

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

**November 10, 2015  
5:30 p.m.**

The Parks, Recreation and Tree Advisory Committee special 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  
Linda Denby, Member  
Chryle Lowery, Chairperson/Member  
Doris Turlo, Vice Chairperson/Member

**STAFF MEMBERS PRESENT:** Mike Burske, Parks and Recreation Director; Wendy Then, Town Planner; Thad Carroll, Growth Management Director; Beverly Lemay, Staff Assistant to Town Clerk; and Nancy Slaton, Deputy Town Clerk

**Also Present:** Commissioner Dan Vincent

**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: October 14, 2015 Parks, Recreation and Tree Advisory Meeting**

*Upon a motion by Member Turlo and a second by Member Jones, the Parks, Recreation and Tree Advisory Committee approved the minutes of the October 14, 2015 Parks, Recreation and Tree Advisory Committee meeting as presented by a vote of 5-0.*

**2. Ordinance No. 2015-19 – Amending the Town of Lady Lake Land Development Regulations, Chapter 10, Section 5, Entitled “Tree Protection” (Wendy Then)**

Town Planner Wendy Then gave the background summary from the agenda item cover sheet (on file in the Town Clerk’s office). She stated that on October 14, 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”. She 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 proposed changes have been proposed:

- Trees 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 accompanied 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. 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.

Ms. Then then reviewed the ordinance for the Board and further explained the revisions to the ordinance.

The background summary for this item stated that the Planning and Zoning Board reviewed the proposed changes to Chapter 10, Section 5 (Ordinance No. 2015-19), at their meeting on Monday, November 9, 2015 and recommended approval by a 4-0 vote. The Town Commission is scheduled to consider Ordinance No. 2015-19 for first reading on Monday, November 16, 2015 at 6:00 p.m., and for second/final reading on Monday, December 7, 2015 at 6:00 p.m.

Chairperson Lowery asked for clarification on the contractor registry and how it will benefit Town of Lady Lake residents.

Ms. Then replied that the registry is voluntary and allows for a contractor to register with the Town on an annual basis; a file will be kept showing they are up to date with general liability and workers comp insurance, business tax receipt, and state license, etc., as required. Ms. Then stated that most tree trimmers in the area are not required to be licensed by the state, but some

have competency cards which allows them to do landscaping and irrigation.

Chairperson Lowery asked if residents will only be allowed to use contractors that are registered with the Town.

Ms. Then replied that registration is not mandatory. She explained that the voluntary registry involves a \$30 annual fee and the Town will keep a file with the necessary information in it that allows for easier permitting, rather than supplying the information each time they apply for a permit. She stated it will also allow staff to give out up to date information to residents who call in inquiring about a contractor.

Chairperson Lowery asked if the Town is coming up with this registry to help prevent property owners from being liable if the tree trimmers do something improper.

Ms. Then replied that this will afford the property owner more accessible information and will help give them assurance that the tree trimmer is aware of the Town's codes and regulations if they see the registry decal on their vehicle. She stated the property owner will still be responsible for what is done on their property and they should contact the Town if they have any questions regarding the regulations. She stated the Town will reach out to residents to help educate them by putting articles in The Villages newsletter, information on the website, on the utility bills, etc.

Chairperson Lowery suggested that both the residential and commercial property owners should be protected by the Town creating an ordinance to require that tree trimmers working in the area meet certain guidelines.

Member Turlo asked if this applies to Lady Lake or Lake County residents, and if Sumter County residents could call the town to see if someone is registered.

Ms. Then replied that this ordinance applies only to properties within the Lady Lake jurisdiction, although contractors from other areas can still register if they will be doing work in Lady Lake. She stated that staff will share information with anyone who calls to inquire about the registry.

Member Jones asked if the code has more information on protected or historic trees. He stated he has some trees on his property that may have roots heading toward his foundation.

Ms. Then stated the definitions are located in Chapter 10, Section 10-2, in the Code of Ordinances. She stated she will send a link to the Board members after the meeting so that they may review it.

Chairperson Lowery asked if the \$500 fee for residential properties is being amended. She also asked if the Town will remove a tree if the \$500 is paid, or if the property owner has to do it.

