

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

February 17, 2016

The Special 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** – Led by Joe Quinn

- D. INVOCATIONⁱ:** Reverend Jerry Montgomery – Immanuel 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; Pam Winegardner, Finance Director; Butch Goodman, Utilities Supervisor; and Julia Harris, Administrative Assistant to Town Manager

F. PUBLIC COMMENTSⁱⁱ

Mayor Kussard asked if there were any comments at this time. There were no comments.

G. PRESENTATION:

1. Presentation/Discussion/Direction Regarding the Potential Construction of a Utilities Operations Building to be Located at the Public Works Complex (C.T. Eagle)

Public Works Director C. T. Eagle gave the background summary for this presentation (on file in the Clerk’s Office). He stated that he is requesting direction from the Town Commission for the potential construction of a Utilities Operations Building to be located at the Public Works Complex. A PowerPoint slideshow was presented to expand on the request. Mr. Eagle reviewed the reasons for the request as follows:

- Designated Offices and Facilities for staff
 - Shared offices – Four field staff in one office
 - Supervisor office in Admin conference room
 - Scada computer system on desk in supervisors office
 - Water treatment plant lead operator office in reuse plant equipment room
 - Facility needs study recommended future expansion of PW facilities to accommodate utilities department needs
- Equipment Storage
 - The Utilities department utilizes a variety of equipment to perform maintenance and repair of the water distribution and wastewater Collection systems
 - One storage bay currently available to house equipment
 - Equipment left out in the elements
- Scada system and computerized systems centralization
 - Scada stands for supervisory control and data acquisition
 - Scada is generally a computerized telemetry system that allows operators to monitor and have some control of facilities such as lift stations, pumps at the wells, plant operations
 - The Town has invested a substantial amount of funds to implement Scada throughout the water and wastewater systems
 - Scada servers and related devices are located in various locations
 - More efficient to be centralized in a control room built to house computerized systems

Mr. Eagle stated these needs were shown on the Facility Needs Study of 2005 and the recommended phasing/priorities needs were shown, as was a site plan and photos of the Public Works complex which showed the storage of equipment and the need for more inside storage.

Mr. Eagle explained that the improvements, if approved, would be funded by the following:

- Water, Wastewater, and Reuse water Impact fees.
- Currently over \$1.55 million available in impact fee funds.
- The improvements can utilize impact fees for development based upon the Town's Water, Reclaimed Water, and Sewer Impact Fee Study completed by Burton and Associates, Inc. (April 2009) delineated as follows:
 - GIS and SCADA System Improvements were detailed as a capital improvement projects for both the existing Water and Sewer System Impact Fee review;
 - existing Sewer System Impact Fee includes cost associated with the Public Works Complex which this project would expand capacity of; and
 - existing Water and Sewer System Impact Fee Calculations include facility improvements similar to those contemplated for the "Operations Building".

Mr. Eagle stated the building would be used as a control room for SCADA system centralization, for equipment and repair item inventory storage, and as additional office space. He reviewed the estimated cost as follows:

- 10,000 sf (\$50/sf) metal building + 2000 sf (\$100/sf) interior office build out = estimated \$700,000 construction costs for the building
- Engineering = \$49,900 est.
- Bidding = \$6,000 est.
- Engineering construction admin = \$10,400 est.
- Permitting = \$12,500 ERP modification if required + \$7500 site plan approval

- Surveying = \$5000
- Construction Inspection = \$34,000 est. if required

Total = \$825,300 - It was noted that \$825,300 is less than the original estimate given in the facility needs study at \$1.575 million using current market rates.

Mr. Eagle reviewed the highlights of this presentation as follows:

- Operations building offices would free up office space in the admin offices, no expansion of current building needed presently as was recommended in the facility needs study.
- Costly equipment would be stored inside, be easily accessible, and out of the elements.
- Scada system would be centralized into a control room with room to grow.
- More room to store repair parts, blueprints, meter reading equipment, etc.
- Impact fee eligible – no general fund or retained earnings funds needed.

He stated that the auditor agreed this would be a good use of the impact fee funds. He asked if there were any questions.

Commission Hannan asked if the proposed new building would be a one story building. He stated he is all for two stories for future use.

Mr. Eagle replied that the interior of the building will be high enough for two stories. He stated it was his thought that the admin office part could be made two stories tall with a reception area as it is cheaper to build up than out, and the rest could be an open bay.

