

**MINUTES OF THE REGULAR MEETING  
OF THE LADY LAKE TOWN COMMISSION  
LADY LAKE, FLORIDA  
April 21, 2014**

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

- A. CALL TO ORDER:** Mayor Ruth Kussard
- B. PROCEDURAL:** *Citizens are encouraged to participate in the Town of Lady Lake meetings. Speakers will be limited to three (3) minutes. Additional time may be granted by the Mayor. Citizen groups are asked to name a spokesperson and the Mayor, at his/her discretion, may allow longer than three minutes. Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone. The order of agenda items may be changed if deemed appropriate by the Town Commission. Please be respectful of others and put your cell phone on silent mode.*
- C. PLEDGE OF ALLEGIANCE:** Mayor Ruth Kussard
- D. INVOCATION<sup>i</sup>:** Associate Pastor Steve Poludniak – Tri-County Baptist Church
- E. ROLL CALL:** Tony Holden, Commissioner Ward 2  
Dan Vincent, Commissioner Ward 3  
Paul Hannan, Commissioner Ward 4  
Jim Richards, Commissioner Ward 5  
Ruth Kussard, Mayor/Commissioner Ward 1

**STAFF MEMBERS PRESENT:** Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Mike Burske, Parks and Recreation Director; Chief Chris McKinstry, Police Department; John Pearl, I.T. Director; Jeannine Michaud, Finance Director; Beth Maciejewski, Library Director; and Nancy Slaton, Deputy Town Clerk

**F. PUBLIC COMMENTS<sup>ii</sup>**

Mayor Kussard asked if anyone in the audience would like to speak on any item.

- Barbara Fowler of Winners Circle reported that there is a problem with pit bulls running loose in her area. She stated that her cat was killed three weeks ago on her porch by a pit bull running loose. Ms. Fowler asked that the Town look into it.

Town Manager Kris Kollgaard asked if Animal Control has been contacted.

- Ms. Fowler stated the occurrence with her cat happened at 10:30 at night, and although the police came out, Animal Control was not available at that time. She stated Animal Control contacted her the following Wednesday and asked her to call again if something happened. Ms. Fowler stated that a neighbor was also recently

chased into her house by pit bulls when she was putting her children, ages 5 months to 11 years old, into her van. The neighbor had to distract the dog in order to get back out to her children in the van, where the door had been left open. She asked again that something be done.

Ms. Kollgaard stated that she would talk to Animal Control and have it looked into.

Commissioner Hannan asked if all dogs have to be registered, and if registrations can be checked regarding the dogs that reside in that area.

Ms. Kollgaard replied that animals have to be registered with Lake County, and that she will check with Animal Control to see what kind of problems have been reported there and what else can be done.

**G. PROCLAMATION:**

**1. Arbor Day – April 25, 2014 (Mayor Kussard/Mike Burske)**

Mayor Kussard read the proclamation proclaiming April 25, 2014 as Arbor Day and presented it to Mike Burske, Parks and Recreation Director.

Mr. Burske announced that Arbor Day will be celebrated at the Log Cabin/Veterans Park this Friday, April 25<sup>th</sup>, at 10 a.m., and that an orange tree will be planted.

**2. Civility Month – May 2014 (Mayor Kussard)**

Mayor Kussard read the proclamation proclaiming the month of May 2014 as Civility Month as requested by the City, County and Local Government Law Section of the Florida Bar. The proclamation explains that civility is where persons observe certain rules of behavior which can make it more pleasant to live in an organized society.

**H. CONSENT<sup>iii</sup>:**

Mayor Kussard asked if anyone wanted to pull any consent item for discussion.

Town Manager Kris Kollgaard asked that Item H-6 be pulled for discussion.

**3. Minutes – April 7, 2014 – Regular Commission Meeting**

**4. Budget Amendment to Establish FDOT Safe Routes to School Sidewalk Budget in FY 2014; and to Utilize Excess Reserve Funds to Purchase the Wildflower Property (Jeannine Michaud)**

The background summary for this agenda item (on file in the Clerk's Office) states that Amendment BT14-013 appropriates a FY 2014 budget for the F.D.O.T. Safe Routes to School agreement. This amendment will increase the expense and revenue line items for F.D.O.T. Safe Routes to School budget. The agreement with F.D.O.T. was executed on December 21, 2012, and the Commission approved the additional engineering at the April 7, 2014 Commission meeting.

