Cart World – MJSP 06/08-004 – Hermosa Street with the Requested Waivers, by a vote of 5 to 0.

9. Consideration of Major Site Plan – La Hacienda Catering Kitchen – MJSP 12/08-007 – Duck Lake Road and Rolling Acres Road (Judi Kelch)

Judi Kelch, Town Planner, gave the background summary from the agenda item cover sheet and also gave a Power Point presentation (both on file in the Town Clerk's office). She stated that a major site plan has been submitted for the construction of 6,109 square feet of catering kitchen on 0.58 acres located at 745 Hoopfer Way. The zoning of the property and the Future Land Use Map designation for the site is Industrial (I); the proposed use is consistent with directives of the LDRs and Comprehensive Plan.

Ms. Kelch stated that the site plan has been submitted by Ed Abshier Engineering, Inc. and that the Applicant has been working to comply with all requirements of the Land Development Regulations (LDRs) for the site plans. Reviews have been completed for the Town by Town Staff and by Dan Hickey for fire.

Ms. Kelch stated that the catering center will be nestled among the other industrial buildings and due to the decreased visibility of the building, the Applicant will be requesting a waiver from Chapter 10-Landscaping.

Ms. Kelch stated that the Technical Review Committee (TRC) reviewed the application on January 6, 2009 and found the application to be complete and ready to transmit to the Town Commission with a vote of 4-0.

Ms. Kelch stated that Staff recommends approval of this waiver.

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

Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved Major Site Plan – La Hacienda Catering Kitchen – MJSP 12/08-007 – Duck Lake Road and Rolling Acres Road with the one waiver, by a vote of 5 to 0.

H. TOWN ATTORNEY’S REPORT:

10. Ordinance No. 2008-33 – Second/Final Reading – Amending Land Development Regulations - Chapter 2, Definitions and Interpretations, Section 2: Definitions

Derek Schroth read the ordinance by title only.

Thad Carroll, Senior Planner, gave the background summary from the agenda item cover sheet and also gave a Power Point presentation (both on file in the Town Clerk’s office). He stated that Ordinance No. 2008-33 is a staff-initiated ordinance to amend Chapter 2: Definitions and Interpretations, Section 2: Definitions of the Land Development Regulations (LDRs) in an effort to clarify uses and terms cited within other Chapters of the Land Development Regulations; particularly Chapter 5: Zoning District Regulations. The changes proposed by this ordinance will enhance the Land Development Regulations so that the public, Town Staff and elected officials will have a better understanding of what is and what is not permitted in the Town of Lady Lake.

Mr. Carroll stated that while significant efforts have been made to create a comprehensive set of terms via this ordinance, Town Staff acknowledges that omissions may still exist regarding the inclusion of all terms that could potentially aid the public and planning personnel in the interpretation of the Land Development Regulations. Therefore, Growth Management staff has requested the input of the Town Commission in creating a set of definitions that is easy to interpret and clarifies any ambiguities regarding land uses and development in the Town of Lady Lake.

Mr. Carroll stated that on December 8, 2008, the Planning & Zoning Board voted 5-0 for a recommendation of approval and forward to the Town Commission; on January 5, 2009, the Town Commission approved the First Reading of the ordinance by a vote of 5-0.

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

Upon a motion by Commissioner Miller and seconded by Commissioner Holden, the Commission approved Ordinance No. 2008-33 – Second/Final Reading – Amending Land Development Regulations - Chapter 2, Definitions and Interpretations, Section 2: Definitions, by the following roll call vote:

HOLDEN

AYE

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

11. Ordinance No. 2009-01 – First Reading – The Villages Notice of Proposed Change (NOPC) for the Tri-County Village (Lake) DRI

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

Thad Carroll, Senior Planner, gave the background summary from the agenda item cover sheet and also gave a Power Point presentation (both on file in the Town Clerk's office). He stated that the Applicant, Villages of Lake-Sumter, Inc., has submitted an application to amend the Development Order for the Tri-County Villages (Lake) Development of Regional Impact (DRI). The Notice of Proposed Change (NOPC) is a result of changes to the Villages DRIs (all The Villages DRIs and FQDs) as a whole more so than changes within the Tri-County Villages Development of Regional Impact (DRI). The Villages project includes four DRIs and one Florida Quality Development (FQD) now located in five local governments. To help in processing amendments to these projects and to ensure that regional impacts are analyzed, The Villages of Lake-Sumter, Inc. (the Developer) entered into a Chapter 380 agreement with the Department of Community Affairs (DCA). The agreement requires that all transportation, affordable housing, air quality and environmental issues are analyzed cumulatively.