Commissioner Richards stated he is all for it, and if construction costs get to be too much, the garage space may have to be limited to equipment that is sensitive to the elements.

Commissioners Holden and Vincent stated they are in favor of it, as well.

Mayor Kussard asked if this building will be big enough for future use.

Mr. Eagle replied he will make sure it is big enough.

After further discussion, it was the consensus of the Commission that Mr. Eagle move forward with this project.

H. CONSENTⁱⁱⁱ:

Mayor Kussard asked if there were any questions or comments on the Consent item, and hearing none, asked for a motion.

2. Minutes – February 1, 2016 – Regular Commission Meeting

Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved Consent Item #H-2 by a vote of 5 to 0.

I. OLD BUSINESS: No old business.

J. NEW BUSINESS:

3. Consideration to Partner with the Lady Lake Garden Club and Invest \$1,097.95 of Donated Tree and Beautification Funds to Landscape the Community Building (Mike Burske)

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Clerk's office). He stated that as shown in the attached proposal from the Lady Lake Garden Club, they are asking to landscape the Community Building on March 18th. Shelly Leon landscaped the museum a few years ago and has given staff a copy of the proposed design and breakdown on price. The plants will cost an estimated \$247.95. Town staff will update the irrigation and is asking for \$350.00 to complete this task and \$500.00 for sod. Mr. Burske stated that as a result, staff is asking for a total of \$1,097.95 from Donated Tree and Beautification Funds which currently has a balance of \$17,836.03. Town staff will work with the Lady Lake Garden Club to install the plants and mulch.

Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved the Consideration to Partner with the Lady Lake Garden Club and Invest \$1,097.95 of Donated Tree and Beautification Funds to Landscape the Community Building by a vote of 5 to 0.

4. Consideration of Approval to Rename the Minor Baseball Field "Chase Field" (Mike Burske)

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Clerk's office). He stated that as per the letter included in the packet, the Little League wants to name one of the fields after one of their former players who grew up with the league and passed at the age of 19. The Little League is requesting this and has begun scholarship programs and fundraisers in his name to provide funding for children who normally would not be able to afford to play. Mr. Burske stated that he is recommending approval of this request as the field currently has a generic name. The Little League will pay for the new sign naming the field and the field will be dedicated on opening day, if approved. He stated that the Parks, Recreation, and Tree Advisory Committee recommended approval of this request.

Mr. Burske stated that someone representing the family is present if there are any questions.

Commissioner Hannan asked why the Town does not pay for the sign rather than the Little League.

Town Manager Kris Kollgaard stated the Town can pay for the sign if the Commission so approves.

Mr. Burske stated the sign will cost approximately \$50.00.

Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved the Consideration to Rename the Minor Baseball Field "Chase Field", to include the cost of the sign, by a vote of 5 to 0.

5. Consideration of Bid Documents to Construct the Final Phase of Wastewater Treatment Plant (WWTP) Aeration Improvements Identified within the Town's 2014 Wastewater & Reuse System Master Plan (C.T. Eagle)

Public Works Director C.T. Eagle gave the background summary for this agenda item (on file in the Clerk's office). He stated that the Town identified a number of projects within the 2014 Wastewater & Reuse Master Plan. In August of 2015, Town Commission approved phase one of this project which has recently been completed. Mr. Eagle stated that this proposed phase of work

will complete the system for operation by adding the necessary redundant blower, rehabilitating the influent structure, replacing the clarifier drive, electrical improvements, and other miscellaneous improvements at the site. He stated that the Town Attorney has reviewed and approved these documents, and the only cost at this point is the \$200.00 advertising fee. He stated Jason Shepler is present from Mittauer if there are any questions.

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

Upon a motion by Commissioner Vincent and a second by Commissioner Holden, the Commission approved the Bid Documents to Construct the Final Phase of Wastewater Treatment Plant (WWTP) Aeration Improvements Identified within the Town's 2014 Wastewater & Reuse System Master Plan by a vote of 5 to 0.

K. TOWN ATTORNEY'S REPORT:

6. Ordinance No. 2016-05 – Second/Final Reading – Small Scale Future Land Use Comprehensive Plan Amendment – Sun Communities Operating, LP – Small Scale Future Land Use Comprehensive Plan Amendment from Lady Lake Rural High Density (RHD) to Lady Lake Manufactured Home High Density (MH-HD) for Two Lots of Approximately 2.6 +/- Acres – Located within Water Oak Country Club Estates within Lake County, Florida (Alternate Keys 1279496 and 1279216) (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 December 22, 2015, applications were filed with the Town of Lady Lake by Daniel R. Gibbs with Atwell, LLC, on behalf of Sun Communities Operating LP, to rezone and amend the future land use designation of two lots located within the Water Oak Country Club, approximately 1,150 lineal feet east of the intersection North Highway 27/441 and County Road 25, within Lake County, Florida.