Purchase of the Wildflower property from General Fund Reserves was approved at the February 3, 2014 Commission meeting.

**5. Consideration of Approval of the Interlocal Agreement Between Lake County and Municipalities Relating to the Local Option Fuel Tax (Kris Kollgaard)**

The background summary for this agenda item (on file in the Clerk's Office) states that the proposed interlocal agreement from Lake County for the distribution of the local option gas tax is included in the packet. This agreement is predicated on Option 2 (50% population and 50% road miles). In order for the agreement to become effective September 1<sup>st</sup>, cities comprising 50% plus one of the incorporated populations, as well as the County Commission, must approve the interlocal agreement prior to June 1<sup>st</sup>. At the February 19, 2014 meeting, the Lady Lake Town Commission was presented with the different formulas prepared by Lake County and it was the consensus of the Commission to proceed with Option 2.

*Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved Consent Items #H-3 through H-5, by a vote of 5 to 0.*

**6. Consideration of Approval of the Welcome Letter for the 23<sup>rd</sup> Annual Southeast Bowling Association Tournament (Kris Kollgaard)**

The background summary for this agenda item (on file in the Clerk's Office) states that the 23<sup>rd</sup> Annual Southeast Bowling Association Tournament is being held in Lady Lake this year and Steve Gardino, President of the Leesburg USBC, Inc., has contacted the Town and would like a Welcome Letter from the Mayor to include in the packet information given out to the tournament participants and guests. A draft letter for the Commission's consideration was included in the packet.

Town Manager Kris Kollgaard stated that the letter that was included in the packet has been changed and the amended letter was passed out to be reviewed for approval.

*Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved the amended letter for Consent Item # H-6, by a vote of 5 to 0.*

**I. OLD BUSINESS:**

**J. NEW BUSINESS:**

**7. Consideration for the Girl Scouts to Place a 10'x 8' Steel Shed Beside the Boy Scouts' Shed at the Scout Hut (Mike Burske)**

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Town Clerk's office). He stated that the Girl Scouts are requesting to place a 10 ft. by 8 ft. steel shed at the Scout Hut to be placed on the south side of the Boy Scouts' shed. Mr. Burske stated that the proposed shed will be a much smaller shed than the one the Boy Scouts had donated by the American Legion and the Girl Scouts will pay for all permitting. The shed will hold the Girl Scouts' items until needed. The photo and specifications of the shed were included in the packet. He stated he spoke to the Boy Scout's troop leaders and they had no problem with the proposal, and the Parks and Recreation Advisory Board recommended

approval of this item. The minutes from their meeting were also included in the packet. Mr. Burske stated that Leah Nelson is present to answer any questions.

Commissioner Hannan asked if the Town could waive the permitting fees for the Girl Scouts.

Town Manager Kris Kollgaard stated the Town is not allowed to waive those fees.

Commissioner Hannan asked what will be stored in the shed as he is concerned about security.

Leah Nelson introduced herself as a Girl Scout leader and stated the Girl Scout's camping supplies such as coolers and tents, craft supplies and paperwork will be stored in the shed and will be locked up. She stated nothing irreplaceable will be stored there, and it will help that all five of the Girl Scout leaders will have one area to go to rather than trying to coordinate convenient times to get supplies currently stored at each other's homes.

*Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved the Consideration for the Girl Scouts to Place a 10'x 8' Steel Shed Beside the Boy Scouts' Shed at the Scout Hut, by a vote of 5 to 0.*

**8. Consideration to Host the Annual Driving Range Volunteers' Lunch at the Parks and Recreation Building on April 29, 2014 (Mike Burske)**

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Town Clerk's office). He stated that on an annual basis, the Lady Lake Driving Range has held a luncheon for the volunteers of the facility. Over the last couple of years, the Driving Range has utilized the Parks and Recreation Building to hold the event without fear of weather being a factor. Tables and chairs will be utilized from Public Works and Parks and Recreation. Mr. Burske stated that the Driving Range supplies all of the food and drinks and invites the Range volunteers and many from the Town who assist them at the Range. The event is scheduled for April 29, 2014. He asked the Commission to keep in mind that they will use a grill in the fenced area of the building compound, and that Driving Range staff begins preparing food in the morning and starts serving around 11:00 a.m.

Commissioner Richards stated he is looking forward to the event.

*Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved the Consideration to Host the Annual Driving Range Volunteers' Lunch at the Parks and Recreation Building on April 29, 2014, by a vote of 5 to 0.*

**9. Discussion and Direction Regarding Proceeding with an Agreement with VCCDD to Allow the Lady Lake Police Department to Use a Segway for General Police and Safety Protection Services on an As Needed Basis, and Whether Any Approved Agreement Should Include an Indemnity Clause (Chris McKinstry)**

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Town Clerk's office). He stated that the VCCDD has purchased a Segway for general public safety use and they have agreed to allow trained members of the Lady Lake Police Department to use the Segway for police and public safety services. Chief McKinstry stated that if an agreement is approved, the police officer assigned to the Spanish Springs Town Square will be the primary operator. He stated that due to the nature of the venue, a mixture of vehicle and

pedestrian traffic is prevalent, and a police officer on a Segway instantly becomes more visible with the increased height from the device, is more approachable by citizens, and can facilitate positive interaction with the community served. He stated a Segway also enables the officer to create a wider spread presence to proactively prevent crime and be more accessible to the public. Chief McKinstry stated that Town Attorney Derek Schroth has prepared the attached agreement(s), and World Risk Management (PRM) has reviewed for insurance purposes. Emails were included in the packet regarding the question of whether an indemnification clause is necessary in any potential agreement.

Commissioner Hannan asked if the Segway will be stored at the fire station over the bridge.

Chief McKinstry replied that it will.

Town Manager Kris Kollgaard stated that the Town's insurance company is suggesting that the indemnity clause be included in the agreement.

After discussion, the Commissioners agreed that the agreement should include the indemnity clause.

Commissioner Hannan asked if The Villages has a maintenance agreement on this unit.

Chief McKinstry stated the Segway has no maintenance per say other than batteries, and a once a year check up to make sure all the nuts and bolts are tight and in place.

Commissioner Holden wondered about the practicality of using the Segway in a crowd at the Square, and whether it would be run on the street or sidewalk.

Chief McKinstry replied that the officer will be trained and the Segway will be used on both the sidewalk and the street, and in the parking lots as a wide spread presence.

Commissioner Vincent stated he would like to have the maintenance requirements clarified by Segway, and find out the mean time for failure.

Commissioner Hannan confirmed that this Segway is brand new. He commented that there should be some type of warranty.

Ms. Kollgaard stated the Segway was purchased by The Villages.

Mayor Kussard stated that the indemnification clause in the agreement will cover the Town if there is any negligence on the part of The Villages, and if it is by the Town, then the Town would cover it.

Ms. Kollgaard and Chief McKinstry stated they will check with The Villages regarding the maintenance information on the Segway.

***Upon a motion by Commissioner Hannan and seconded by Commissioner Richards, the Commission approved the Agreement with VCCDD to Allow the Lady Lake Police Department to Use a Segway for General Police and Safety Protection Services on an As Needed Basis, with the inclusion of the indemnity clause, by a vote of 5 to 0.***

**10. Consideration of an Amendment to the Sewer, Water and Reuse Utility Agreement for the "Assisted Living Facility at Lexington Park-Phase 2" To Provide for an Extension of an Additional 12 Months to Obtain a Building Permit and Reserve Utility Capacity Already Purchased for the Development (Thad Carroll)**

Thad Carroll, Growth Management Director, gave the background summary for this agenda item (on file in the Town Clerk's office). He stated that on March 3, 2014, the Town Commission granted approval for the Town Manager to execute an affidavit to allow WRYP ILF, LLC to transfer property referenced as "Lexington Park – Phase 2" to ARCH LPLLKFL01, LLC. On March 5, 2014, the Phase II ALF parcel was transferred by way of warranty deed.