Ms. Then replied that the \$500 fee still stands for historic tree removal and is in place to protect the trees in the Town, although the number of trees required is based on the size of the lot. She further explained that it depends on whether the tree is too close to a structure or if the tree is diseased or dying according to an arborist's report. Ms. Then replied that the property owner is required to remove the tree if permitted, and any funds received for the historic tree removal go into the tree bank. She stated the Town has received the Tree City USA designation for a

number of years now (nine per Mr. Burske).

Member Jones commented that Town staff trimmed trees hanging over the road in his neighborhood recently.

Ms. Then stated that the Town and power companies, etc., are allowed to trim trees in the right of way and for utility purposes.

Member Denby asked for clarification on whether a \$25 tree removal permit fee is required if a tree is within ten feet of a structure. She also asked for the definition of DBH, how the determination is made and how the measurement is done. She asked whether limbs that may be threatening are looked at.

Ms. Then replied that a tree that is within ten feet of a structure is exempt from the fee. She stated that when a tree permit application is submitted, which is the first step for a property owner, Town staff makes a site visit and assesses if replacement is necessary based on the number of trees that is required to be maintained on the lot. She stated that DBH stands for diameter at breast height, or 4 ½ feet from the ground up.

Growth Management Director Thad Carroll further stated the measurement for determining whether a tree is ten feet from a structure is made from the base of the tree because it tends to flare a little bit and is the closet point that would be threatening to an adjacent structure. He stated various factors are looked at regarding limbs that are overhanging based on the condition of the tree; whether it is diseased or dying according to an arborist's report for removal.

Member Denby asked how long it takes for a site visit to be performed after a tree permit is applied for, and whether a permit is required for trimming only.

Ms. Then replied that the turn-around time is normally just one to two business days.

Mr. Carroll further stated that limbs can be trimmed without a permit as long as it is done properly and is not hat-racked, and a contractor that registers with the Town will know the Town's codes.

Member Denby asked for the definition of hat-racking.

Ms. Carroll replied that it is where a tree is trimmed so heavily that it often compromises the tree to the point that it cannot recover, and may die within a year or two. He stated it is best for residents to contact the town with any questions and use contractors that are affiliated with the Town's new registration process.

Member Turlo asked if trees are allowed to be topped.

Ms. Then replied that tree trimming must be done in accordance to ISA arborist standards and the Town has pamphlets to show property trimmed trees.

Chairperson Lowery thanked Ms. Then for her presentation.

Ms. Then asked for a motion for recommendation.

*Upon a motion by Member Turlo and a second by Member Jones, the Parks, Recreation and Tree Advisory Committee recommended that the Commission approve Ordinance No. 2015-19 by a vote of 4-1 (Lowery).*

Chairperson Lowery commented that she was not comfortable with the fees regarding trees for residents.

Member Jones asked if solicitation was allowed in The Villages for tree trimming.

Ms. Then replied that there are very few exceptions whereby solicitation permits are issued by the Lady Lake Police Department, but she stated that tree trimming is probably not one of them. She stated it would be a good idea for residents to report soliciting to the Police Department to see if they were permitted.

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

Parks and Recreation Director Mike Burske reported that the Not Too Scary Halloween party was very well attended and had 43 groups attending as sponsors/participants. He stated that the Traveling Vietnam Wall is currently set up at the soccer fields on Rolling Acres Road, and the Taste of Lady Lake and Car Show by The Villages Car Club is scheduled for this Saturday, November 14<sup>th</sup>, at the Log Cabin. Mr. Burske stated the Christmas Parade is scheduled for Saturday, December 5<sup>th</sup>, and there are currently 28 participant applications received thus far. He stated Howard Middle School and Leesburg bands will participate, as well as the Sounds of Scout. Mr. Burske stated staff is currently setting up for Light Up Lady Lake. He reported the bid opening for the Guava Street concession stand is scheduled for November 18<sup>th</sup> at 10 a.m. in the Town Hall Commission Chambers, and board members are welcome to attend. Mr. Burske stated construction, engineering and inspection (CEI) services for more sidewalks are coming up for advertisement for bid under the Safe Routes for School grant funding.

Chairperson Lowery thanked Mr. Burske and staff for their hard work.

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

*With nothing further to discuss, the meeting was adjourned at 6:26 p.m.*

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Nancy Slaton, Deputy Town Clerk

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Chryle Lowery, Chairperson

Minutes transcribed by Nancy Slaton, Deputy Town Clerk