Mr. Carroll stated the small-scale comprehensive plan amendment application involves approximately 2.6+/- acres. The proposed small-scale comprehensive plan amendment is to change the future land use designation from Lady Lake Rural High Density (RHD) to Lady Lake Manufactured Home High Density (MH-HD). The applicant is requesting to rezone these properties to add new home sites and a 3,500 +/- sq. ft. administrative/sales building with associated parking. He stated staff recommends approval.

The parcels are identified by Alternate Key numbers 1279496 and 1279216. The applications were reviewed to determine if they are in compliance with the Land Development Regulations (LDRs) and the Lady Lake Comprehensive Plan. It was found that the requested use is consistent with the directives of the Comprehensive Plan and satisfies the necessary criteria as required to meet the requirements of the adopted Town of Lady Lake Land Development Regulations (LDRs). 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.

Concurrency Determination Statement - Water Oak Estates (Sun Communities, Inc.) is proposing to develop the area that was previously an old homestead site. Sun purchased the property in 2004 and it is currently undeveloped. We are proposing to add new home sites (some of which will be used

as model homes initially) and a 3,500+/- sq. ft. administrative/sales building with associated parking.

Aerial views of the property, the future land use map, and photos of the posting of the property were shown.

Mr. Carroll reviewed the impact on Town Services as follows:

- Potable Water - There is an existing water line along Willow Way. During development, the line will be extended into the proposed site to serve the new homes and the Administrative/Sales building. We will acquire all necessary permits from both the Town and State prior to development.
- Sewer - There is existing sewer along Willow Way. During development, the lines will be extended into the proposed site to serve the new homes and the Administrative/Sales building. We will acquire all necessary permits from both the Town and State prior to development.
- 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 Water Oak Estates Site was originally designed for 1,484 home sites (from Town DRI). The current developed number of home sites is just over 1,100.
- Parks and Recreation - The small scale future land use amendment and the rezoning application will not cause P&R Level of Service to be exceeded since, as mentioned above, the development is still well under the original DRI count. Additionally, Water Oak Estates provides its residents with all Park and Recreation Amenities.
- Stormwater - Project will be required to adhere to SJRWMD guidelines and the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

The subject properties involve approximately 2.6 ± acres lies in Sections 16 and 17, Township 18 South, Range 24 East in Lake County, Florida. The Future Land Use of the adjacent properties is as follows:

Future Land Use

Subject Properties	Lady Lake Rural High Density (RHD)
Future Land Use of Adjacent Properties	
West	Lady Lake- Manufactured Home High Density (MH-HD)
East	Lady Lake- Manufactured Home High Density (MH-HD)
North	Lady Lake- Manufactured Home High Density (MH-HD)
South	Lady Lake- Manufactured Home High Density (MH-HD)

Comments:

- 1) A rezoning application has been submitted concurrently with this Small Scale Future Land Use Amendment Application.
- 2) If approved, a Site Plan application will need to be submitted and approved before the Town Commission for the 3,500-square-foot Administrative/Sales Building and parking lot since this

improvement qualifies as a Major Development due to meeting the threshold of two thousand (2,000) or more square feet of non-residential floor space.

- 3) Trees to be removed as a result of the proposed improvements must adhere to the tree removal processes pursuant to the appropriate sections of Chapter 10- Landscaping and Tree Protection of the Town of Lady Lake Land Development Regulations.

Mr. Carroll reported that notices to inform the surrounding property owners was not necessary because the property owner of the two subject parcels and adjacent parcels is the same entity: Sun Communities. On December 28, 2015, a letter was hand-delivered to the Water Oak Administrative Office to provide to Water Oak residents in the event they inquire about the proposed small scale FLU amendment application. The properties were also posted Monday, December 28, 2015. There have been no objections or letters of support regarding this application.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2016-05, provided comments on Monday, January 4, 2016, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the January 11, 2016 meeting, the Planning and Zoning Board recommended approval of Ordinance No. 2016-05 by a vote of 3-0. The Local Planning Agency considered Ordinance No. 2016-05 on Monday, February 1, 2016, at 5:45 p.m., and voted for approval by a vote of 5-0. The Town Commission considered Ordinance No. 2016-05 for its first reading at a regular meeting on Monday, February 1, 2016 at 6:00 p.m., and voted for approval by a vote of 5-0.