As part of the transfer of property, ARCH LPLLKFL01, LLC also inherited the utility entitlements originally purchased by WRYP ILF, LLC, subject to the terms and conditions of the Sewer, Water & Reuse Utility Agreement between the developer and the Town of Lady Lake executed on November 4, 2013. As per the terms of the agreement, in Section 2, the language states, "Should Developer not obtain a building permit to initiate construction of the Developer's project noted above within 180 days of the date this Utility Agreement is approved by Commission, the capacity herein reserved will be forfeited and all money paid to reserve capacity shall also be forfeited. Should Developer fail to obtain a building permit within 180 days of the date this Utility Agreement is approved by Commission, Developer agrees to release any and all claims against the Town for a return of any of the money paid to reserve capacity."

Mr. Carroll stated that at this time, ARCH LPLLKFL01, LLC is requesting an extension of the agreement for an additional 12 months to allow more time to finalize the construction plans and secure building permits for construction of the facility. He stated that Trent Watkins, developer for ARCH LPLLKFL01, LLC, has provided a letter dated April 9, 2014 which documents why construction of the facility was unable to begin in the 180 day timeframe as required in the original agreement, as they are running into problems with acquiring lending for the project.

Mr. Carroll stated that the amended agreement will provide an additional 12 months to secure a building permit (Amending Section 2), and also will recognize Trent Watkins of ARCH LPLLKFL01 as the Developer of the project (Amending Section 9). The site plan for the project was approved by the Town Commission on November 4, 2013, and all ERUs have been purchased for the project in the amount of \$48,170.00. The Town of Lady Lake has not increased the charges per ERU for sewer, water, or reuse since the execution of the original agreement. Failure to approve the amended agreement will result in a forfeiture of the reserved capacity as well as all fees paid. The agreement is set to expire on May 3, 2014. Staff recommends approval of the amendment as presented. Town Attorney Derek Schroth reviewed and approved the amended agreement to form on April 11, 2014.

Mr. Carroll stated that Trent Watkins is present to answer any questions.

Commissioner Holden commented that it is a reasonable request.

***Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved the Amendment to the Sewer, Water and Reuse Utility Agreement for the "Assisted Living Facility at Lexington Park-Phase 2" To Provide for an Extension of an Additional 12 Months to Obtain a Building Permit and Reserve Utility Capacity Already Purchased for the Development, by a vote of 5 to 0.***

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

**11. Resolution No. 2014-102 – First/Final Reading (tabled from 3-17-14 & continued to 4-21-14) – Plaza Professional Center – Variance Request to Authorize the Removal of a 38” Historic Live Oak Tree to Accommodate a New Office Building on the Last Remaining Parcel at the Plaza Professional Center – Located at 302 La Grande Blvd. (Thad Carroll)**

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

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Town Clerk's office). He stated that the applicant, Fran Dann-Akin, on behalf of property owners Brian W. Warwick, Janet R. Varnell, and Ellen Robards, has submitted an application for a variance in accordance with Chapter 10, Section 10-4).f). of the Land Development Regulations (LDRs) which states that on all properties, the removal of historic trees shall require a variance from the Planning and Zoning Board and then the Town Commission.

The applicant proposes the removal of a 38” historic live oak tree to accommodate the construction of up to 4,300 sq. ft. of new office building space on the last remaining parcel at the Plaza Professional Center Site. The applicant states that due to the fact that the historic tree lies directly within the building pad, it is required to be removed. Additionally, the applicant indicated that the tree exhibits excessive lean which would endanger any future building erected and the root structure of the tree will suffer substantial damage during and after construction if the tree were to remain (Justification Statement is attached). The conceptual parking plan proposes 25 spaces; the requirement for a 4,300 sq. ft. facility is 22 spaces (one space per 200 sq. ft.).

