

**MINUTES OF THE  
TOWN OF LADY LAKE  
PARKS, RECREATION AND TREE BOARD ADVISORY COMMITTEE  
LADY LAKE, FLORIDA**

**May 13, 2015  
5:30 p.m.**

The Parks, Recreation and Tree Advisory Committee Meeting was held in the Town Hall Commission Chambers, 409 Fennell Blvd., Lady Lake, Florida.

**CALL TO ORDER:** Chryle Lowery, Chairperson

*Chairperson/Member Lowery called the meeting to order at 5:30 p.m.*

**A. ROLL CALL:** Rick Jones, Member  
Betty Cantelmo, Member  
Thomas Schmelzer, Member  
Doris Turlo, Vice Chairperson/Member  
Chryle Lowery, Chairperson/Member

**STAFF MEMBERS PRESENT:** Mike Burske, Parks and Recreation Director; Thad Carroll, Growth Management Director; Wendy Then, Town Planner; Kris Kollgaard, Town Manager/Town Clerk; and Julia Wolfe, Staff Assistant to Town Clerk

**Also Present:** Commissioner Paul Hannan

**B. OPEN FORUM:**

Chairperson Lowery asked if there were any comments from the audience. There were no comments.

**C. NEW BUSINESS:**

**1. APPROVAL OF THE MINUTES: April 8, 2015 Parks, Recreation and Tree Advisory Meeting**

*Upon a motion by Member Jones and a second by Vice Chairperson/Member Turlo, the Parks, Recreation and Tree Advisory Committee approved the minutes of the April 8, 2015 Parks, Recreation and Tree Advisory Committee meeting as presented, by a vote of 5-0.*

**2. Review of Highlights of the Florida Commission on Ethics Guide to the Sunshine Amendment and Code of Ethics (Kris Kollgaard)**

Kris Kollgaard, Town Manager, distributed a handout and discussed the Sunshine Law with the Board. She stated many people are very confused about the Sunshine Law and that the best explanation is as follows:

*“The law applies to any gathering where two or more members of a public Board or Commission discuss some matter on which foreseeable action will be taken by that Board of Commission.”*

Ms. Kollgaard reviewed the following information on the handout:

The **Sunshine Law under Chapter 119** enacted by the Florida Legislature requires that all meetings of elected or appointed public official must be in the public, meaning that the meetings have to be properly noticed and that any discussion concerning official business of the particular municipality or agency involved has to be done in the public. This law was adopted because there was what some people perceived as a lot of corruption and back-door deals whereby Commissioners would meet for lunch and that night everything would have already been decided regardless of the public comment or what an applicant had to say about a particular issue. In order to avoid that, the Legislature adopted the Sunshine Law. One of the interesting issues with the Sunshine Law is that it does not apply to the Legislature itself, so the Legislature is still permitted to meet with other legislators, meet with lobbyists, and do those things outside of the “Sunshine”. Some local officials are not pleased with that because the legislators have imposed the standard on local officials but have not imposed it on themselves.

The **Code of Ethics is under Chapter 112** enacted by the Florida Legislature and states that Board/Committee members need to be cautious about accepting anything, even if it is something as innocent as a lunch, because you do not know if that person might come before the committee in the future and how that can be perceived. This includes a gift, loan, reward, promise of future employment, favor or service, based upon any understanding that the vote, official action, or judgement of the public officer, employee, local government attorney, or candidate would be influenced. If a Board/Committee member does accept any kind of gift from non-family members or from business people, that gift should be disclosed to the Town Attorney or Town Manager because there are certain thresholds for reporting requirements on gifts.

Board/Committee members may abstain from voting on an issue only if there is a conflict of interest or if their vote would result in a special private gain or loss to the Board/Committee member. You still have a right to participate in the discussion because of the First Amendment.

There are only a couple of exceptions to the Sunshine Law – *Collective Bargaining* and *Litigation*, and in both instances, the meetings have to be noticed and the entire transcripts of the proceedings become public record after the collective bargaining or litigation is concluded.