Mr. Carroll stated that The Villages successfully demonstrated that it had no significant impacts on affordable housing during the review of the Villages of Marion FQD, the Tri-County Villages of Lake and Sumter through Phase III and the Villages of Sumter through Phase II. A development order (DO) condition was included in both the Villages of Sumter and Tri-County Villages DOs requiring a new affordable housing analysis before entering the later phases. Consistent with those DO conditions, the Developer conducted a new cumulative affordable housing analysis as part of the Villages of Wildwood substantial deviation application. As part of the Villages of Wildwood approval, the Developer agreed to contribute \$419,916 to Sumter County housing programs to address affordable housing. This contribution fully and cumulatively mitigated for The Villages DRIs through build-out. More details on the affordable housing analysis for the various DRI approvals are provided in this NOPC.

Mr. Carroll stated that, for transportation, The Villages DRIs have a requirement in all of the project DOs to conduct annual monitoring and modeling to ensure that The Villages DRIs are not creating significant impacts on the regional transportation system. The Developer has conducted these annual monitoring counts/analyses; however this year, as part of the Villages of Wildwood substantial deviation review, the Developer entered into negotiations with The Florida Department of Transportation (FDOT) to establish the cumulative mitigation for all of its transportation impacts through build-out. The Developer will construct the US Hwy 301 pipeline improvement. The FDOT will be responsible for all design and permit approvals and right-of-way acquisition (this cost already has been deducted from the pipeline credit amount to the Developer which is obligated for construction costs only). The Developer will be required to commence

construction no later than 6 months following the later to occur of 1) acquisition of all right-of-way or 2) design/permit approvals by FDOT.

Mr. Carroll stated that to fully mitigate for impacts through build-out on local roadways, the Developer entered into an agreement with Lake County to four-lane County Road 466 from Rolling Acres Road east to the intersection of US Hwy 27/441. The Developer will pay a share of these improvements as agreed upon with Lake County.

Mr. Carroll stated that this NOPC is composed of two general categories. The first category is the proposed changes for all five (5) development orders to address the following:

1. Transportation – this amendment changes the manner in which the Developer addresses the transportation impacts of The Villages. The DO no longer requires the monitoring and modeling procedures including the Transportation Impact Analysis (TIA), annual monitoring and requirement to mitigate for all impacts identified through monitoring. In its place, this DO establishes that if the Developer completes all actions as required by the PSA with the proportionate share payment and construction of the pipeline improvements, the Developer has provided full mitigation for its transportation impacts on significant state and regional roads through build-out.
2. Affordable Housing – deletion of existing affordable housing provisions and replacement with conditions recognizing that the Developer has mitigated for its cumulative impact on affordable housing.
3. Build-out Date – Build-out of the Tri-County Villages (Lake) DRI is established as of December 31, 2014, unless extended by the Town of Lady Lake upon a showing by the Developer that the completed and remaining portions of the development comply with the conditions of this ADO and the provisions of Section 380.06, F.S.
4. Establish December 31, 2019 as the Expiration Date for all of The Villages' DRI Development Orders.

Mr. Carroll stated that the second category is a series of housekeeping changes updating the DRI Development Order to reflect minor revisions to Maps Hand H-I as a result of land use conversions. The changes are all reflected on the Master Development Plan or within the Development Order and include the following:

1. Show changes on Map H (the Master Development Plan) made in Sumter County (via the 9th Amendment) that established areas for Assisted Living and Skilled Nursing facilities.
2. Update Map H-I (the Land Use Breakdown and the Phasing Tables) to show the revisions to entitlements accomplished via the changes to Map H mentioned above and subsequent use of the land use conversion matrix pursuant to the Third Amendment.

