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

December 5, 2016

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 Jim Richards presiding. The meeting convened at 6:00 p.m.

- **A. CALL TO ORDER:** Mayor Jim Richards
- **B.** PROCEDURE: 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. INVOCATION: Chaplain Donna McGlone American Legion Auxiliary
- D. PLEDGE OF ALLEGIANCE
- **E. ROLL CALL:** Ruth Kussard, Commissioner Ward 1

Tony Holden, Commissioner Ward 2 Dan Vincent, Commissioner Ward 3 Paul Hannan, Commissioner Ward 4

Jim Richards, Mayor/Commissioner Ward 5

STAFF MEMBERS PRESENT: Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; Wendy Then, Town Planner; C. T. Eagle, Public Works Director; Chief Chris McKinstry, Captain Robert Tempesta, Animal Control Officer Denise Williams, Police Department; Pam Winegardner, Finance Director; Debbie Rodriguez-Lopez, Accountant; Becky Hewitt, Accounting Specialist; Michelle Sloane, Accounting Clerk; Dawn Woods, Accounting Clerk; Kathy Learn, Customer Service Rep. II; Philomena Bodie, Customer Service Rep. I; Julia Harris, Administrative Assistant to Town Manager; and Nancy Slaton, Deputy Town Clerk

- **F. PUBLIC COMMENTS:** Mayor Richards asked if there were any comments by the public. He stated public comment on the ordinances under the Town Attorney's Report will be allowed during the review of each ordinance.
- John Gauder of 142 Costa Mesa Drive stated he was present to address the Commissioners regarding inaccurate comments made by Commissioner Hannan at the November 21st Commission meeting affecting all board members and Commissioners of the Town. He stated no board member should have the right to publicly chastise or criticize another board member. He requested that Commissioner Hannan recant his statements and publicly apologize to all board members. Mr. Gauder stated that if he fails to do so, then he requests

that the Commissioners censure his comments and require him to publicly apologize to all of the board members.

G. PRESENTATION:

1. Presentation of Bright Idea Awards for 2016 (Kris Kollgaard/Department Heads)

The background summary for this agenda item is on file in the Clerk's office. It includes the nomination reports by department heads for their staff members.

Town Manager Kris Kollgaard stated that this employee incentive program was started in 2011 and has been very successful every year. She stated that the certificates and checks (\$200 to each employee recognized) will be presented this evening after the nominations are read.

Captain Robert Tempesta read his nomination of Denise Williams, Animal Control Officer, stating she has taken several avenues to save the Town money through networking and other donation options; resulting in an estimated savings of \$10,000.00 for the Town and taxpayers.

Finance Director Pam Winegardner then read her nomination for the Finance Department staff and Utilities Customer Service staff: Debbie Rodriguez-Lopez, Becky Hewitt, Michelle Sloan, Dawn Woods, Kathy Learn and Philomena Bodie. She stated these employees were able to absorb most of the duties of the vacant Assistant Finance Director position due to a streamlined process which allowed the hiring of an accounting clerk to handle payroll; resulting in an estimated payroll savings of \$51,192.

Town Manager Kris Kollgaard read her nominations for Julia Harris and Nancy Slaton. She stated they implemented several cost saving changes regarding scanning and storage of original documents, business tax receipts, and updated postage meter; resulting in an estimated savings of \$11,435.00.

H. CONSENTⁱ:

Mayor Richards asked if the Commissioners had any questions on the consent item. There were no questions.

2. <u>Minutes</u> – November 21, 2016 – Special Commission Meeting – November 21, 2016 – Regular Commission Meeting

Upon a motion by Commissioner Kussard 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:** No new business.

Mayor Richards announced that Ordinance No. 2016-35, regarding the rezoning of the acreage on C.R. 466, has been tabled at the request of the applicant while they work with Lake and Sumter counties on some issues.

Town Manager Kris Kollgaard pointed out that notices will be sent out regarding the date this will be heard as it has not been tabled to a date certain at this time, and it will be posted again.

K TOWN ATTORNEY'S REPORT:

3. Ordinance No. 2016-33 – First Reading – Annexation – Triston Gustavo Meucci Life Estate, Shirley H. Meucci, and Louis Meucci Trustee – Annexing 269.15 +/- Acres of Land Located South of County Road 466 and East of Cherry Lake Road in Lake County, Florida; Referenced by Alternate Key Numbers 1279810, 3325451, 1279801, 1770700, 1279828, and 1279780 (Thad Carroll)

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, F. Thomas Ustler, on behalf Triston Gustavo Meucci Life Estate, Shirley H. Meucci, and Louis Meucci Trustee, has filed applications to annex property consisting of 269.15 acres located south of County Road 466 and east of Cherry Lake Road in Lake County, Florida, from unincorporated Lake County into the Town of Lady Lake. Staff recommends approval of this ordinance.