Mr. Carroll stated that Lara Parker, on behalf of Water Oak, 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 second/final reading of Ordinance No. 2016-05 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. 2016-06 – Second/Final Reading – Rezoning – Sun Communities Operating, LP – Rezoning from Lady Lake Agriculture Residential (AG-1) to Lady Lake Manufactured Home High Density (MH-9) for Two Lots of Approximately 2.6 +/- Acres – Located within Water Oak Country Club Estates within Lake County, Florida (Alternate Keys 1279496 and 1279216) (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 December 22, 2015, applications were filed with the Town of Lady Lake by Daniel R. Gibbs with Atwell, LLC, on behalf of Sun Communities Operating LP, to rezone and amend the future land use designation of two lots located within the Water Oak Country Club, approximately 1,150 lineal feet east of the intersection North Highway 27/441 and County Road 25, within Lake County, Florida. Staff recommends approval.

The rezoning application involves approximately 2.6+/- acres. The applicant is seeking to rezone the property from Lady Lake Agriculture Residential (AG-1) to Town of Lady Lake Manufactured Home High Density (MH-9). The applicant is pursuing to rezone these properties to add approximately +/- 10 new home sites (of which three to five will be used as model homes initially) and a 3,500+/- sq. ft. administrative/sales building with associated parking.

The parcels are identified by Alternate Key numbers 1279496 and 1279216. The applications were reviewed to determine if they are in compliance with the Land Development Regulations (LDRs) and the Lady Lake Comprehensive Plan. It was found that the requested use is consistent with the directives of the Comprehensive Plan and satisfies the necessary criteria as required to meet the requirements of the adopted Town of Lady Lake Land Development Regulations (LDRs).

The subject properties lie in Sections 16 and 17, 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	Lady Lake Agriculture Residential (AG-1)
Zoning of Adjacent Properties	
West	Lady Lake- Manufactured Home High Density (MH-9)
East	Lady Lake- Manufactured Home High Density (MH-9)
North	Lady Lake- Manufactured Home High Density (MH-9)
South	Lady Lake- Manufactured Home High Density (MH-9)

A map, an aerial view of the property, a zoning map, and photos of the posting and the property were shown.

Mr. Carroll reported that notices to inform the surrounding property owners was not necessary because the property owner of the two subject parcels and adjacent parcels is the same entity: Sun Communities. On December 28, 2015, a letter was hand-delivered to the Water Oak Administrative Office to provide to Water Oak residents in the event they inquire about the proposed rezoning application. The properties were also posted Monday, December 28, 2015. There have been no objections or letters of support regarding this application.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2016-06, provided comments on Monday, January 4, 2016, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the January 11, 2016 meeting, the Planning and Zoning Board recommended approval of Ordinance No. 2016-06 by a vote of 3-0. The Local Planning Agency does not review Rezoning applications; only Future Land Use Comprehensive Plan Amendment applications. The Town Commission considered Ordinance No. 2016-06 for its first reading at a regular meeting on Monday, February 1, 2016 at 6:00 p.m., and voted for approval by a vote of 5-0.

Mr. Carroll stated that Lara Parker, on behalf of Water Oak, 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 Hannan and seconded by Commissioner Richards, the Commission approved the second/final reading of Ordinance No. 2016-06 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. Resolution No. 2015-113 – First/Final Reading (Continued from January 4, 2016 Meeting) – Variance Request by SRK Lady Lake 43 Associates, LLC for the Verizon Store to Allow a Secondary Wall Sign to be Placed on the Northwest Elevation of an Outparcel Building – Located at 472 N. US Hwy 27/441 (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 was continued from the January 4, 2016 meeting where Jennifer Ronneburger with Atlas Signs presented on behalf of the applicant. He stated staff recommends approved of this resolution.