Facebook/Twitter or any social media – Do not discuss anything about the Committee or create any type of dialogue between you and a Board/Committee member (of the same Board).

Parks and Recreation Director Mike Burske asked if it was a violation of the Sunshine Law for a member to discuss an issue with him before the meeting if another member could hear them.

Ms. Kollgaard replied that it was a violation. She stated the Board members could talk to each other, but could not discuss anything on the agenda or something that could foreseeably come before the Board.

Member Jones stated the rule of thumb is that no business should be put on any social network, e-mail or texted to any Board member.

Ms. Kollgaard replied that was correct and to give her a call if the Board had any questions or concerns.

Chairperson Lowery commented that Ms. Kollgaard gave a very through overview.

**3. Consideration of the Conceptual Landscaping Plans and Waiver Requests for the Auto Zone Store Major Modification – MJM 03/15-002 – A Development Consisting of a 6,815 Sq. Ft. Automotive Parts Retail Building – To Be Located at 213 West Hermosa Street (Formerly the Northcott Center Site) (Wendy Then)**

Wendy Then, 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, Wade Davis with AutoZone Stores, Inc., submitted a site plan application for a 1.97 +/- acre parcel located at 213 West Hermosa Street. She stated the parcel originally received Major Site Plan approval by the Town Commission on July 7, 2008 for the construction of 11,880 sq. ft. of medical and professional offices under the project name of the Northcott Center. Ms. Then stated that at this time, the new applicant proposes the construction of a 6,815 sq. ft. automotive parts retail building. She stated the property is zoned “HC” (Heavy Commercial), and permits retail sales and services on this site. The Future Land Use Map designation for the site is RET-General Commercial Retail Sales and Services. The use is consistent with directives of the Comprehensive Plan.

Ms. Then stated under the Northcott Center development, the applicant was granted site plan approval with landscaping buffers along the east elevation for the site due to a retaining wall and overhead power utility lines.

Ms. Then stated the traffic impacts of this proposed development have been documented through a Tier 1 Traffic Analysis which was submitted to the Metropolitan Planning Organization (MPO). She stated the MPO reviewed the traffic analysis and indicated that all necessary information to support the project has been provided and that no further analysis is required. She stated the proposed automotive parts retail building is expected to generate 422 daily trips, with 41 pm peak hour trips (20 entering and 21 exiting).

Ms. Then reviewed the presentation slides showing the property, site plans, building elevations and plant materials of the property.

Ms. Then stated in accordance with Chapter 10-Landscape and Tree Protection, the site is required to provide 315.2 tree caliper inches based on its 1.97-acre area (160’x 1.97). The landscaping tree proposal breakdown is as follows:

Existing trees to remain	222 tree caliper inches
Proposed canopy and understory trees	<u>130</u> tree caliper inches
Total tree caliper inches	352 tree caliper inches

The applicant is providing more than the required on-site tree caliper inches. It was noted that no historic tree removals have been proposed for this project as part of the application.

Ms. Then stated the applicant is pursuing the following landscaping waiver:

- In accordance to Chapter 10, Section 10-3. b).B).2)., the east elevation buffer requires a 20 ft. minimum width with four canopy trees, three understory trees, and a continuous hedge or an approved fence or wall.

Ms. Then stated that the applicant is required to provide 17 canopy trees and 13 understory trees.

East Landscaping Buffer

Proposal: To waive 16 canopy trees and 13 understory trees.

Justification: due to a retaining wall and overhead power utility lines along the elevation facing North Highway 27/441.