A map and an aerial view of the property was shown, as were maps showing the subject property and adjacent Town future land use classifications, the zoning classifications, and photos of the posting of the property and the property from different perspectives.

The subject properties lie in Section 19, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the properties were included with the submitted application. The lot will be served by the Town of Lady Lake's central water and sewer system, and the Lake County Fire Department.

Mr. Carroll reported that staff supports the annexation request based upon the following:

- The area is no longer rural in character, as a majority of the adjacent uses are residential or commercial uses.
- The property can be served by central sewer, water, and reuse from the Town of Lady Lake.
- The property fronts a major collector roadway (CR/Hwy 466).
- No significant wildlife habitats will be impacted.
- The Town has the capacity to serve the property with utility at this time.
- The developer will mitigate deficiencies as required if necessary.
- The proposed development is consistent with the visioning recommendations of the County Road 466/Rolling Acres Special Area Plan.

Mr. Carroll stated that the Town met with the public in 2010 and they indicated their preferences for the area. The preferences were shown on an aerial map outlining site specific features depicted in red for commercial development, blue for water features, green for park/open space features, and yellow for mixed use developments.

The annexation application was received on Wednesday, September 14, 2016, and has been reviewed and determined to be complete, satisfying the necessary criteria as required for annexation under statutory requirements (§171.043). 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 presentation to the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (39) within 150 feet of the property proposed by the annexation request were mailed Monday, October 24, 2016. The properties were posted Thursday, October 27, 2016. He stated there have been two objections received to date from surrounding property owners by phone and letter, and some opposition to the project was voiced at the November 14th Planning and Zoning Board meeting.

Mr. Carroll stated that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-33, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 14, 2016 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2016-33 to the Town Commission with the recommendation of approval. The Town Commission will consider Ordinance No. 2016-33 for second/final reading on a date to be determined, pending review of the concurrent Large Scale Comprehensive Plan Amendment (Ordinance No. 2016-34) by the Department of Economic Opportunity.

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

Mayor Richards asked if the Commissioners or members of the audience had any questions or comments.

- Karen Donnelly, a resident of Spring Arbor Village, stated her home is directly across from the property. She voiced her concerns regarding how significantly the area will change from pasture land to commercial settings. She stated she currently enjoys beautiful sunsets and it being pitch black at night, and although she understands there will be restrictions for down lighting in commercial settings, she feels there will be an intrusion of light from this property. Ms. Donnelly stated that although she understands that property owners want to make money and develop, she will be personally affected at her home by the development and the entire view from her backyard will be commercial. She stated the traffic will significantly increase, as well, and the widening of the failing Rolling Acres Road is not planned to happen until 2020. Ms. Donnelly stated this development is also proposed to be a ten-year project, and even though a Trader Joe's would be welcome, she does not want it in her back yard. She stated properties in her subdivision are not selling now, and this will not help property values in her area.
- Gale Forte, a resident of Spring Arbor Village at 104 Cherry Blossom Lane, stated she has lived there for 15 years. She agreed with all that Ms. Donnelly stated. Ms. Forte stated that she works at the school five miles down the road and the traffic is already over the top, and she is concerned that this development will cause more. She stated that she will miss the pasture although she understands the property owner should be able to develop it.
- Carl Kusky of 312 Chula Vista Avenue voiced his concern regarding traffic. He stated the traffic needs to be slowed down on Chula Vista Avenue and made less attractive as a crosstown freeway.
- Pierre Fortin, a resident of Via San Polo, asked if the single family homes planned for Residential Areas 3 & 4 will be one level homes, or two or three story homes or townhouses.

He stated he is concerned that people will be able to see over his fence if the homes are more than one level.

Mr. Kim Woodbury introduced himself as having the property under contract and as working with the applicant. He stated the two residential areas in the eastern-most area of the property will consist of single family homes and will meet the setback and height requirements of the Town; there will be no townhouses or attached homes along that boundary. Mr. Woodbury stated they have set the density for pods 3, 4 and 5 as four units to the acre.

- Mr. Fortin asked for clarification on whether the homes would be one level single family homes.

Mr. Woodbury stated that depending on the height limits, there could be two story homes.

- Mr. Fortin stated that anything other than single story homes would be a nuisance. He commented that the lighting at the rehab center is already a nuisance, and asked that the lighting be considered.