The application originally referenced the project as being within La Plaza Grande Professional Center; however, it has now been corrected to properly identify the Plaza Professional Center as the correct property reference of the site, which is just north of the La Plaza Grande Professional Center.

When reviewing an application for a variance, the Planning and Zoning Board and the Town Commission shall consider the following requirements and criteria according to Chapter 3, Section 14 f) – Review criteria for variances in the Land Development Regulations:

1. No diminution in value of surrounding properties would be suffered.
2. Granting the permit would be of benefit to the public interest.
3. Denial of the permit would result in unnecessary hardship to the owner seeking it.
4. The use must not be contrary to the spirit of this Code.
5. Financial disadvantages and/or inconveniences to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.
6. Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Town Commission.

The subject property lies in Section 07, Township 18 South, Range 24 East, Lady Lake, Florida. The Future Land Use Map designation for the site is Commercial General-Retail Sales & Services (RET) and is zoned Planned Commercial (CP). The subject property is located at 302

La Grande Blvd. within the Plaza Professional Center (Alternate Key 3808678); within the town limits of the Town of Lady Lake, Florida. Resolution No. 2014-102 was reviewed by Town Attorney Derek Schroth on Tuesday, February 25, 2014, and determined it to be correct in form.

Notices to inform the surrounding property owners (16) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, February 24, 2014, and the property was posted on Tuesday, February 25, 2014.

Comments:

- The applicant is aware that a \$3,800 fee is due to the Town to mitigate the removal of the tree and is prepared to make payment to the Tree Bank pending approval of the resolution.
- If the variance is granted, the applicant will continue with the Site Plan application process for approval of the improvements proposed at the remaining vacant lot. All landscaping buffer requirements and planting would have to be satisfied during this process.

The Technical Review Committee reviewed the application for Resolution No. 2014-102 at its regular meeting on Tuesday, February 18, 2014, recommending approval with a 3-0 vote. On March 10, 2014, the Planning and Zoning Board reviewed Resolution No. 2014-102 at their regular meeting and recommended approval to the Town Commission by a 3-1 vote. At the March 17, 2014 meeting, the Town Commission approved tabling Resolution No. 2014-102 to the April 7, 2014 Commission meeting. At the April 7, 2014 meeting, the Town Commission approved tabling Resolution No. 2014-102 to the April 21, 2014 Commission meeting.

Mr. Carroll reported that at the March 17, 2014 Commission meeting, the Town Commission requested that an alternative plan be presented to determine whether the tree could be saved if the building or parking configuration were changed. At the April 7<sup>th</sup> meeting, Resolution No. 2014-02 was again continued to the April 21<sup>st</sup> meeting to give the applicant more time. He stated that at this time, Fran Dann-Akin has determined that the potential occupant of the property does not wish to reduce the parking spaces provided on the property, and that by saving the tree, some parking will need to be reduced. The applicant has stated that given that this is a medical facility, they would like to provide as much parking as possible as the provision of parking is already somewhat of a problem in the medical park. Mr. Carroll stated that no alternative plan has been provided for the consideration by the Town Commission. He reviewed photos and aerial views of the property and the tree being considered, and stated that staff recommends approval.

Mr. Carroll stated that Mr. Warwick and Fran Dann are both present to elaborate on this request.

Brian Warwick introduced himself and stated that they purchased the property back in 2009 and have been trying to put a building on it for some time. He stated they met with the engineer at Abshear and looked into all possibilities to try to keep this tree, although the entire parking area is covered in trees as over 40 live oak trees are on the parcel. Mr. Warwick stated the site plan that was approved for Dr. Neuzil's office in the corner shows a future building and additional parking in the area that he is proposing. He stated they need at least 17 additional parking spaces, and they met with Michael Pape at The Villages who tried to draw up an alternative plan to move the building down and have parking along the front. This resulted in only eight parking

spaces, which is not enough. Mr. Warwick stated he had the architect try to design the building around the tree, but because the tree is leaning and the massive branches would be hanging over the building, the insurance company would require that the branches be cut. And according to the arborist, if two to three massive branches are cut and with the roots covered by the building, the tree will end up dying anyway. He stated they have done everything that they could to put the building that was designed for this location for 30 years, prior to the adoption of the tree ordinance, at this location; and the only way to do that is to remove the tree in order to have adequate parking for the building. Mr. Warwick stated they would be glad to pay into the tree fund and plant even more trees than is already there. He stated the engineer is present to answer questions.