On November 16, 2015, Town staff received a variance application from applicant Jennifer Ronneburger with Atlas Sign Industries for secondary wall signage to be placed on the northwest elevation of the outparcel building along North Highway 27/441, located within the Lady Lake Crossing Plaza. The applicant has filed the variance application for the Verizon Store located in the Lady Lake Crossing Plaza and addressed as 472 North Highway 27/441. The variance request has been made pursuant to the provisions of Chapter 17, Section 17-4).b).1).A)., of the Town of Lady Lake Land Development Regulations which only allows single use developments to place wall signage where the building fronts a public street. The proposed sign would be approximately 15’2” x 3’ 1/2 in copy area; mirroring the other two wall signs already mounted on the east and south façades. The combined wall copy area of all three signs would amount to 139.5 sq. ft., which meets sign code regulation of not exceeding the maximum 200 sq. ft. of wall sign copy area allowed.

As required of this application, a Justification Statement has been submitted and was included in the packet. The applicant stated that having the channel letter signs facing this elevation will assist the southbound traffic to identifying the store’s location from the northwest. Additionally, the applicant indicated that drivers going southbound on Highway 27/441 would be better directed to the store, thus providing advanced direction to prepare them to make an upcoming right into the Lady Lake Crossing Plaza. Without it, many people may pass by missing the location. Lastly, the way the building exterior elevation was designed incorporates three red bands along the top suitable for signage a wall signage; which two bands have signs already installed and the third one looks empty and unbalanced.

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 08, Township 18 South, Range 24 East, in Lady Lake, Florida. The property is zoned "PUD" Planned Unit Development, which permits the development in existence. The Future Land Use Map designation for the site is RET (Commercial General-Retail Sales and Services). The requested use is consistent with the adopted Memorandum of Agreement Ordinance 2006-04 for the Lady Lake Crossing Plaza and the directives of the Comprehensive Plan and adopted Land Development Regulations.

The site plan, aerial views of the property, zoning of the property, and renderings and photos of the Verizon building were shown.

Mr. Carroll reported that notices to inform the surrounding property owners (6) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, November 23, 2015 and the property was also posted the same day.

The Technical Review Committee (TRC) members individually reviewed the application for Resolution No. 2015-113 and provided comments on November 30, 2015 that determined the application complete and ready for transmittal to the Planning and Zoning Board and the Town Commission. The Planning and Zoning Board heard the application for Resolution No. 2015-113 at their regular meeting on Monday, December 14, 2015, and recommended approval by a 4-0 vote. At the January 4, 2016 regular meeting, the Town Commission voted 5-0 to table Resolution No. 2015-113.

Mr. Carroll stated that the northwest side of the building is the one in question and Martin Dellebovi is present to speak on this issue and further justify his request.

Mr. Dellebovi introduced himself as representing Benchmark, and stated he understands the Town Commission's sensitivity regarding signage. He reviewed the chronology of this application by stating there was originally a door planned to service that side of the building, but the plans changed to having a door in the front only. He stated that when they planned the Crossroads shopping center, they planned a lane parallel to the highway whereby shoppers would not have to go out on the highway to go from store to store. Mr. Dellebovi stated that because the side door was eliminated, that side of the building visible to this driving lane within the Village Crossroads plaza is not identified, and this may cause shoppers to go back out to Hwy 27/441 to access the Verizon store.

Commissioner Richards stated he can still see the monument sign from the parking lot.

Mr. Carroll stated there are some areas within the parking lot where the monument sign is not visible due to the landscaping or the cars.

Commissioner Holden confirmed that the sign would be identical to the others on the building.

After further discussion regarding signage, Mayor Kussard asked if anyone from the audience had any questions, and hearing none, asked for a motion.

Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved the first/final reading of Resolution No. 2015-113 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. Resolution No. 2016-101 – First/Final Reading – Variance Request – Douglas C. Wade – Variance From Chapter 16, Article III, Section 16-85, Section 503, 1., to Allow the Lowest Floor of the Home Structure to Remain at the Base Flood Elevation Plus One Foot or 65.0 Feet Rather than the Required One and a Half Feet or 65.5 Foot Elevation – Located at 1004 Nell Way (Thad Carroll)

Town Attorney Derek Schroth read the resolution 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, Douglas C. Wade, has filed a variance application on behalf of property owners the Villages of Lake – Sumter, Inc., from the provisions of Chapter 16, Article III, Section 16-85, Section 503, 1., to allow the lowest floor of the home structure to remain at the base flood elevation plus one foot or 65.0' rather than the required 1 ½ feet or 65.5' elevation. The house has been completed, and has been issued a Temporary Certificate of Occupancy. Pending the outcome of this application; should the variance be granted, the Permanent Certificate of Occupancy will be issued. Mr. Carroll stated that the property at 1004 Nell Way has since changed hands and is now owned by the Browns.

