

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

November 16, 2015

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**

- D. INVOCATIONⁱ:** Chaplain Donna McGlone – American Legion Auxiliary

- 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; John Pearl, I.T. Director; Marsha Brinson, Library Director; Captain Jason Brough, Police Department; Pam Winegardner, Finance Director; Julia Wolfe, Administrative Assistant to Town Manager; and Nancy Slaton, Deputy Town Clerk

F. PUBLIC COMMENTSⁱⁱ

Mayor Kussard asked if there were any comments at this time.

- Command Sgt. Major Robert Sullivan, Veteran of the U.S. Army, stated he was somewhat responsible for bringing the Traveling Vietnam Wall to this area. He stated it was a great success and he wanted to thank the Town of Lady Lake Town Manager and Commissioners, Police Department, and Mr. Burske and his Parks and Recreation staff for all their support and assistance in bringing the wall to Lady Lake.

- G. COMMISSION SWEARING-IN CEREMONY:** Ruth Kussard, Ward 1
Daniel Vincent, Ward 3
Jim Richards, Ward 5

Kris Kollgaard, Town Manager/Town Clerk, conducted the Swearing-In Ceremony by administering the Oath of Office to Commissioner Ruth Kussard, Ward 1; Commissioner Dan Vincent, Ward 3; and Commissioner Jim Richards, Ward 5.

H. CONSIDERATION OF SELECTION OF MAYOR AND MAYOR PRO-TEM FOR 2015-2016

Mayor Kussard thanked the Commissioners for a very good year for the Town's residents. She stated a lot was accomplished and although they did not always agree, it was done in a professional manner. She also thanked Commissioner Vincent for acting as Mayor Pro Tem when she was unavailable. Mayor Kussard asked if there was any discussion prior to the nominations for Mayor.

Commissioner Hannan commended Mayor Kussard for the exceptional job she did this past year as Mayor, and the other Commissioners agreed with him.

Commissioner Richards nominated Mayor Kussard to remain as Mayor for the next one year period; Commissioner Hannan seconded the motion, and the motion passed by a vote of 5-0.

Mayor Kussard thanked the Commissioners for their confidence in her.

Commissioner Hannan nominated Commissioner Richards to act as Mayor Pro-Tem for next one year period; Commissioner Holden seconded the motion, and the motion passed by a vote of 5-0.

Commissioner Richards accepted the nomination of Mayor Pro Tem.

I. CONSIDERATION OF SELECTION OF COMMISSION LIAISONS FOR 2015-2016

Mayor Kussard reviewed the liaison list for each board or committee.

Commissioner Vincent asked Commissioner Richards to be the liaison for the Lake-Sumter Metropolitan Organization, and he stated he would remain as the alternate.

Town Manager Kris Kollgaard reported that Mike Burske has agreed to stay on the MPO Bicycle and Pedestrian Committee, and Regis LeClerc has agreed to stay on as liaison for the MPO Citizens Advisory Committee with Commission approval. She noted that the Lake County Library Board liaison is Frank Kirschenheiter, not William Stokes.

Commissioner Richards commented that he will not be able to attend the Lake County School Concurrency Representatives meeting as liaison this year on December 7th.

Ms. Kollgaard stated that she contacted them and they do not have anything on the agenda other than the minutes to be approved, and there is nothing else for them to vote on at this point.

Mayor Kussard commented that Commissioner Richards was appointed last year as liaison to the Chamber of Commerce also.

It was the consensus of the Commission to keep the remainder of the liaison assignments the same for 2015-2016 as the previous year, other than the switch between Commissioner Richards and Commissioner Vincent for the MPO as noted above.

J. PRESENTATION:

1. Lake-Sumter Metropolitan Planning Organization's Long Range Transportation Plan – Transportation 2040 (T.J. Fish)

T. J. Fish, Executive Director of the Lake-Sumter MPO, thanked Commissioner Richards for his service as Chairman of the MPO meetings in the past, Commissioner Vincent for his services currently, and Commissioner Hannan for his service in the past. He stated he appreciated their contributions as primary or alternate liaison.

Mr. Fish stated the Lake-Sumter MPO 2040 Long Range Transportation Plan Update (presentation on file in the Clerk's Office) is something that is required at least every five years and he has been presenting it to various municipalities, both counties, Chambers of Commerce, civic groups, etc., in the area. He stated it represents the urbanized areas, which include the Lady Lake/The Villages portions in Sumter and Lake Counties. He stated the MPO works with both counties and the Florida Department of Transportation (FDOT), as well as at the municipal level on certain localized projects.