Mayor Richards stated that will be determined at site plan at a later date, as this is just the annexation of land that could continue to be farmland.

- Mr. Fortin commented that he is concerned that this will be a large increase in population in small area.

Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved the first reading of Ordinance No. 2016-33, by the following roll call vote:

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

4. Ordinance No. 2016-34 – First Reading – Large Scale Future Land Use Amendment – Triston Gustavo Meucci Life Estate, Shirley H. Meucci, and Louis Meucci Trustee – from Lake County Urban Low Density to Lady Lake Mixed Development District/Traditional Neighborhood District – 269.15 +/- Acres of Land Located South of County Road 466 and East of Cherry Lake Road in Lake County, Florida; Referenced by Alternate Key Numbers 1279810, 3325451, 1279801, 1770700, 1279828, and 1279780 (Thad Carroll)

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, F. Thomas Ustler, on behalf Triston Gustavo Meucci Life Estate, Shirley H. Meucci, and Louis Meucci Trustee, has filed applications to amend the Future Land Use designation of properties south of County Road 466, and east of Cherry Lake Road, which includes 269.15± acres within Town of Lady Lake limits, from Lake County Urban Low Density to Lady Lake Mixed Development District/Traditional Neighborhood District. Staff recommends approval of this ordinance.

The Large Scale Future Land Use Map Amendment application was received on Wednesday, September 14, 2016, 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 in accordance to what is being proposed under the MDD-TND designation, and is ready for presentation to the Town Commission.

A map of the property was shown, as was a map showing Lake County's future land use designation as Urban Low. Mr. Carroll stated that this permits four dwelling units per acre. He reviewed a map of the property showing adjacent land uses including institutional facilities, commercial property, as well as eight dwelling units per acre allowed under Mixed Residential Medium Density on the property across C.R. 466.

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

Potable Water -

- Potable Water Systems CUP allocation of 1.18 million gpd (2016)
- Current water systems usage 733,536 gpd
- Demand Contingent on Occupants of Development (446,464 gpd available)
- Estimated consumption 402,500 gpd

Sewer – The projected demand on the wastewater system is 402,500 gpd

Reuse – The project is proposed to generate 1,610 ERU's at build-out, for a total of 0.4411 MGD. A 10" reuse main is adjacent to the property on CR 466.

Schools – The property is proposed to generate 280 students and is located within the Lake County School Board CSA#8 with current 2016 Attendance Zones, as follows: The Villages Elementary with 854 students; Carver Middle with 793 students; and Leesburg High with 1,519 students.

Transportation – Traffic Analysis indicates that the project will generate a total of 17,450 new daily trips of which 1,571 trips will occur during the PM peak hour. During the PM peak hour, 802 vehicles are forecasted to enter the project and 769 vehicles are projected to exit the site.

Parks & Recreation – The project site plan will meet or exceed the recreation space requirement of the Comprehensive Plan Level of Service Objective of four acres per 1,000 residents: 8.22 acres. The applicant has designed the Central Park, a 28- acre active park amenity for the residents and public enjoyment, and will include additional recreational trails, sidewalks and passive park opportunities throughout the residential neighborhoods.

Stormwater – Project will be required to adhere to SJRWMD guidelines.

Mr. Carroll reported that an Executive Summary and the total traffic analysis was included in the packet. It noted some deficiencies, and the applicant is prepared to meet with Lake and Sumter County to address those deficiencies. The summary included recommendations for signalization of the CR 466 and Cherry Lake Road intersection, as well as turn lanes. These issues will be addressed in conjunction with the rezoning and memorandum of agreement. He emphasized that all the roads being affected are either in Lake County or Sumter County, and are not in the Town of Lady Lake jurisdiction, although there will be further analysis. Mr. Carroll stated that Lake

County has determined there will be no access allowed through Via San Polo at this time, and other impacts on Cherry Lake Road will have to be mitigated per Sumter County.

Mr. Carroll reported that there are no environmental concerns other than the necessary relocation of a few gopher tortoises found on the property.

A justification statement was included as part of the Large Scale Comprehensive Plan Amendment application, which the applicant submitted for justifying why the future land use should be amended for the development proposed.