3. Annual Reporting Requirements – the Developer's annual reporting requirements as established in Section 380.06(18), F.S. cease upon reaching project build-out.

Mr. Carroll stated that, accordingly, the DO for this NOPC is written to take effect when rendered but is automatically repealed and becomes void unless the Proportionate Share Agreement goes into effect by March 15th. This will protect the local government from giving up the monitoring and modeling requirements without an enforceable Proportionate Share Agreement to mitigate the impacts.

Mr. Carroll stated that this NOPC pertains to property located in the Town of Lady Lake, Lake County, Florida, Township 18 South, Range 24 East, Sections 6, 7, 17, and 18 and noted that Exhibit 3 as referenced by the applicant's amendment proposal application is yet to be received.

Mr. Carroll stated that the Technical Review Committee (TRC) reviewed the application on December 16, 2008 and determined that the application was complete and ready for transmittal to the Planning & Zoning Board with a vote of 4-0; the Planning & Zoning Board reviewed the application on January 12, 2009 and recommended approval and forward to the Town Commission with a vote of 5-0; the Second/Final Reading before the Town Commission is scheduled for February 2, 2009 (this date may change subject to compliance with DCA mandates imposed on the Applicant prior to adoption of the Notice of Proposed Change).

Mr. Carroll stated that earlier in the evening, the Local Planning Agency did hear Ordinance No. 2009-01 and did vote 5-0 for its approval. Staff does recommend approval of the NOPC as prepared. He added that representatives from The Villages were present to answer any questions.

Mayor Richards stated that as far as he understands, the only thing that really affects Lady Lake is the County Road 466 portion – the rest is in Sumter County.

Mr. Carroll stated that was correct and that a lot of the mitigation is on the Sumter County side and outside of Lady Lake's jurisdiction.

Upon a motion by Commissioner Miller and seconded by Commissioner Kussard the Commission approved Ordinance No. 2009-01 – First Reading – The Villages Notice of Proposed Change (NOPC) for the Tri-County Village (Lake) DRI, by the following roll call vote:

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

12. Resolution No. 2008-136 – Lady Lake Library Expansion – Variance to Parking Requirements – 225 W. Guava Street

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

Judi Kelch, Town Planner, gave the background summary from the agenda item cover sheet and also gave a Power Point presentation (both on file in the Town Clerk's office). She stated that the Town of Lady Lake has filed an application for a variance to the Land Development Regulations - Chapter 7, Section 4, (b), (4), for a reduction of the minimum number of required parking spaces. The property is located at 225 W. Guava Street. The Applicant is requesting a net reduction of 100 parking spaces; the Land Development Regulations require a minimum of 385 spaces for the proposed uses and the Applicant is requesting to provide 285 spaces.

Ms. Kelch stated that, currently, the LDRs require 1 space per 100 square feet or 10 spaces per 1,000 square feet. The library, at total build-out, will be 38,499 square feet of public area which equates to a requirement of 385 parking spaces. According to the 3rd Edition of the ITE Parking Generation Manual, in seven (7) suburban study sites which averaged 34,000 square feet, the average peak parking demand was 2.61 spaces per 1,000 square feet with the worst case scenario 85th percentile requiring 4.19 spaces per 1,000 square feet. The average parking space being provided is 7.5 spaces per 1,000 square feet which equates to 285 spaces.

Ms. Kelch stated that the Technical Review Committee (TRC) reviewed the application on December 16, 2008 and determined that the application was complete and ready for transmittal to the Planning & Zoning Board with a vote of 4-0; the Planning & Zoning Board reviewed the application on January 12, 2009 and recommended approval and forward to Town Commission with a vote of 5-0 with the recommendation that when the Town determines that future parking spaces to the West and across Guava Street need to be constructed, the adjacent property owners will be given notice and an opportunity to state their concerns and wishes in regards to the development of the lot.