Commissioner Richards asked if the architect had put the building in the open area and put the parking under the trees, perhaps taking out some of the smaller trees. He stated they could also try golf cart size parking spaces.

Mr. Warwick replied that Mr. Pape, the architect, tried that, but could only come up with eight additional parking spaces, when they need 17 total. He stated they have not tried to use golf cart parking spaces, but it could be a possibility.

Commissioner Richards asked if the original parking lot being utilized by other tenants is included in the parking figures.

Mr. Warwick replied the plan was originally approved with two smaller buildings with parking, but was then changed to one large building (up to 4,286 sq. ft.) with additional parking over and above the current parking lot. He stated this has been in the works since 1987, and he purchased the property believing he had the right to put a building of this size in this location, well before the tree ordinance was adopted.

Commissioner Hannan stated the ordinance was put into place because people were indiscriminately taking down trees. He stated he does not want to see this tree removed.

Ed Abshear, engineer, stated that to construct this building, the development as a whole needs to have 99 parking spaces and there are only 82 at this time, so 17 more need to be provided.

Commissioner Richards asked how much space is in the area of the small trees.

Mr. Abshear stated this was looked at with The Villages and there is not room in there to have two rows of parking with a drive aisle, and the applicant would actually lose spaces because of the drive aisle in this area.

Commissioner Hannan stated that there are no designated parking spaces in the development, and when he has passed by there, the parking lot never has more than ten cars in it at a time. He stated that overflow from the proposed building could go into other parking spaces, and that the applicant should be looking into a variance for parking instead of one for tree removal.

Mayor Kussard commented that she read the arborist's report which stated he does not believe the tree would survive the damage caused by the construction of the building.

Commissioner Richards stated that is only if the building is built where the applicant is proposing.

Town Attorney Derek Schroth commented that if the Commission is not inclined to grant a variance of any sort, even parking, then the Town could run into a vested rights claim where an ordinance was enacted after the approval of construction of this building. He stated that if this is denied tonight, the Commission would have to allow the property owner some use of the property, which may mean granting a parking variance in the future so they can build the building they were approved for.

Commissioner Hannan asked if the Commission was given the site plan which has been approved 30 years ago.

Mr. Carroll stated that the information is part of the report in the packet that states the applicant received approval back in 1987 originally. He stated that staff has a site plan that shows the professional park 30 years ago, showing a building on the property.

Commissioner Richards commented that the Commission stated two weeks ago that they would consider a parking variance, and that someone could get inventive and put golf cart parking under the trees.

Commissioner Holden and Commissioner Vincent both stated they are on the fence, although they would like to see more alternatives than removing the tree.

Mr. Warwick stated that there will be three doctors in the building and they thought that reducing the parking by more than ten spaces would lead to a real problem in the future for patient parking.

Mr. Abshear pointed out that the tree in question is behind a sidewalk, and the roots are most likely behind the tree in the grassy area. Even if the parking were to be put back behind the tree, it would be risky for the tree as then all the roots would be covered by impervious surface.

Commissioner Richards stated that pervious pavement could be used, and the Commission is looking for more ideas.

Commissioner Hannan asked if the Town's arborist could take a look at the plans as well.

Commissioner Vincent commented that most doctors see at least 50 patients a day, so three doctors would be seeing 150 patients in a day maximum, with perhaps 50 at a minimum and this could be a problem.

Mr. Abshear stated that when looking at parking for doctors' offices now, they plan for six spaces for each 1,000 sq. ft. of building, and the whole development is currently at less than that at one space for 5,000 sq. ft.

Commissioner Richards stated this Commission has had complaints in the past that the Town requires too many parking spaces, and that they have given variances for the number of parking spaces required. He stated he would like to keep the tree and consider other variances which may include golf cart parking spaces.