The subject properties involve approximately $269.15 \pm acres$ in Section 19, Township 18, Range 24 in Lake County, Florida. The Future Land Use of the adjacent properties is as follows:

Subject Property Lake County – Urban Low Density, and Lake County Planned Unit Development **Future Land Use of Adjacent Properties** Sumter County - Commercial and Agriculture West Lake County - Urban Low Density, Lady Lake Mixed Residential East (MR-LD) and Commercial General - Retail Sales and Low Density Services (RET) Lady Lake - Commercial General (RET) and Mixed Residential North Medium Density (MR-MD), Other Institutional Facilities (OIF), Lake County (CFD) South Lake County – Urban Low Density

Future Land Use

Mr. Carroll stated that this project is a mixed use development which includes residential and it will result in a slight increase in overall density of 4.7 units per acre under the Town's zoning, but in accordance with the traditional neighborhood and mixed development. He stated the current zoning under Lake County calls for up to four dwelling units per acre with entitlement for roughly 106 acres on the east side.

Comments:

- 1) Annexation and Rezoning applications have been submitted concurrently with this Large Scale Future Land Use Amendment Application.
- 2) Town of Lady Lake Commercial Design Standards outlined in Chapter 20 of the LDRs must be adhered to prior to any design of site plans for the proposed buildings associated with this development.
- 3) Connection to Town Water Utility will be required.
- 4) Mitigation may be necessary for site plan approval to address concurrency deficiencies associated with the impacts of this project.
- 5) Mitigation/Relocation for the gopher tortoises will be needed for those found on the property (please see the Listed Species Report).

6) Modifications to the Traffic Analysis is needed at this time.

Mr. Carroll reported that notices to inform the surrounding property owners (39) within 150' of the property of the proposed amendment were mailed on Monday, October 24, 2016. The property was posted on Thursday, October 27, 2016. Some residents have attended this evening to express their concerns and speak out against the project.

Mr. Carroll stated that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2016-34, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 14, 2016 meeting, the Planning and Zoning Board voted 2-2 to forward Ordinance No. 2016-34 to the Town Commission with the recommendation of approval. The Local Planning Agency considered this ordinance earlier this evening and voted 5-0 for approval. The Town Commission will consider Ordinance No. 2016-34 for second/final reading on a date to be determined, pending review by the Department of Economic Opportunity (DEO).

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

Mayor Richards asked if the Commissioners or members of the audience had any questions or comments.

Commissioner Kussard stated for the record that she met with ten residents whose homes face Chula Vista Avenue on November 22, 2016 to discuss their concerns regarding the increase in traffic when and if this 269-acre property is developed. She stated she has since received two telephone calls from residents who were out of town when this meeting was held, and was stopped by another resident voicing her objections while in her driveway this evening on the way to this meeting. She stated that the traffic analysis reports that this project will generate a total of 17,450 new daily trips, with 1,571 trips occurring during peak PM hours. With Chula Vista Avenue being the closest corridor from Cherry Lake Road going right (east), this could cause a huge impact to this road. Commissioner Kussard stated that Rolling Acres Road is another corridor that is already failing, and is causing more people to use Chula Vista Avenue to get to US Hwy 27/441. She stated the Commissioners need to seriously consider the concerns of the residents when it impacts their quality of life when the site plan comes before the Commission.

Mayor Richards stated he wanted to comment on a citizen's question about why this development is proposed to be located on this property. He stated that Mr. Carroll touched on it earlier whereby the Town held visioning workshops in 2010 to plan how the public wanted Lady Lake to develop. He stated the Town made a substantial investment to put in water and sewer down C.R. 466 when they were building it, and it is not a limited access; it is a four lane highway with medians and turn lanes. Mayor Richards stated a two lane road can handle 25,000 cars a day with no problems; it is the turning movements that make it difficult. He stated C.R. 466 can handle well over the number of 17,000, and a four lane divided highway with turn lanes is the best place to put in a development.

Mayor Richards stated that in his own case, his house and property backed up on a retention pond where he could look out over the water and see ducks and wildlife. He stated an outpatient medical center has since paved it over to put in a parking lot and it was their right to develop it as they owned it. He stated that these things happen and although they are sorry for the conflicts, the Town tries to get citizen input during visioning sessions.

Commissioner Vincent commented that he lives in a development where over 200 trees have been removed to add 400 more new homes and he understands the resident's issues, although he stated they should expect growth especially next to a successful development such as The Villages.

Mayor Richards stated that this is the first reading and it will go to Tallahassee and will be approximately 60 days before it comes back. He stated tonight's vote starts the process so that it can be forwarded to Tallahassee, as well St. Johns River Water Management District, the county, and various other agencies for review. He stated it will then come back before the Commission in a much more detailed format.

Commissioner Holden stated that although rezoning is off the table tonight, he would like the single family dwelling property to be rezoned low density which allows up to four houses per acre as the developer stated he intends, instead of the standard medium density up to eight houses per acres. He stated he would like to lock in the low density zoning when that part comes back before the Commission.