Bill Vance, Town Manager, stated that the Commission can expect that the Planning & Zoning Board will have an agenda item (in March at the latest) to discuss the Town's current parking requirements since they have been the subject of debate with previous development proposals. He stated that Staff has directed previous site plan applicants to the Town's consultants and they have used similar formulas to produce arguments that parking that did not meet the Town's LDR requirements was sufficient for the uses proposed for the property. In addition, Mr. Vance stated that the Town has one opportunity and one location on which to expand the Lady Lake Library so Staff is trying to do the best it can with the one site that the Town currently has. Mr. Vance stated that Staff recommends that the Commission support the variance request; the area identified as future parking is just that – when and if that area is utilized for parking, Staff will work in close coordination with the adjacent property owners and the Boy Scout representation to make sure that the effects on those people are minimal, at best, to include fencing improvements and buffering.

Mayor Richards stated that, at this time, the Town plans to use only half of the 35,000 square feet of the facility for the library; the upstairs will be utilized for storage.

Mr. Vance stated that once the project is bid out, Staff and Commission will be able to identify how much the Town can afford to expand. Staff is putting everything out to bid but will also provide flexibility to negotiate with the apparent lowest responsible bidder if

the Town needs to trim the cost of the project. Even if there are 2 stories, the 2nd story is overflow for the future so, in essence, the Mayor is correct because Staff will only be utilizing the lower level.

Ms. Kelch stated that the variance does cover the entire 1st and 2nd floor.

Commissioner Kussard stated that the parking across Guava Street is not going to happen tomorrow – that it would happen way into the future.

Bill Vance, Town Manager, stated that Staff has provided the adjacent property owners with documentation supporting the Town Manager’s position of a good working relationship, if that ever takes place, and they have something to show future Commissions and Staff if necessary.

- Phil Mathias, Lakes of Lady Lake, stated that the AAU and American Legion baseball would bring in about 30 cars and asked if that was taken into consideration in the anticipated parking plan.

Bill Vance, Town Manager, stated that there is recreational parking available and signage could be coordinated, if needed, allowing library parking only during the hours that the library is open. He also stated that there is a lot of parking available to the west.

Ms. Kelch stated that there are about 90 parking spaces to the west along Clay Ave by the ballfields.

Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved Resolution No. 2008-136 – Lady Lake Library Expansion – Variance to Parking Requirements – 225 W. Guava Street, by the following roll call vote:

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

13. Resolution No. 2008-137 – Lady Lake Library Expansion – Variance to Driveway Width Requirement – 225 W. Guava Street

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

Judi Kelch, Town Planner, gave the background summary from the agenda item cover sheet and also gave a Power Point presentation (both on file in the Town Clerk’s office). She stated that The Town of Lady Lake has filed an application for a variance to the Land Development Regulations-Chapter 15, Article II, Section 2.a.3.A for a reduction of the internal driveway connecting the southeast parking area to the northeast parking area from the required twenty-four (24) feet to twenty (20) feet. The property is located at 225 W. Guava Street. The Applicant is requesting a net reduction of four (4) feet in the width of that portion of the internal driveway due to a drainage easement the Town will be

sharing with Lake County for the County Road 466 improvements along the eastern boundary. Ms. Kelch added that the retention pond for that stormwater is going to be to the north of Hermosa St. and the Town has coordinated with the County to also use this retention pond for the library's stormwater so the Town will be connecting to the County's drainage easement.

Ms. Kelch stated that the Technical Review Committee (TRC) reviewed the application on December 16, 2008 and determined that the application was complete and ready for transmittal to the Planning & Zoning Board; the Planning & Zoning Board reviewed the application on January 12, 2009 and recommended approval and forward to the Town Commission with a vote of 5-0.

Bill Vance, Town Manager, stated that the Town anticipates a projected significant savings for both parties. He also thanked Ms. Kelch for doing such a fantastic job with both of these applications on behalf of the Town.