Mr. Fish reviewed the plan, stating that the list of priority projects is submitted annually for use by the FDOT to make their funding decisions. He stated the one of the priorities effecting Lady Lake is the six-lane widening project of US 27/441/SR 500 from Lake Ella Road to Avenida Central (currently estimated at \$37 million). He stated that FDOT has recently informed them that they may have to move that project from FY 2018-19 to FY 2019-20, and this is a concern for the MPO as it is a shovel ready project which has been in the works for years. Mr. Fish stated the MPO is requesting that the FDOT find funding to keep this project in FY 2018-19, or to consider breaking the project into two phases by completing the widening from CR 466 to Avenida Central, and then completing the portion from Fruitland Park the next year, as it is a critical need.

Mr. Fish continued reviewing policy aspects of the plan, stating they sometimes receive funding from state resources, local sources such as impact fees and taxes, and federal/state sources (other arterial funds, transportation alternatives such as sidewalks/trails, and federal transit funds), which is the only source available for the MPO to prioritize. He mentioned that the widening of CR 466 resulted from a combination of funding from county impact fees, a state grant and monies from The Villages. Mr. Fish stated that the planning for the projects must take into account the escalation of costs over the period of years; and a 70% increase is anticipated over the life of this plan based on trends.

Mr. Fish stated that the one cent sales tax that was just renewed in Lake County is typically used for all types of infrastructure such as buildings, public safety vehicles, sidewalks, and can be used for roads, although not much of this is used for them. He stated the MPO does not heavily depend on the sales tax or the fuel tax for revenue, although all of Lake County's fuel tax is being used for maintaining county roads. He stated the impact fees are low at \$500 per home, and the little amount that is put toward roads will not accomplish much, although the Town has been creative in the past with Rolling Acres Road.

Mr. Fish stated that revenues of \$75 to \$80 million are projected in every five year period through the life of the plan for road construction, with \$42.5 to \$181 million for transit, and \$4.2 to \$16.8 million for transportation alternative (TA) funds for sidewalks/trails, etc. He reviewed the policy direction for the MPO's Cost Feasible Plan which included the list of future needs for the State Strategic Intermodal System (SIS), Florida's Turnpike Enterprise, Lake and Sumter County's roads, bicycle and pedestrian needs/projects, complete streets projects, transit needs, state roads, and long

range improvement projects. Mr. Fish noted that Rolling Acres Road is #5 on the list of County Road Future Needs Projects waiting on funding. He stated that the MPO has drawn up a resolution for FDOT to keep the widening of US 27//441/SR 500 from CR 466 to Avenida Central in the 2018-19 plan.

Mr. Fish stated he appreciated the opportunity to present this plan and asked if there are any questions.

Commissioner Hannan asked when the bridge will be coming down.

Mr. Fish replied that the maintenance of traffic of where the cars will be put when the bridge comes down will have to occur first, but he anticipates it will happen in 2019 to 2020.

Commissioner Richards asked if there is any plan to connect CR 466 to an interchange in Sumter County at I-75.

Mr. Fish replied that Sumter County no longer has an interest in seeing that in the plan, although it went through a Federal interchange justification report phase and had a project development environment study, but it was put on hold indefinitely. He stated The Villages shifted their interest to connecting Morse Blvd. to SR 44, and Sumter County is about to open 468 as a four lane to the turnpike, and there is now a commitment to have an interchange for that instead.

Commissioner Holden asked if there was any plan in the works for widening Griffinview Road.

Mr. Fish replied that Lake County Public Works is well aware of the needs of that road, although he stated he is not aware of an actual project in the County's five year program. He stated they may have funds available for maintenance and resurfacing.

The Commissioners thanked Mr. Fish for his presentation.

K. CONSENTⁱⁱⁱ:

Mayor Kussard asked if there were any questions or comments on the Consent items.

**2. Minutes – November 2, 2015 – Special Commission Meeting
– November 2, 2015 – Regular Commission Meeting**

3. Consideration of Approval of the Updated Interlocal Agreement for the Lake-Sumter Metropolitan Planning Organization (Kris Kollgaard)

The background summary for this agenda item is on file in the Clerk's Office. It states that the Interlocal Agreement with Lake-Sumter Metropolitan Planning Organization (MPO) was first approved in 2004, and reviewed in 2009. Since that time they have added Sumter County in its entirety, and have included the ex-officio members. This includes the Central Florida Expressway Authority, Florida Central Railroad, the Lake County School Board, and the Sumter County School Board. These changes are reflected in the agreement and the MPO is respectfully requesting that the Town of Lady Lake approve the updated interlocal agreement.

Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved Consent Items #K-2 and #K-3 by a vote of 5 to 0.

L. **OLD BUSINESS:** No old business.

M. **NEW BUSINESS:**

4. Consideration of Approval for a “Food for Fines” Program at the Lady Lake Library for the Month of December 2015 (Marsha Brinson)

Library Director Marsha Brinson gave the background summary for this agenda item (on file in the Clerk’s office). She stated that an outstanding balance of overdue fees can be a barrier to library use, especially for those who most need it. She stated that during the month of December, the library would like to accept all overdue materials, no matter how long they have been checked out, with no fees other than the donation of non-perishable food items which will be given to a local food pantry. Patrons with existing fines will also be able to donate items to “pay” their balance.

Ms. Brinson stated that a program such as this helps patrons get back on track and enable them to use the library, and also helps the library recover materials. The donations will also help the local food pantry at holiday time for food to be distributed to families in the area who are in need.

Commissioner Hannan asked if the library could just forgive the fines as a Christmas present without the food donation requirement.

Ms. Brinson stated that most people have a little extra in their pantry, and as some of the fines are hefty, this would give them a chance to get back on track.

Commissioner Richards commented that it was a good idea to have food donations to help the food pantries at this time of year, and Commissioner Holden, Commissioner Vincent and Mayor Kussard agreed.

Upon a motion by Commissioner Holden and a second by Commissioner Richards, the Commission approved the consideration of a “Food for Fines” Program at the Lady Lake Library for the Month of December 2015 by a vote of 5 to 0.

N. **TOWN ATTORNEY’S REPORT:**

5. Ordinance No. 2015-15 – First Reading – Annexation – The Villages of Lake-Sumter, Inc. – Annexing Three Lots of Approximately 0.43 +/- Acres – Located within Orange Blossom Gardens Units 2 and 3.1B within Lake County, Florida (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the applicant, Martin L. Dzuro, on behalf of the Villages of Lake-Sumter, Inc., has filed applications to annex properties consisting of three lots located north of Griffin Avenue and northeast of North Highway 27/441 within the Orange Blossom Garden Subdivisions Units 2 and 3.1B. Mr. Carroll stated the annexation application involves annexing 0.43 +/- acres of property from unincorporated Lake County into the Town of Lady Lake, and the three lots are spread out along different roads and include the following addresses:

- 1410 Lester Dr. Lady Lake, FL 32159
- 912 Cindy Dr. Lady Lake, FL 32159

- 842 Silver Oak Ave. Lady Lake, FL 32159

Mr. Carroll stated that staff recommends approval of this ordinance. He further explained that this is an on-going effort by The Villages to purchase manufactured homes and replace them with conventional homes, and these homes are in the enclave area of The Villages. A map and an aerial view of the area and subject parcels was shown, as were photos of the posting of the properties.

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the property have been included with the submitted application. All lots will be served by the Village Center Community Development District Central Water and Sewer System, as well as the District's Fire Department.

In accordance with the provisions of Florida Statute 171.205, and the Interlocal Service Boundary Agreement executed September 4, 2013 between Lake County, Florida and the Town of Lady Lake, Florida, the Town may annex property into the Town which are non-contiguous to the existing municipal boundary. The proposed properties under this application exist as both contiguous and non-contiguous lots.

The annexation application was received on Tuesday, September 15, 2015, and has been reviewed and determined to be complete satisfying the necessary criteria as required for annexation under statutory requirements. The application was found to meet the requirements of the Land Development Regulations (LDRs) as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (52) within 150 feet of the properties proposed by annexation request were on Thursday, October 22, 2015 and the properties were also posted this same date. He stated there have been three general phone inquiries, although none in opposition or support.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-15, provided comments on October 27, 2015, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 9, 2015 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2015-15 to the Town Commission with the recommendation of approval. He stated that the Town Commission is scheduled to consider Ordinance No. 2015-15 for second/final reading on Monday, December 7, 2015 at 6:00 p.m.

Mr. Carroll stated Martin Dzuro is present if there are any questions.

Mayor Kussard asked if the Commissioners or anyone from the audience had any questions, and hearing none, asked for a motion.

Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved the first reading of Ordinance No. 2015-15 by the following roll call vote:

HOLDEN	YES
VINCENT	YES
HANNAN	YES
RICHARDS	YES
KUSSARD	YES

6. Ordinance No. 2015-16 – First Reading – Small Scale Future Land Use Comprehensive Plan Amendment – The Villages of Lake-Sumter, Inc. – Small Scale Future Land Use Comprehensive Plan Amendment from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density for Three Lots of Approximately 0.43 +/- Acres – Located within Orange Blossom Gardens Units 2 and 3.1B within Lake County, Florida (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the applicant, Martin L. Dzuro, on behalf of the Villages of Lake-Sumter, Inc., has filed applications to amend the future land use comprehensive plan for properties consisting of three lots located north of Griffin Avenue and northeast of North Highway 27/441 within the Orange Blossom Garden Subdivisions Units 2 and 3.1B. The application involves 0.43 +/- acres of property and the three lots are spread out along different roads and include the following addresses:

- 1410 Lester Dr. Lady Lake, FL 32159
- 912 Cindy Dr. Lady Lake, FL 32159
- 842 Silver Oak Ave. Lady Lake, FL 32159

Mr. Carroll stated that staff recommends approval of this ordinance. He explained that this application goes concurrently with the annexation and assigns the land use classification in accordance with the Town’s Comprehensive Plan. The subject properties involve approximately 0.43 ± acres lies in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. He reviewed the Future Land Use of the adjacent properties is as follows:

Future Land Use

Subject Properties	Lake County Medium Urban Density
Future Land Use of Adjacent Properties	
West	Lake County – Medium Urban Density & Lady Lake- Manufactured Home High Density (MH-HD)
East	Lake County – Medium Urban Density Lady Lake- Manufactured Home High Density (MH-HD)
North	Lake County – Medium Urban Density & Lady Lake- Manufactured Home High Density (MH-HD)
South	Lake County – Medium Urban Density & Lady Lake- Manufactured Home High Density (MH-HD)

Mr. Carroll stated the Small Scale Future Land Use Map Amendment application was received on Tuesday, September 15, 2015, and has been reviewed and determined to be complete satisfying the necessary criteria as required to meet the requirements of the Land Development Regulations (LDRs) as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Mr. Carroll reported that the applicant’s justification stated that 80% of the homes in historic section of The Villages east of US Hwy 27/441, known as Orange Blossom Gardens, are in the Town of Lady Lake. It further states the following: The remainder of the homes lie within a small county enclave. As a revitalization of Orange Blossom Gardens, The Villages has or intends to

purchase lots in this historic section and has or intends to enter in agreements with existing homeowners to replace the existing mobile homes with conventionally constructed homes. In order to insure that the new homes in the county enclave: 1) are complimentary to the new homes in Lady Lake; 2) the local governments are able to make the most efficient use of their powers and services; 3) there are more favorable economic conditions; and 4) the best interests of the citizens in Lady Lake and Lake County are protected. These properties in the county enclave should be annexed into Lady Lake. Annexing these properties is compliant with the goals, policies and objectives of the Comprehensive Plan of Lady Lake and Lake County, and the interlocal agreement between Lake County and Lady Lake effective June 24, 2015.

Mr. Carroll reported on the Concurrency Determination Statement as follows: The Villages has removed existing manufactured homes on two of the lots (912 Cindy Drive and 842 Silver Oak Avenue) in a historic section of The Villages known as Orange Blossom Gardens to construct a similar size conventional built home on each lot (the home at 1410 Lester has yet to be removed). He reported that there will be no increase in utility services, traffic, population, or recreation use, as follows:

Potable Water-

- ♦ No impact, lots are served by the Village Center Community Development District Central Water System.

Sewer -

- ♦ No impact, lots are served by the Village Center Community Development District Central Sewer System.

Schools –

- ♦ Not factored for project – no foreseen impact of students as the project is located within an active adult retirement community.

Transportation –

- ♦ No impact, the existing home will be replaced with a new home. There will be no change in average daily trip generation.

Parks & Recreation –

- ♦ The annexation, small scale future land use amendment, and the rezoning applications will not cause P&R Level of Service to be exceeded since the project is for the replacement of existing homes. Additionally, the Villages provides its residents with all Park and Recreation Amenities.

Stormwater –

- ♦ Project will be required to adhere to SJRWMD guidelines and of Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

Notices to inform the surrounding property owners (52) within 150' of the property of the proposed annexation were mailed on Thursday, October 22, 2015 and the property were also posted this date.