- Karen Donnelly of Spring Arbor Village stated that one of her concerns is that the homes in her neighborhood are not selling and sit for years, and will now be competing with new homes in this new development. She stated C.R. 466 was a two lane road when she purchased her home and it has become a "monster".
- Mark Clark of Grove View Avenue off of Rolling Acres Road stated he encourages development, but he is concerned about traffic, especially on Rolling Acres Road. He stated there needs to be some sort of improvement to the traffic patterns or a plan to alleviate the traffic issues.
- Carl Kusky of 350 Chula Vista Avenue stated something must be done to mitigate traffic on Chula Vista as there are issues with it currently, even prior to this proposed development.
- Pierre Fortin of Via San Polo stated he would like to see Commissioner Holden's request for low density housing implemented in Residential 3 & 4 sections adjacent to existing residential properties in particular, with single level single family homes. He confirmed with Mr. Carroll that no access will be allowed utilizing Via San Polo.

Mr. Carroll stated that staff spoke with Lake County staff and there is a prior ordinance with a PUD already in place where the county will not allow the gate, and it will be memorialized in the MOA adopted for this development as well; there will be no access.

- Mr. Fortin commented that the traffic turning onto Rolling Acres Road, even in the slow season, is backed up from the turn lane into the travel lane on C.R. 466. He stated it backs up almost down to the Chula Vista entrance in the busy season.

Upon a motion by Commissioner Holden and seconded by Commissioner Vincent, the Commission approved the first reading of Ordinance No. 2016-34, by the following roll call vote:

HANNAN	YES
KUSSARD	YES
HOLDEN	YES
VINCENT	YES

RICHARDS

YES

5. Ordinance No. 2016-35 – First Reading – Rezoning – Triston Gustavo Meucci Life Estate, Shirley H. Meucci, and Louis Meucci Trustee – from Lake County Agriculture and Planned Unit Development to Town of Lady Lake Planned Unit Development-Mixed Use PUD – 269.15 +/- Acres of Land Located South of County Road 466 and East of Cherry Lake Road in Lake County, Florida; Referenced by Alternate Key Numbers 1279810, 3325451, 1279801, 1770700, 1279828, and 1279780 (Thad Carroll)

This item was tabled to a date uncertain at the request of the applicant.

6. Ordinance No. 2016-36 - First Reading - Annexation - The Villages of Lake-Sumter, Inc. - Annexing One Lot Located Within Orange Blossom Gardens Unit 3-1.B, Referenced by Alternate Key Number 2523247, Lake County, Florida (Thad Carroll)

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 annex property consisting of one lot located within Orange Blossom Gardens Unit 3-1.B. The annexation application involves 0.14 +/- acres of property from unincorporated Lake County into the Town of Lady Lake and is addressed as 850 Silver Oak Avenue. Staff recommends approval of this ordinance.

A map and an aerial view of the property was shown, as were photos of the posting of the property.

The subject property lies in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. An appropriate legal description, a location map, and a sketch of the property was included with the submitted application. The lot 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 is non-contiguous to the existing municipal boundary. The proposed property under this application exists as a contiguous lot.

The annexation application was received on Thursday, October 6, 2016, 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 presentation to the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (20) within 150 feet of the property proposed by the annexation request were mailed Thursday, October 27, 2016. The properties were posted Monday, October 31, 2016.

The Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2016-36, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 14, 2016 Meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2016-36 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider Ordinance No. 2016-36 for second/final reading on Monday, December 19, 2016 at 6:00 p.m.

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

Mayor Richards asked if the Commissioners or members of the audience had any questions or comments, and hearing none, asked for a motion.

Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved the first reading of Ordinance No. 2016-36, by the following roll call vote:

HANNAN	YES
KUSSARD	YES
HOLDEN	YES
VINCENT	YES
RICHARDS	YES

7. Ordinance No. 2016-37 – First Reading – Small Scale Future Land Use Comprehensive Plan Amendment – The Villages of Lake-Sumter, Inc. – From Lake County Medium Urban Density to Lady Lake Manufactured Home High Density – One Lot Located Within Orange Blossom Gardens Unit 3-1.B, Referenced by Alternate Key Number 2523247, Lake County, Florida (Thad Carroll)

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 amend the future land use comprehensive plan designation for property consisting of one lot located within Orange Blossom Gardens Unit 3-1.B, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves 0.14 +/- acres of property, addressed as 850 Silver Oak Avenue, from unincorporated Lake County into the Town of Lady Lake. Staff recommends approval of this ordinance.

The Small Scale Future Land Use Map Amendment application was received on Thursday, October 6, 2016, 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 presentation to the Town Commission.