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

Upon a motion by Commissioner Holden and seconded by Commissioner Kussard, the Commission approved Resolution No. 2008-137 – Lady Lake Library Expansion – Variance to Driveway Width Requirement – 225 W. Guava Street, by the following roll call vote:

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

I. TOWN MANAGER'S REPORT:

Bill Vance, Town Manager, announced that on the 2nd anniversary of the Ground-Hog Day tornadoes, there will be a recognition and remembrance of the tornado victims at the February 2nd Town Commission meeting.

Mr. Vance stated that discussion will also take place at the February 2nd meeting in regards to Town representation (no more than 2 individuals) at the Lake County Days in Tallahassee in the month of February. He added that the Town Manager does have sufficient training/conference funds to pay for both attendees out of his budget.

J. MAYOR/COMMISSIONER'S REPORT:

See Item # 14 at the end of this section.

Commissioner Hannan stated that a lot of people are being ticketed for U-turns at the intersection of US Hwy 27/441 and CR 25 by RaceTrac. He stated that there are "No U-Turn" signs but it doesn't appear to be adequate and asked if the Town could go to RaceTrac and ask them to come up with some other signage that is a little more detailed.

Judi Kelch, Town Planner, stated that Staff has and it is in design.

Commissioner Kussard reported that it is always a pleasure to hear positive comments from developers regarding the great experience they receive working with the employees of the Town and stated that she would like to compliment Judi Kelch in the Growth Management Department for the great job that she has done in making these experiences pleasurable to the developers. Ms. Kussard stated that she received an e-mail this week in this regard that was very nice.

Commissioner Kussard also asked about the status of transferring money in the budget in order to install doors for the safety of the Human Resource Department. She stated that she was in the building one day when there was an altercation and she feels that this is really scary. She believes that when an employee goes to work, they should feel safe in their workplace.

Town Manager Bill Vance stated that, currently, every inch of Town Hall is being utilized and there are space limitations; there was a Facilities Need Study done in 2004 which identified the need to expand the Town Hall facility as Priority #3 in that study. He further explained that 2 of the Human Resource employees are not in the ideal location at this point in time; there were discussions during the past budget process in regards to enhancing their security but the funds were eliminated from the proposed budget. At this point in time and due to several altercations, Staff is getting some specifics as to what it is going to take to install some controlled access (doors) and will come back before the Commission with a budgetary recommendation on transferring some funds. Mr. Vance stated that, currently, security enhancements have been installed in Growth Management in addition to the buzzers that are already located in Growth Management, Utilities – Customer Service, HR offices and the Clerk’s office. Police have responded in 10 or 15 seconds after someone has hit the buzzer; the latest incident involved a man who was probably mad at the world and was looking for employment and he took his irritation out on a Town employee who immediately buzzed the P.D. Mr. Vance stated that the Town needs to coordinate improvement and Staff is doing so as fast as they can and will be coming to the Commission for support.

Commissioner Kussard stated that John Travolta turned the “Wild Hogs” movie preview into a fundraiser for the Town -- \$15,000 was raised and Mr. Travolta matched that amount for a total of \$30,000 to aid the tornado victims. She thinks that in respect to John Travolta’s tragic loss of his son, there should be some recognition of some sort from the Town.

Mr. Vance stated that, at the Staff level, a card was signed by Town employees and sent to the Travolta family and that if the Commission would like to coordinate something, that would be up to them to do so.

Mayor Richards stated that his understanding from an e-mail that he received was that there would be some form of recognition by a vote of the Commission.

Mr. Vance stated that, at the Commission level, Staff saw that there were potentially some differing positions and Staff wanted to go ahead and just coordinate getting

something out to the family so Staff sent the card. If the Commission would like to follow up with a letter or a resolution or anything else, that would be completely up to the Commission and Staff will do as the Commission wishes.

Mayor Richards stated that he would like to discuss the matter.

Commissioner Hannan stated that what the Town has already done is adequate in that the card spoke for the entire Town.

Commissioners Holden and Miller agreed with Commissioner Hannan.

Commissioner Holden stated that the residents of Cierra Oak subdivision are really appreciative for getting their streetlights back on; in addition, Animal Control got the loose dog situation under control so the residents are very happy.

Commissioner Miller had nothing to report.