Mayor Kussard stated her concern is that even if the tree remains and a building is built, and then the tree's root structure is damaged so that it must be cut down anyway. She stated no one wants

to see a healthy historic oak tree cut down, but she would not like to see it damaged and have to be removed later.

Commissioner Richards stated there are other options; it depends on where the building is built.

Commissioner Holden asked if there would be an option to build two smaller buildings.

Mr. Warwick replied that two smaller buildings would not meet their purposes, and he reiterated that the deed for the property in 1987 states he has the right to build a 4,300 sq. ft. building on this location, although the parking was not configured then. He stated the site plan back in 2005 shows the parking and building where he proposes to put it now, without showing the tree.

Mr. Schroth asked Mr. Carroll if he had seen the approved site plan from 2005.

Mr. Carroll replied that this has not been submitted to him and that he has not seen a 2005 approval.

Mr. Schroth stated that if the Town approved a site plan with the building in that specific location, then the applicant has the right to do it.

Mr. Carroll replied that he does not recollect seeing anything like that and would have to verify it.

Ms. Kollgaard stated that when site plans are approved by the Town, they are stamped approved and dated, and staff will look to see if we have a record of this.

Mayor Kussard commented that this issue may need to be tabled again until the next Commission meeting on May 5, 2014 to allow research to be done.

Commissioner Hannan asked if the applicant's copy of the site plan should become a part of the record since it was presented before the Commission.

Mr. Schroth asked the applicant if he had an extra copy for the record to provide to the Clerk's office. He thanked Commissioner Hannan for pointing this out.

Commissioner Hannan asked that the applicant look into Commissioner Richards' recommendation regarding golf cart parking spaces. He also asked again if the Town's arborist could look at the tree and the plans. He stated this tree is so huge and has a large root system, and he suggested you could cut half the roots and the tree would still survive.

Ms. Kollgaard stated the applicant has provided their arborist's report, but it would be up to the Commission if they wanted the Town to pay for another one.

Commissioner Richard's suggested waiting to see if the applicant provides another viable plan.

Commissioner Holden asked what it would cost to hire an arborist.

Ms. Kollgaard asked Mr. Carroll if he knew the cost for an arborist's review.

Mr. Carroll replied that he did not know off hand, but that it would be in the hundreds, not thousands of dollars.

Ms. Kollgaard stated that if the Commission decided to postpone this decision to a date and time certain, the Town would not have to re-advertise, as it would meet the requirements.

Mr. Schroth clarified that the purpose for the postponement is to verify whether the Town approved a previous site plan, and also to allow the applicant to make adjustments to the plan.

***It was the consensus of the Commission to postpone the final vote on this resolution to the Commission meeting scheduled for May 5, 2014 at 6 p.m.***

Mr. Warwick commented that The Villages Architectural Review Committee will require them to match their parking area to the rest of the professional center, which is a stamped concrete parking lot, an impervious surface.

Commissioner Hannan stated he was not aware that The Villages reviewed commercial properties as well as residential.

Mr. Warwick replied that they have two Architectural Review Committees; one for residential and one for commercial. He stated they will also have to approve tree removal if the Town approves it.

Mayor Kussard asked if there were any questions or comments from the public on this item. There were no questions or comments.

**L. TOWN MANAGER'S REPORT:**

**12. Consideration of Reappointments to the Library Board (Kris Kollgaard)**

Town Manager Kris Kollgaard read the background summary for this agenda item (on file in the Town Clerk's office). She stated that the Library Board currently has four members whose terms are expiring this month. James Page, Dorothy Grubb, Jean Ganske, and Dr. Paul Harsh are all current members and wish to be re-appointed. No new applications are being considered at this time as the Library Board is being reduced by attrition from seven members to five.