<u>Concurrency Determination Statement</u> – 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. The Villages has removed the existing manufactured home on the lot to construct a conventional built home on the lot. There will be no increase in utility services, traffic, population, or recreation use.

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

Potable Water – No impact, the lot is served by the Village Center Community Development District Central Water System.

Sewer – No impact, the lot is 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 small scale future land use amendment 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.

The subject property involves approximately $0.14 \pm acres$ lie in Section 06, 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	Lake County Medium Urban Density	
Future Land Use of Adjacent Properties		
West	Lake County Medium Urban Density/ Lady Lake Manufactured Home	
	High Density	
East	Lady Lake Manufactured Home High Density	
North	Lady Lake Manufactured Home High Density	
South	Lake County Medium Urban Density	

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.

Mr. Carroll reported that notices to inform the surrounding property owners (20) within 150' of the property of the proposed amendment were mailed on Thursday, October 27, 2016. The property was posted on Monday, October 31, 2016. No objections or letters of support have been received.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-37, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 14, 2016 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2016-37 to the Town Commission with the recommendation of approval. The Local Planning Agency considered Ordinance No. 2016-37 at their meeting earlier this evening and voted 5-0 for approval. The Town Commission is scheduled to hear the second/final reading on Monday, December 19, 2016 at 6:00 p.m.

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

Mayor Richards asked if the Commissioners or members of the audience had any questions or comments, and hearing none, asked for a motion.

Upon a motion by Commissioner Vincent and seconded by Commissioner Kussard, the Commission approved the first reading of Ordinance No. 2016-37, by the following roll call vote:

HANNAN	YES
KUSSARD	YES
HOLDEN	YES
VINCENT	YES
RICHARDS	YES

8. Ordinance No. 2016-38 – First Reading – Rezoning – The Villages of Lake-Sumter, Inc. – From Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) – One Lot Located Within Orange Blossom Gardens Unit 3-1.B, Referenced by Alternate Key Number 2523247, Lake County, Florida (Thad Carroll)

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 property consisting of one lot located wthin Orange Blossom Gardens Unit 3-1.B. The application involves rezoning 0.14 +/-acres of property from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8). 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 proposed property is addressed as 850 Silver Oak Avenue. Staff recommends approval of this ordinance.

The Rezoning application was received on Thursday, October 6, 2016, 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 presentation to the Town Commission.

A map and an aerial view of the property was shown, as were photos of the posting of the property. A map showing the zoning of the property and adjacent properties was shown.

The subject property lies in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions and survey information were 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	
west	Medium Density (MX-8)	
East	Lady Lake Mixed Residential Medium Density (MX-8)	
North	Lady Lake Mixed Residential Medium Density (MX-8)	
South	Lake County Residential Medium (RM)	

Mr. Carroll reported that notices to inform the surrounding property owners (20) within 150' of the property of the proposed annexation were mailed Thursday, October 27, 2016. The property was posted Monday, October 31, 2016.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-38, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 14, 2016 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2016-38 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider Ordinance No. 2016-38 for second/final reading on Monday, December 19, 2016 at 6:00 p.m.

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

Mayor Richards asked if the Commissioners or members of the audience had any questions or comments, and hearing none, asked for a motion.

Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved the first reading of Ordinance No. 2016-38, by the following roll call vote:

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

9. Ordinance No. 2016-39 – First Reading – An Ordinance of the Town of Lady Lake, Lake County, Florida, Adopting Corrections, Updates and Modifications to the Capital Improvements Schedule of the Town of Lady Lake Comprehensive Plan (Thad Carroll)

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 Ordinance No. 2016-39 serves as the annual update of the Capital Improvements Schedule, which is part of the Town's Comprehensive Plan. 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.

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.

These facilities 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.

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.

Mr. Carroll stated that staff recommends approval of Ordinance No. 2016-39 as prepared. He stated 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 2016/17–2020/21. Also attached is Ordinance No. 2015-18 to document the prior Five-Year Capital Improvement Schedule 2015/16 - 2019/20, which is being replaced by this ordinance.

Mr. Carroll reviewed the clean version of the updated capital improvement projects for the different items such as wastewater improvements and Parks and Recreation.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-39, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 14, 2016 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2016-39 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider Ordinance No. 2016-39, for second/final reading on Monday, December 19, 2016.

Mayor Richards asked if the Commissioners or members of the audience had any questions or comments, and hearing none, asked for a motion.