Applications have been reviewed and determined to be complete. The applicant has submitted all appropriate material in compliance with the Land Development Regulations (LDRs) and the application is ready for transmittal to the Town Commission. Additionally, the applications were reviewed and determined to be in compliance with the directives of the adopted Comprehensive Plan in accordance with the sought designation. A Concurrency Determination Statement has also

been included as part of the Small Scale Comprehensive Plan Amendment Application, which the applicant submitted to explain expected impacts on Town Services.

Comments:

- 1) Annexation and Rezoning Applications have been submitted concurrently with this Small Scale Future Land Use Amendment Application.
- 2) In accordance to the Interlocal Agreement for Building Permits & Inspections Section 2).A)., executed on June 23, 2015, if the Villages has applied for annexation, then the Town can issue building permits located within the unincorporated area.
- 3) Project will be required to adhere to St. John's River Water Management District guidelines and the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

The Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-16, provided comments on October 27, 2015, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 9, 2015 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2015-16 to the Town Commission with the recommendation of approval. The Local Planning Agency considered Ordinance No. 2015-16 on Monday, November 16, 2015, at 5:30 p.m. and recommended approval by a 5-0 vote. The Town Commission is scheduled to consider Ordinance No. 2015-16 for second/final reading on Monday, December 7, 2015 at 6:00 p.m.

Mr. Carroll stated the applicant is present if there are any questions.

Mayor Kussard asked if the Commissioners or anyone from the audience had any questions, and hearing none, asked for a motion.

Upon a motion by Commissioner Vincent and seconded by Commissioner Holden, the Commission approved the first reading of Ordinance No. 2015-16 by the following roll call vote:

<i>HOLDEN</i>	<i>YES</i>
<i>VINCENT</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

7. Ordinance No. 2015-17 – First Reading – Rezoning – The Villages of Lake-Sumter, Inc. – Rezoning from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) for Three Lots of Approximately 0.43 +/- Acres – Located within Orange Blossom Gardens Units 2 and 3.1B within Lake County, Florida (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the applicant, Martin L. Dzuro, on behalf of the Villages of Lake-Sumter, Inc., has filed an application to rezone properties consisting of three lots located north of Griffin Avenue and northeast of North Highway 27/441 within the Orange Blossom

Garden Subdivisions Units 2 and 3.1B; and the three lots are spread out along different roads and include the following addresses:

- 1410 Lester Dr. Lady Lake, FL 32159
- 912 Cindy Dr. Lady Lake, FL 32159
- 842 Silver Oak Ave. Lady Lake, FL 32159

Mr. Carroll stated that staff recommends approval of this ordinance. He stated the application involves rezoning 0.43 +/- acres of property from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) and is the last step in the process for these three lots. The MX-8 designation is consistent with the other lots in the Villages which are presently in the Town of Lady Lake’s jurisdiction.

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions and survey information have been included with the submitted application. The zoning designation of the subject properties and adjacent properties are as follows:

Zoning

Subject Property	Lake County Residential Medium (RM)
Zoning of Adjacent Properties	
West	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)
East	Lake County Residential Medium (RM) Mixed Residential Medium Density (MX-8)
North	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)
South	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)

A map showing the zoning of the subject and adjacent properties was shown.

The Rezoning application was received on Tuesday, September 22, 2015, and has been reviewed and determined to be complete satisfying the necessary criteria as required to meet the requirements of the Land Development Regulations (LDRs) as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (52) within 150’ of the property of the proposed rezoning were mailed on Thursday, October 22, 2015 and the property was also posted this same date. He stated there have been three general inquiries on these properties, although none were in opposition.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-17, provided comments on October 27, 2015, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 9, 2015 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2015-17 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider Ordinance No. 2015-17 for second/final reading on Monday, December 7, 2015 at 6:00 p.m.

Mr. Carroll stated the applicant is present if there are any questions.

Mayor Kussard asked if the Commissioners or anyone from the audience had any questions, and hearing none, asked for a motion.

Upon a motion by Commissioner Holden and seconded by Commissioner Richards, the Commission approved the first reading of Ordinance No. 2015-17 by the following roll call vote:

<i>HOLDEN</i>	<i>YES</i>
<i>VINCENT</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

8. Ordinance No. 2015-18 – First Reading – Adopting Corrections, Updates and Modifications to the Capital Improvements Schedule of the Town of Lady Lake Comprehensive Plan (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that this is a request to adopt the Town's annual update of the Capital Improvements Schedule which is part of the Town's Comprehensive Plan. He stated the Capital Improvement Plan update process and the corresponding requirements are no longer required to be processed by a Comprehensive Plan Amendment, but may be adopted by local Ordinance.