Ms. Then stated the proposed plant material is as follows:

- Trees
  - Florida Flame Red Maple
  - Eagleston Holly
  - Southern Red Cedar
  - Southern Magnolias
  
- Understory trees
  - Long Leaf Pine
  - Bald Cypress
  - Cabbage Palm
  
- Ground cover
  - Society Garlic
  - Plumbago
  - Viburnum
  - Dwarf Yaupon Holly

Ms. Then stated the Technical Review Committee members individually reviewed the application and provided comments regarding the Site Plan application on Thursday, April 2, 2015. The Town Commission reviewed the Site Plan application at its Special Conceptual Workshop on Monday, April 20, 2015, and it was the consensus of the Commission that they were in favor of the Conceptual Presentation for the AutoZone Store Major Modification - MJM 03/15-002, to be located at 213 West Hermosa Street (formerly the Northcott Center Site), to include the waivers requested as presented. The Town Commission is tentatively scheduled to consider the Site Plan application on Monday, May 18, 2015 at 6:00 p.m.

Ms. Then stated the applicant is present to answer any questions.

Member Jones commented that the Cabbage Palm looks like the Sabal Palm and asked what the difference was.

Chris Anuskiewicz, Landscape Architect, stated the Sabal Palm is the same as the Cabbage Palm and Sabal Palmetto is the scientific name.

Chairperson Lowery suggested not to plant the Southern Red Cedar because they attract mosquitoes.

Member Cantelmo commented that the retaining wall was built based on the prior proposal to build a medical building.

Ms. Then replied the elevation of this particular parcel will necessitate a retaining wall for the parking lot to be built to whatever size building. She stated it is an elevation problem with the site.

Member Cantelmo asked how many existing trees are on the site now.

Ms. Then replied there are 222 tree caliper inches existing and the applicant is proposing 130 caliper inches to make up the difference that is required based on the acreage of the parcel.

Member Cantelmo stated the applicant is required to provide 17 canopy trees and 13 understory trees and asked if they are requesting a waiver of everything except the one canopy tree.

Ms. Then replied that is what is being requested on the east elevation.

Member Cantelmo stated the property is virgin territory and the only concern is the retaining wall.

Ms. Then replied it is not a virgin territory; it is just missing the building. She stated it already has the retaining wall, parking lot and the storm water.

Member Cantelmo clarified the reason for the waiver is because of the retaining wall and the overhead utility lines.

Jason Kinney with Kinney Engineering stated the property is not virgin territory as it is considered pad-ready. He stated when the site plan was approved seven years ago, there was approximately five feet that was left from the parking lot to a retaining wall that was built for the purpose of elevating the land and getting it to be usable. He stated everything was already there except for the building; utilities, parking lot, and storm water pond. Mr. Kinney stated AutoZone intends to use whatever is there as much as possible. He stated the site plan shows they are leaving the existing asphalt and putting the 7,000 sq. ft. building where the 12,000 sq. ft. building was originally proposed to be located. He stated they are adding a little driveway on the south side for circulation around the building. Mr. Kinney stated they are proposing a hedge that would go along the entire length on top of the wall and there will be an understory tree planted in the landscape island along the center. He stated two of the existing stalls will be cut out on the north side and curbing will be put in, creating new islands with understory trees. He stated the retaining wall has tiebacks and trees do not mix well with the tiebacks and the retaining wall.

Vice Chairperson Turlo asked if the building was going in the center of the existing parking lot.

Mr. Kinney referred to the proposed site plan and stated the building pattern was originally proposed to extend all the way down to Hermosa Street, and they are making the building smaller to create the circulation around the building and creating a landscape area in the back along with the loading and dumpster area.

Vice Chairperson Turlo asked if there would be more parking in the rear of the building.

Mr. Kinney replied the parking lot is all the way to the far west. He stated if you drive in off of Hermosa Street on the left hand side, there is a row of parking which is staying the same. He stated the perimeter parking is staying the same, and they are adjusting a little around the front to

make it ADA accessible. Mr. Kinney stated they also added five parking spaces where the circulation goes around the building.

Member Cantelmo stated it appeared that there would not be any major alteration to the landscaping other than adding the building.

Mr. Kinney replied there would be some alteration and reviewed the landscaping plan.