Upon a motion by Commissioner Kussard and seconded by Commissioner Hannan, the Commission approved the first reading of Ordinance No. 2016-39, by the following roll call vote:

HANNAN	YES
KUSSARD	YES
HOLDEN	YES
VINCENT	YES
RICHARDS	YES

L. TOWN MANAGER'S REPORT:

10. <u>Consideration of One Appointment to the Planning and Zoning Board (Kris Kollgaard)</u>

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Clerk's Office). She stated that there has been a vacancy on the Planning and Zoning Board for several months since Mike McKenzie resigned, and there have been no applications on file for this board until recently. Ms. Kollgaard stated there are currently two applications on file for this board for consideration from Carole Rohan and Phil Mathias. She stated that Mr. Mathias does not appear to be present, although Ms. Rohan is present if the Commission would like to ask her any questions.

- Carole Rohan introduced herself, stating she is a realtor and has been living in Lady Lake for eight or nine years, and also works in the community. She stated she was a director in the health care industry for 20 years in her previous life, and has served on many types of boards. She stated she believes she will be an asset to the Planning and Zoning Board.

Ms. Kollgaard passed out the voting forms and asked the Commissioners to make their selection and pass them to the Deputy Town Clerk. The following results were read into the record:

The Commissioners voted unanimously (5-0) to appoint Carole Rohan to the Planning and Zoning Board.

Ms. Kollgaard informed Ms. Rohan that the Clerk's Office will be in contact with her and send her pertinent information.

Commissioner Hannan thanked Betty Salas for recommending Ms. Rohan.

11. <u>Consideration of Closing Town Facilities from 11 a.m. to 2 p.m. on December 15th for the Employee Christmas Party (Kris Kollgaard)</u>

Town Manager Kris Kollgaard asked the Commissioners for their permission to close Town facilities on December 15th, 2016 from 11 a.m. to 2 p.m. to allow employees to attend the Christmas Party. She stated the party will be held at the EOC.

It was the consensus of the Commission to allow Town Facilities to close from 11 a.m. to 2 p.m. on December 15, 2016 during the Employee Christmas Party.

Ms. Kollgaard stated that staff has met with the Villages Charter School and the American Legion Auxiliary regarding the possibility of holding another mock commission meeting this year. The school would like to bring 32 students and double up by having two students to act as each commissioner, Town Attorney, Town Clerks, and Town Manager, etc., so that everyone can participate. The presentations will be limited to three. Ms. Kollgaard stated the Auxiliary gave out medals last year to those participating, but they do not have it in their budget to cover 32 student medals, and they have asked the Town to share the cost this year. She stated the Town's share would be \$307 and it could be taken out of the Bright Ideas fund as only \$1,800.00 was used out of the budgeted \$5,000.00 for this fund.

Mayor Richards stated that it is nice to be involved in something that may help the students get involved in civics later in life. The other commissioners agreed.

Ms. Kollgaard stated she has been told that several people have heard rumors that the Lady Lake Library was going to be the new medical center, and she stated this is not true and wanted to clarify that it will remain the library.

Mayor Richards asked if there have been any results of his request for research of the waivers and the Town's rights regarding these, especially dealing with deed restrictions.

Mr. Schroth stated he may know the answer, but asked Mayor Richards to repeat his request.

Mayor Richards stated there have been instances where Villages residents of Lady Lake have come in asking for a waiver after the fact when they have encroached into a restricted area such as an easement or setback. He stated The Villages Architectural Review Committee (ARC) believes they have no right to grant waivers, and that nobody can have anything in a side easement even with a waiver. Mayor Richards stated in some instances, the standard easements are not being used by utilities, etc. He stated he is concerned because the Town has granted a waiver in some cases. He stated that a neighbor of his has a non-mortared landscaping wall that is two feet high, and is encroaching in the easement. The neighbor is being told he cannot have it in the easement.

Mr. Schroth stated that there are two issues; one is the discretion of The Villages to enforce its easements according to the plats and deed restrictions. He stated the easements are typically for drainage. He asked Mr. Carroll to address to this.

Mr. Carroll stated there are easements for drainage, but there are also various types of easements for utilities. He stated drainage easements are recorded on many of the plats for The Villages.

Mr. Schroth stated these easements are worded to prevent any type of intrusion, although the Town has total discretion on granting waivers for setbacks. He stated the holder of the easement would be the grantee of any type of waiver, whether it be the cable company, phone company, etc. Mr. Schroth asked Mr. Carroll if the easements are dedicated to the Town on the plats.

Mr. Carroll replied some are dedicated to the Town, although some are dedicated to the utility, where the entity names change occasionally. He stated if someone has encroached into a setback with a utility easement, the Town notifies the utility so they can comment on the encroachment into the easement.