Ms. Kollgaard asked the Commissioners to make their selection. The following results were read into the record and tallied:

- Commissioner Holden voted yes for the reappointment of James Page, Dorothy Grubb, Jean Ganske, and Dr. Paul Harsh.
- Commissioner Vincent voted yes for the reappointment of James Page, Dorothy Grubb, Jean Ganske, and Dr. Paul Harsh
- Commissioner Hannan voted yes for the reappointment of James Page, Dorothy Grubb, Jean Ganske, and Dr. Paul Harsh
- Commissioner Richards voted yes for the reappointment of James Page, Dorothy Grubb, Jean Ganske, and Dr. Paul Harsh
- Mayor Kussard voted yes for the reappointment of James Page, Dorothy Grubb, Jean Ganske, and Dr. Paul Harsh.

*James Page, Dorothy Grubb, Jean Ganske, and Dr. Paul Harsh received affirmative votes by all five Commissioners and they were reappointed to the Library Board.*

Ms. Kollgaard asked if the Commissioners would like to consider putting up a fence in the back section of the recently purchased Wildflower property as it backs up to a residential property.

Commissioner Hannan asked what type of fence would be considered and if it is to keep people off the Town's property.

Ms. Kollgaard stated the type of fence would be up to the Commission, and it would just be along the back so the residents of the property behind this parcel would know where the boundary is.

Commissioner Richards suggested having the property surveyed and have concrete monument markers put in to show the boundary line instead.

Commissioner Hannan agreed with Commissioner Richards as he does not like fences, but Commissioner Holden stated he would rather have a fence as the neighbors may park on the property, although he agreed a survey to mark the boundaries would be a good idea.

Mayor Kussard commented that she likes the idea of a fence.

After further discussion, it was the consensus of the Commission that staff would bring this up at another time.

#### **M. MAYOR/COMMISSIONER'S REPORT:**

Commissioner Hannan stated that he believes in giving credit where credit is due, and that the sidewalk project undertaken by Parks and Recreation Director Mike Burske is a major accomplishment for the Town of Lady Lake. He suggested that a plaque be made, explaining how the sidewalks were financed and giving credit to Mr. Burske, for each phase of the sidewalk project and have it imbedded in the concrete. He passed out suggested samples for the Commissioners to look at.

After discussion, the Commission agreed it was a good idea to recognize this feat and it was decided that staff will look into having a plaque made up to hang up at the school since the sidewalk project is a Safe Routes to School grant, and it will be brought back to the Commission.

Commissioner Hannan reported that he sent a letter, along with approximately 700 members of the Apple Computer Club in The Villages, requesting that Apple build a computer store in Lady Lake, with a copy to Marty DelBovi of Benchmark. Mr. DelBovi's response was to thank Commissioner Hannan and he stated that he will follow up on his request at the annual convention of the International Conference of Shopping Centers which is coming up in May in Las Vegas. It was noted that the closest Apple store to Lady Lake is currently in Altamonte Springs and Orlando.

Commissioner Holden stated if the applicants requesting the tree removal that were present earlier knew what they would have to go through ahead of time trying to get this tree removed, they would have had the tree removed on a weekend, and paid the fine after the fact. He stated

that they could have done this if they were an unsavory company, and he asked Mr. Carroll what the ramifications of that would have been.

Commissioner Hannan commented that there would most likely be a heavy fine by The Villages Architectural Review Committee.

Growth Manager Thad Carroll replied that the applicant would have to pay the \$3,800 tree mitigation fee, along with double the tree removal permit fee, which is currently \$25. He mentioned that the fee for residential historic tree removal is \$500.00. Mr. Carroll stated that if someone does something without a permit, a double fee is charged, and he would have to check with the attorney to see if the \$3,800 would be doubled as well as the \$25 tree removal permit fee. Mr. Carroll stated staff is glad the applicant took this route to request the variance.

#### **N. PUBLIC COMMENTS<sup>iv</sup>**

Mayor Kussard asked if anyone had any further questions or comments. There were no questions or comments.

#### **O. ADJOURN**

There being no further discussion, the meeting was adjourned at 7:18 p.m.

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Kristen Kollgaard, Town Clerk

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Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

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<sup>i</sup> Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.

<sup>ii</sup> This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.

<sup>iii</sup> All items listed under consent are considered routine by the Town Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Town Commissioner so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.

<sup>iv</sup> This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.