Ms. Then clarified that the landscaping waiver request is for the east elevation of the site only due to the retaining wall and the overhead power lines, and the applicant still has to meet landscaping island requirements, storm water requirements, and all other buffer requirements for this site.

Member Cantelmo stated that is the most important part that is seen by the public.

Ms. Then agreed that the east elevation is the most visible side.

Mr. Anuszkiewicz stated the hedge will still be added along the road, and that the way the grain works, the road is about the same grade as the top of the wall so they are adding a podocarpus hedge which will help conceal the vehicular use area.

*Upon a motion by Member Jones and a second by Member Schmelzer, the Parks, Recreation and Tree Advisory Committee recommended approval of the Conceptual Landscaping Plan and Waiver Requests for AutoZone MJM 03/15-002, by a vote of 4 to 1 (Cantelmo).*

**4. Consideration to Send a Recommendation to the Commission For the Town to Submit a Letter of Approval for the Daughters of the American Revolution to Place a Plaque at the Train Depot/Museum (Mike Burske)**

Parks and Recreation Director Mike Burske read the background summary for this agenda item. He stated that the Lady Lake Historical Society has been working with the Daughters of the American Revolution to place an historical plaque at the Train Depot designating the Train Depot as a historic building. Mr. Burske stated the D.A.R. will need a letter from the Town allowing the plaque to be placed at the building to proceed with the marker. He stated they are asking for a stand and to concrete the stand is estimated at \$100, and the Town has agreed to help to install the plaque. He stated it will be an informational plaque with the wording as follows:

*“Lady Lake Train Depot, presented to Florida Southern Railway, April 4, 1884, relocated to this Park in 1988, Marker placed by Puc Puggy Chapter Members, National Society of the Daughters of the American Revolution, 2015”*

Mr. Burske referenced the picture and stated the plaque will be on a pole near the accessible walkway. He stated the plaque will be similar in design to the picture of the plaque included in the packet.

Chairperson Lowery stated it is not going to be a situation where anyone from the Town could request a sign be placed here and there. She stated it is a good thing to honor them but it might create a situation where everyone would want to put up a plaque.

Mr. Burske stated the original plaque that exists on the building today marks it as an historical landmark and this plaque gives the history of the building; they serve two purposes. Mr. Burske stated it was up to the Board to just keep it to the one plaque designating it as an historical building.

Chairperson Lowery stated the history is extremely important, but did not want to see a plaque overload. She asked if there will be any other plaques put out there.

Mr. Burske stated having the two would be enough; one is a designation and the other gives the history.

Member Schmelzer commented that if someone wanted to come to the Board to ask for another one, it was up to the Board to approve it anyway.

Mr. Burske replied that was correct.

*Upon a motion by Member Schmelzer and a second by Member Cantelmo, the Parks, Recreation and Tree Advisory Committee recommended sending a recommendation to the Commission for the Town to submit a letter of approval for the Daughters of the American Revolution to place a plaque at the Train Depot/Museum, by a vote of 5-0.*

#### **D. CHAIRPERSON/MEMBERS' REPORT:**

Chairperson Lowery thanked Mr. Burske and staff for doing a fantastic job. She asked that the Town keep the Farmer's Market.

Mr. Burske reported that this will be Member Schmelzer's last meeting and thanked him for serving on the Board.

Chairperson Lowery stated she thinks Member Schmelzer should reconsider and asked if there would be a problem with him coming back to the Board.

Mr. Burske replied that it would not be a problem if the Board did not have meeting, but if meetings were scheduled, it would be a problem.

Member Jones commended Ms. Then, Mr. Anuskiewicz and Mr. Kinney, stating they were very well prepared in answering the Board's questions and were very professional.

#### **E. ADJOURN:**

*With nothing further to discuss, the meeting was adjourned at 5:11 p.m.*

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Julia Wolfe, Staff Assistant to Town Clerk

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Chryle Lowery, Chairperson