Mr. Carroll stated that the Town must annually update the Five-Year Schedule of Capital Improvements pursuant to *Florida Statutes*. The purpose of the Capital Improvements Element and the Improvement Schedules is to identify the capital improvements that are needed to implement the Comprehensive Plan and ensure that adopted Level of Service (LOS) standards are achieved and maintained for concurrency related facilities.

Mr. Carroll reviewed the improvement schedules and budget year/costs for the following facilities which include: water, water supply, sewer, solid waste, drainage, parks and recreation, public schools, transportation and mass transit. While the Town does not have financial responsibility or accountability regarding some of these public facilities, there is still the requirement to incorporate the five year capital improvement schedules from other entities.

Commissioner Hannan commented that the Commission had discussed and approved adding fiber optic cable from the library to the Community Building at a cost of \$7,000. He stated he does not see it in the improvements schedule.

Town Manager Kris Kollgaard stated that she believes this was turned down at one time.

I.T. Director John Pearl stated that this was turned down the first time it went before the Commission, but it was approved in this fiscal year's budget and is slated to be completed, but is not part of the Capital Improvements Schedule.

Corrections, updates, and modifications concerning costs, revenues, or the dates of construction of any facility or project identified in the Comprehensive Plan/Capital Improvement Program are not considered amendments and may be accomplished by local ordinance.

Category descriptions of capital improvements are as follows:

A) Category A (Concurrency, Mandatory) -- Public facilities and services for which a level of service must be adopted for concurrency determination as mandated by Chapter 163 of the Florida Statutes. These facilities include water, sanitary sewer, solid waste, drainage, under ownership and operation authority of Lady Lake, or a private utility. Map references and public requests are required within the Public Facilities Element thereof pursuant to policy 8-1.1.2. All Category A facilities must be supported by data and analysis accomplished within an element of the Comprehensive Plan as mandated by Chapter 163, F.S.

B) Category B (Non-Concurrency, Mandatory) -- Public facilities and services exempt from concurrency determination but which are inventoried and analyzed within a mandatory element of the Comprehensive Plan required by Chapter 163, F.S. These facilities include parks and recreation, roads, housing and conservation improvements, including governmental services and facilities necessary to administer and implement the Comprehensive Plan.

C) Category C (Non-Concurrency, Non-Mandatory) -- Public facilities that are exempt from concurrency requirements (i.e., level of service standards) and which are not analyzed and identified within a mandatory element of the Comprehensive Plan are classified as Category C. Such municipal services include, but are not limited to law enforcement, fire protection, library services, and public buildings.

D) Category D (Non-Mandatory, Concurrency): Per the Community Planning Act of 2011, the Public School Facilities Element is no longer mandatory. The Town of Lady Lake has opted to retain and update this optional element and require concurrency per its existing interlocal agreement with the Lake County School District.

This ordinance serves to update to the Capital Improvements Schedule as required under F.S. 163.3177(3)(b). The attached "Exhibit A" reflects the proposed improvements for the Five Year Planning Period 2015/16– 2019/20. Also attached is Ordinance No. 2014-10 to document the prior 5-year Capital Improvement Schedule 2014/15 - 2018/19, which is being replaced by this ordinance.

Mr. Carroll reported the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-18, provided comments on October 27, 2015, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 9, 2015 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2015-18 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider Ordinance No. 2015-18, at second/final reading on Monday, December 7, 2015.

Commissioner Richards asked if the \$125,000 for the parking lot paving for the Rolling Acres Sports Complex is for the parking lot by the driving range.

Ms. Kollgaard replied that it is not for the driving range parking lot, but believes it is for the area as you first turn into the driveway to the sports complex and go toward the concession stand.

Mayor Kussard asked if anyone from the audience had any questions, and hearing none, asked for a motion.

Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved the first reading of Ordinance No. 2015-18 by the following roll call vote:

<i>HOLDEN</i>	<i>YES</i>
<i>VINCENT</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

9. Ordinance No. 2015-19 – First Reading – Amending the Town of Lady Lake Land Development Regulations, Chapter 10, Section 5, Entitled “Tree Protection” (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that on September 24, 2015, the Town Commission of the Town of Lady Lake held a special workshop to discuss potential changes to Section 5 of Chapter 10 of the Land Development Regulations entitled “Tree Protection”. He stated staff recommends approval of this ordinance.