A map of the property, photos of the posting, and a base flood elevation map of the area was shown along with the survey and elevation certificate of the property. Photos of the home in its current condition were also shown.

During the construction of the single family residence when the home was staked for construction, the field crew made a calculation error when setting the finished floor elevation benchmark. It was inadvertently set at elevation 65.0' instead of the design elevation of 66.0'. The Town of Lady Lake requires the finish floor elevation of the lowest floor of any home or structure to be 18 inches above the Base Flood Elevation of 64.0', which would put the lowest elevation at 65.5'.

As required of this application, a Justification Statement has been submitted. The applicant contends that the home which is completely finished is built on an established subdivision lot and meets all building setbacks. The lot is size limits the placement of the home as it could not be relocated in any manner. Further, he states that the variance needs to be granted as to this is a finished home. The raising of the home six inches would not be feasible. This variance is needed to obtain the Certificate of Occupancy.

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:

7. No diminution in value of surrounding properties would be suffered.
8. Granting the permit would be of benefit to the public interest.
9. Denial of the permit would result in unnecessary hardship to the owner seeking it.

10. The use must not be contrary to the spirit of this Code.
11. 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.
12. 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 06 Township 18 Range 24, Lady Lake Florida. The property is zoned “MX-8” Mixed Residential Medium Density (up to 8 dwelling units per acre.

Zoning

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

While the Floodplain Administrator (Wendy Then) cannot support a variance to the floodplain ordinance based upon a condition of human error, there are a few elements of the case that staff has acknowledged that support the applicant’s position.

Mr. Carroll reviewed comments on this application as follows:

1. Our ordinance mirrors Lake County’s ordinance requiring the 18” minimum above the base flood elevation for the finished floor within the 100 year floodplain; however, it is the jurisdiction’s discretion as to where this is set. Our neighbor, Marion County has a requirement of just 12” above the BFE, as they feel that is adequate.
2. If in fact a flood event does occur, only the occupant of the home and their personal property would be affected; unlike other variance types (like setback encroachments toward a right-of-way) additional hazards will not be created for others if granted.
3. The owner is aware that the home is built below the Town’s requirement and is willing to obtain the necessary Flood Insurance to cover the structure, even if the cost is a bit greater as a result of the 6” deviation.
4. The home and freeboard elevation (are above the BFE) are above the required standards for FEMA.

Mr. Carroll reported that the variance application was received on Monday, January 18, 2016, and has been reviewed and determined to be complete. The application was found to meet the requirements of the Land Development Regulations (LDRs) and is ready for transmittal to the Planning and Zoning Board. He stated that notices have been mailed to inform the surrounding property owners (22) within 150 feet of the subject property, and the property was posted Monday, February 1, 2016.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Resolution No. 2016-101 and determined the application complete and ready for

transmittal to the Planning and Zoning Board and Town Commission. At the February 8, 2016 meeting, the Planning and Zoning Board recommended approval of Resolution No. 2016-101 by vote of 4-0. He stated that it was asked at that meeting if the Town would incur any liability if this variance was granted and the response by council, Sasha Garcia, was that the Town would not incur liability as NFIP standards are being met.

Town Attorney Derek Schroth commented that this variance will be recorded and any future purchaser will know there is a slight variation and it will be disclosed. He agreed there will be no future liability as it will be recorded in public records and it is construed as constructive knowledge.

Commissioner Hannan asked if staff has seen a flood insurance policy.

Mr. Carroll stated staff has not seen a flood insurance policy and he does not know if flood insurance is required.

Town Manager Kris Kollgaard commented that the Town is meeting the legal standards on the flood plain and it is the property owner's choice if they want flood insurance.

Commissioner Richards agreed that it will be up to any future owners as the variance will be carried with the deed.

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/final reading of Resolution No. 2016-101 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>

L. TOWN MANAGER'S REPORT:

10. Update from the Department of Revenue on the Overpayment of the Communication Services Tax (Kris Kollgaard)

Town Manager Kris Kollgaard reported she has heard back from the Department of Revenue (DOR) and she distributed some hand-outs on the statutes pertaining to the tax and a copy of the email. She stated the DOR has completed their audit and they now say the Town owes \$750,097.00. Ms. Kollgaard stated the Town has put money aside these last two years to go toward this in the amount of \$451,000; however, she stated she would like to have some verification on this audit. She stated the DOR has said a conference call can be made. Ms. Kollgaard stated she would like to have the Town Attorney present, as well as at least one Commissioner. She asked that the Commissioners email any questions to her that they would like her to ask during the conference call. She stated after the conference call with the DOR, it can then be decided whether she needs to go to Tallahassee and actually look at the files, if this is allowed.