Mayor Richards suggested the possibility of the 2 HR employees working in Human Resource Director Guy Shields' office at the conference table.

Mr. Vance stated that he would pass that suggestion on.

Mayor Richards also suggested that there should be some training for the employees on how to handle a difficult customer and feels that walls should not have to be built around everyone.

The tape was changed to Side "B" at 7:30 p.m.

Mr. Vance stated that was a point well-taken and Staff can look into some training. He understands that in the latest incident, it was a case of the employee not being treated in an appropriate manner.

The Mayor questioned how employment applications are received and who they are handed to.

Mr. Vance stated that there is a box in the lobby where the applicant can place their application.

Chief Ed Nathanson stated that the application was received after-the-fact; a conditional offer had been made and this person took exception to that because he felt that he was the right person for the job and he didn't give Staff the opportunity to explain – he just went irate. Then when a secondary Staff came to support the first one, he went irate on that person. There wasn't anything that Staff could have done differently; it's just that sometimes people make poor choices. The Chief stated that we live in a very scary society sometimes and he referenced the Commission meeting in Missouri where a gentleman walked in and shot and killed the Mayor and also opened fire on some of the Commission. That was no fault of anybody on the Commission – somebody made a poor

choice and had a mindset. This person had a mindset that when he didn't hear what he wanted to hear, it didn't matter what anybody was saying to him.

Mr. Vance added that potentially alcohol was involved as well as an influence.

Mayor Richards also brought up the matter about the newspaper article that the pay rate for Communications Officers is not adequate.

Chief Nathanson stated that the Police Department is not getting applicants who are qualified to be a Communication Officer. He stated that they were fortunate to find someone to accept the current rate for the position that was filled recently but they received 96 applications for the Communications Officer position that was open and in this low economy job market right now, a lot of people would say "I use to do something else, but I think I can do this." The Chief stated that the Police Department was not attracting what they were looking for and one of the reasons for that is the pay rate.

Mr. Vance stated that Staff just wanted to communicate that there were issues with the pay so that Staff can stay ahead of the curve. He also asked what level of service the Town wants to provide if someone calls 911 with a life-threatening situation. Mr. Vance stated that he thinks that person would anticipate a level of quality that would allow the communication officer to coordinate and responsibly handle the situation and also stated that he could not do such a job.

Mayor Richards stated that there is no specific training course for this.

Chief Nathanson stated that there is training – there are State guidelines, there are State certifications and, in the very near future, there is going to be an academy for certified dispatchers. Right now, there are State requirements – someone has to be certified to look and touch at those screens. The Chief also stated that the people that are entrusted with the safety of law enforcement, the lifeline to the community 911 system and the exceptional calls are being paid at the bottom end of the spectrum.

Chief Nathanson again confirmed that the most recent incident was no fault of any Staff member; this was going to happen and, if it wasn't for the buzzers and the quick response time of the police, who knows what would have happened.

Mr. Vance stated that Staff will come up with a proposal to bring before the Commission and the Commission can then provide Staff direction.

Commissioner Hannan asked if the Commission Chambers would be closed off from the restrooms if the doors are installed.

Mr. Vance stated that access can be coordinated during the meeting times. He added that controlled access is not to keep people out; it is to potentially provide a minute or two to assess situations.

Commissioner Hannan stated that walls can be built around everyone but he has mixed emotions about that.

Mayor Richards suggested the possibility of a window similar to the Utilities Department where an applicant could hand in an application or receive information.

Mr. Vance stated that the specifics are yet to be provided.

14. Reschedule the February 16, 2009 Commission Meeting Due to the Observance of President's Day

It was the consensus of the Commission to hold the Commission Meeting on Monday, February 23, 2009 at 6:45 p.m. The later time was set due to the Special Magistrate Meeting being scheduled for 5:30 p.m. the same evening.

K. OPEN FORUM:

There were no comments or questions from the public.

L. ADJOURN: There being no further discussion, the meeting was adjourned at 7:48 p.m.

Kristen Kollgaard, Town Clerk

James Richards, Mayor

Minutes transcribed by Jayne York, Staff Assistant to Town Clerk