Mr. Carroll stated that as a result of the field tour that was held in the community of Water Oak Country Club Estates on that morning, and the discussion that followed, the following changes have been proposed:

- Trees that have been determined to be substantially damaged through improper trimming as per a report provided by the Town Arborist shall be required to be removed within 30 days of the finding of violation. This replaces the current policy of allowing a year to elapse before the tree is re-inspected for a determination of recovery; an appeal process before the Special Magistrate is still afforded to the violator if they wish to contest the violation.
- The removal of any tree historic or non-historic, in which the trunk of the tree measured at ground level is within ten (10) feet to the nearest adjacent wall of a permitted structure on the property. A root barrier shall be installed in lieu of the removal of trees near to sidewalks, driveways, and unscreened/non-enclosed patios. Where substantial damage has already occurred to such areas, a report from a Certified Arborist may be provided as justification for the removal of the tree if it is the recommendation of the arborist to remove the tree to avoid further damage.
- Trees accommodated by an arborist report documenting that the tree is diseased or dying shall incur a \$25 fee (per tree) for removal, regardless of the DBH measurement of the tree. A report shall be provided to Town staff prior to removal. If the tree has been removed before Town staff has received the report, fees and replacement of trees shall be done in accordance with the after the fact permit policy (for application on residential lots).
- Commercial removal of historic trees granted through the variance process shall be required to pay at time of application of tree removal, not within 30 days of the variance approval. Should the property not be developed immediately following the variance approval; this allows a potential subsequent purchaser of the property to revisit if removal of tree is necessary for their particular use of the property.

- Revised requirement that requires trees to be more conspicuously marked for removal from the public right-of-way.
- Revised tree permit fees.
- Additional planting requirements for “after the fact” tree removal permits.
- Establishment of a voluntary contractor registry for landscaping and tree trimming/tree removal contractors.

Mr. Carroll further explained the voluntary contractor registry is a system where the contractor can register with the town, get a decal for their vehicle, and can be identified in the community as someone who is registered with the Town and is familiar with the Town’s tree trimming policies and ordinance. He stated this can be an assurance for residents who choose to hire contractors for tree work.

Mr. Carroll reported that the Parks, Recreation, and Tree Advisory Committee reviewed the proposed changes to Chapter 10, Section 5 (Ordinance No. 2015-19), at their Special Meeting on Tuesday, November 10, 2015 and recommended forwarding this to the Town Commission by a 4-1 vote. At the November 9, 2015 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2015-19 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider Ordinance No. 2015-19 for second/final reading on Monday, December 7, 2015 at 6:00 p.m.

Mayor Kussard asked if the Commissioners or anyone from the audience had any questions.

Town Manager Kris Kollgaard commented that Commissioner Holden had previously suggested the Town include a tree giveaway in the ordinance. She stated that instead the tree giveaway will be done by resolution.

Commissioner Richards commented that he liked the idea of the contractor registry being voluntary.

Commissioner Holden asked if there is a cost involved for the contractor registry.

Mr. Carroll replied that there is a \$30.00 fee per year for the contractor to register and a \$5.00 cost per each additional decal for vehicles.

Commissioner Hannan commented that the registry and decal will be a good marketing tool for the contractor.

Commissioner Vincent suggested that the word “resident” on page 5, line 40 in Exhibit A of the ordinance be changed to “land owner”. He stated the definition of resident is one who resides at a particular place permanently or for an extended period. He stated that it should also state that the land owner is responsible to install a root barrier if one is required, as he believes the land owner should be responsible for the trees on the property.

Commissioner Holden stated some of this came about because the owner of the property was telling the residents renting the property that if they want a tree trimmed or removed, they would need to pay for the tree trimming or damage caused by the tree.

The Commissioners and Ms. Kollgaard agreed this was a good point.

Ms. Kollgaard asked the Town Attorney his opinion on this matter, and if it could be in conflict in regard to Water Oak and any agreement they may have with their residents.

Mr. Schroth stated he discussed this earlier with Mr. Carroll and that this can be clarified by inserting “residential single family lot owner” in lieu of resident in these instances in the ordinance. He stated it can be compared to code enforcement proceedings that regardless of whether there is a tenant, the land owner is responsible. He stated that any matter between the tenant and the land owner would be a civil matter and would not involve the Town.