Mayor Kussard asked if Commissioner Richards would be willing to be present during the conference call to represent the Commissioners, and he agreed.

Commissioner Vincent asked if an auditor could be present.

Ms. Kollgaard stated that the statutes clarify that the Town cannot re-audit, although they can look at the files.

Commissioner Richards stated he would be concerned about what database the state used to figure out which homes are in or out of the Town.

Ms. Kollgaard stated she will try to set the call up next week, perhaps on Tuesday.

Ms. Kollgaard distributed door hangers which will be used to let homeowners know about the tree ordinance. She asked the Commissioners to let her know if they have any changes or additions for the door hangers.

Ms. Kollgaard stated she met with Waste Management earlier today as there have been a few issues with late trash pick-up or no pick-up. She stated Waste Management was very nice and reported that they have been having issues with people being out sick. If this happens in the future, Ms. Kollgaard will be notified and she will send an email out to the Commissioners so they can answer any resident complaints and let them know when it will be picked up. Ms. Kollgaard also reported there were some complaints regarding recycling and it not being put in proper bags. Waste Management will put out some flyers explaining and/or reminding residents of the rules for garbage, recycling and yard waste.

Ms. Kollgaard reported that Habitat for Humanity has contacted her regarding wanting to do a service project in Lady Lake. She stated she checked with code enforcement to find out if there was a family in need and that information was passed on to Habitat. As a result, Habitat for Humanity, along with volunteers, will be replacing a porch for a resident. She asked if the Commissioners would agree to allow employees to accrue ten points toward their Wellness Day if they participated in this volunteer activity.

It was the consensus of the Commission that they approved of allowing employees to accrue ten points toward their Wellness Day if they participated in this activity.

Ms. Kollgaard asked Police Chief Chris McKinstry if he had an event coming up in March.

Chief McKinstry reported that The Home Depot Safety Day scheduling was not in place in time for this Commission meeting agenda, and that it will be in mid-March if the Commission approves.

Ms. Kollgaard stated it will be Saturday, March 12th from 10 a.m. to 2 p.m.

It was the consensus of the Commission to approved The Home Depot Safety Day on March 12, 2016.

M. MAYOR/COMMISSIONER'S REPORT:

Commissioner Hannan announced that he will not be able to attend the March 7th or March 21st Commission meetings.

Commissioner Richards stated he wanted to thank the Town Manager and Public Works for helping out his next door neighbor by having a crew come out with the chipper and pick up excess brush

that was not picked up, as he was having a wake the next day. He also stated the page numbers highlighted on the agenda worked out well as he was able to go right to where he needed to.

Town Manager Kris Kollgaard stated staff will continue to supply the paper packets until the Commissioners decide they do not want them anymore.

Commissioner Richards stated he no longer needs a paper packet.

Commissioner Holden stated he would like to ask for a re-vote on the Church of St. Alban's request for a sign on the back of their building.

Ms. Kollgaard stated it can be brought back to the Commission for a re-vote at a publically noticed meeting, and the church can be contacted to see if they want it to come back.

Commissioner Richards stated that the requirement on limiting signage to where there is an entrance should be removed from the LDRs, as all the sign variance requests have been passed anyway.

After further discussion, it was agreed that staff would make revisions to the LDRs regarding signage to bring back to the Commission on a future agenda. It was also the consensus of the Commissioners to bring back the Church of St. Alban's request for signage on the rear of the property at an April Commission meeting.

N. PUBLIC COMMENTS^{iv}

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

- Joe Quinn of 633 Rainbow Blvd. stated that the sign ordinance does need to be revised before the proposed new development comes in. He also stated the requirements for landscaping and trees sometimes cover the signs, and the Town needs to do due diligence in this matter as things do not remain static. Mr. Quinn stated that he wished the Town of Lady Lake had a reputation as a speed trap because he has noticed a lot of speeders. He stated the presentation by the developer this evening was great.

O. ADJOURN: The meeting was adjourned at 7:17 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.*