Upon a motion by Commissioner Vincent and seconded by Commissioner Holden, the Commission approved the first reading of Ordinance No. 2015-19, contingent upon the revision of the language change as discussed, by the following roll call vote:

<i>HOLDEN</i>	<i>YES</i>
<i>VINCENT</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

O. TOWN MANAGER’S REPORT:

10. Consideration of Staff Working with The Villages Middle School Civics Classes to Participate in a Mock Commission Meeting (Kris Kollgaard)

Town Manager Kris Kollgaard read the background summary for this item (on file in the Clerk’s Office). She stated that she was contacted by Marie Ray from the American Legion Axillary (Post #347) about the possibility of working with her and The Villages Middle School to allow their 8th grade Civics Class to come to Town Hall for the chance to experience local government. She stated they met with the Civics teachers at the school a few times and came up with this plan: The students (approx. 40) would come to Town Hall and we would have each of the department heads give a short presentation at 9:00 a.m. in the Chambers regarding their department’s function.

Ms. Kollgaard stated that after the department heads’ presentations, the students would break out into their groups and the appropriate department head would assist them in getting prepared for the presentation to the Commission at a mock Commission meeting scheduled for around 12:30 p.m. The students will have decided on a topic they would like to present to the Commission before they arrive, and they would also have their five Commissioners, Town Attorney, Town Manager, staff, and residents selected. She stated that at the mock Commission meeting, we would have the student Commissioners and Mayor sitting alongside the actual Commission/Mayor and staff. Then after the mock meeting, the students would have an opportunity to ask questions of the Commissioners.

Ms. Kollgaard stated they would like to do this on Thursday, January 28th if the Commission is available.

Commissioner Hannan asked if refreshments will be served. He also asked if the Town Attorney will be present.

Ms. Kollgaard replied that she was planning on using petty cash to order pizza for a lunch break. She stated everyone will be in the Chambers and it will be noticed and open to the public as well. She stated the students will have a mock Town Attorney, and that Mr. Schroth is welcome to attend if his schedule permits.

The Commissioners all agreed this was a good idea and they will put it on their calendars.

Ms. Kollgaard reminded the Commissioners that this year's budget included the purchase of four new police vehicles if the penny sales tax was renewed, and since it was, staff will proceed with the purchase orders for the vehicles.

P. MAYOR/COMMISSIONER'S REPORT:

Commissioner Richards commented that the Traveling Vietnam Wall was a great event and he was pleased at the large turn-out. He also mentioned that he will not be able to attend the December 7th meeting, and asked if a special meeting should be called earlier, although it appears that there is nothing controversial coming up.

Ms. Kollgaard stated that many of these ordinances have already been advertised and staff would need to re-advertise if the meeting date was changed. She stated she did not believe the meeting date needs to be changed, and Commissioner Richards agreed.

Mayor Kussard stated she would like to re-address the subject of a half day off for Christmas Eve and New Year's Eve for staff. She passed out a copy of an excerpt of minutes from the October 15, 2012 Commission meeting where the Commissioners had voted to allow staff a full day off for Christmas Eve and New Year's Eve in 2012 as they fell on a Monday, and then staff was off for the holiday on Tuesday; allowing for unbroken time off. Mayor Kussard stated that since the surrounding communities are all giving their employees a full day off for both Christmas Eve and New Year's Eve, and since this is a slow time and a precedent has already been established, she would like the Commissioners to reconsider giving the employees a full day off for both. She stated those days would not count as a holiday and there would be no overtime pay involved.

After discussion, it was the consensus of the Commissioners to allow the employees a full day off for both Christmas Eve and New Year's Eve.

Mayor Kussard commented that the Traveling Vietnam Wall was very well received as she heard numerous comments and praise for bringing the wall here and on the assistance by Town staff on setting it up, etc. She stated it was an honor and a privilege to have the wall here. She stated she attended the Taste of Lady Lake on Saturday and it was well attended. Mayor Kussard stated the community Safety Day festival at Home Depot had a large crowd and it looked like everyone was having a fantastic time. She thanked everyone who was involved in these events.

Q. PUBLIC COMMENTS^{iv}

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

- Dan Bard of Mira Mesa asked if the names and telephone numbers of those who sign up for the contractor registry will be available for anyone who requests them. He stated he would like to publish them.

Town Manager Kris Kollgaard replied the ordinance that includes this registry must go before the Town Commission for second reading on December 7th. She stated he may want to give it a little time for the word to get out and for contractors to register before requesting the information; it will be public record.

R. ADJOURN: The meeting was adjourned at 7:19 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

ⁱ*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.*

ⁱⁱ*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.*

ⁱⁱⁱ*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.*

^{iv}*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.*