Ms. Kollgaard asked if a Covenant of Removal would have to be done, and Mr. Carroll replied that it would if a structure has been built into the easement and has to be pulled out.

Mayor Richards asked if the waivers the Town has granted are legal. He stated that although the roads were dedicated to the Town, the properties were later annexed into the Town.

Mr. Schroth stated it would help if he knew the specific area Mayor Richards was concerned about, and they could pull the easement language and the dedication and give him a definitive answer.

Ms. Kollgaard stated the Mayor is concerned about the legality of granting past waivers as well.

Mayor Richards stated the key may be when the property was annexed in; how the verbiage was done regarding the roads, etc.

Commissioner Hannan commented that the irony is that the Town can approve it and The Villages can disapprove it. He stated it goes by the deed restrictions in The Villages.

Ms. Kollgaard asked if any powers are granted to the CDDs by the statutes.

Mayor Richards stated the statutes allows The Villages to have a CDD, but they annexed all the plats into the Town, just like Bowersox.

Mr. Schroth stated he will provide the Commissioners with a detailed answer.

M. MAYOR/COMMISSIONER'S REPORT:

Mayor Richards stated that the Commissioners are often asked why they cannot say things in private. He stated they are not allowed to talk to each other about anything that may come before them and the only time they can talk about things that relate to the Town is at public meetings due to the Sunshine Law. He stated he is sorry that they do not always say the right words, although they try to be deferential as they can.

Mayor Richards stated when Commissioner Hannan said something dysfunctional, that was his opinion in his report back to the Commission. He stated that each Commissioner stated something different at that meeting, and his (the Mayor's) comment was that the planning process gives people closure. He stated that in reality, they know that if they did not buy that piece of property, they have no control over what goes on with it. Sometime they have to hear that other people want something over there even though they do not, and that is part of the planning process. Mayor Richards stated that he sometimes allows people more than three minutes to speak as long as they are being civil, are not being redundant, and continue to give information. He stated that he does not feel an apology by Commissioner Hannan is necessary as it was a report back, although it may not have been worded exactly right.

Mayor Richards commented that he loved the Christmas Parade and got to ride in a Model T. He thanked the staff for the Christmas decorations in the Chambers, stating it has really perked the place up.

Commissioner Hannan stated that approximately 40 trees have been cut down in The Villages in the last two weeks that did not have to be, in his opinion. He stated the arborist's report are stating things that he totally disagrees with, with dual trunks being one reason given for cutting down the trees. He stated he would like to sit down with the arborist and staff and talk to him about this.

Mayor Richards stated the Town would have to hire another arborist as an expert witness to give a second opinion before the permit is granted. He stated this could be at considerable cost.

Ms. Kollgaard stated she is not sure the Town has that authority.

Mr. Schroth agreed, confirming with Mr. Carroll that the Town just requires a certification from an arborist and that is sufficient. He stated the Town could change the regulations to have the Town have its own arborist or designate an arborist and have the applicant pay for it.

Mr. Carroll stated that the arborist's report must have an ISA number on it and it must be submitted with the permit request. He stated staff cannot refute that report as they do not have the credentials. He stated he understands that reviews cost approximately \$70 to \$95 each, and only two to three hundred dollars is budgeted each year for arborist's review, and this is used for seeking an opinion for things on Town property. He stated it would be very expensive to assess secondary opinions for each permit.

Commissioner Hannan stated he would like to question the arborist about telling people they can cut down these trees that could be 200 years old because they have dual trunks.

Mayor Richards stated that although Commissioner Hannan may believe he is right, he may not be qualified to question the arborist's interpretation or decision. He asked if staff could ask an arborist for his opinion only on the dual trunk issue on one specific report.

Ms. Kollgaard stated that residential tree permits would not be coming before the Commission and it would too expensive to pay for an arborist for each one. She stated there could be different reasons such as disease, size, whether it is too close to a structure, etc. She asked if the resident goes to the ARC first, then the Town.

Mr. Carroll replied that in some cases, the resident comes to the Town first, and staff directs them to language on the application that states they could be in penalty under the ARC, although staff does not withhold the permit. He stated that some circumvent the ARC and remove the tree without getting their approval.

Commissioner Vincent asked Mr. Carroll how many arborist's reports show disease due to dual trunks.

Mr. Carroll replied that they see the wording "co-dominant trunks" or "co-dominant stems" on the reports and it is on a case by case basis on how much decay is there. Typically, the reports will say there is decay present which could lead to failure, or which could lead to the tree dying.

Ms. Kollgaard stated that even if the resident goes to the ARC first and approves the tree removal, they must still meet the requirements of the Town to remove the tree.

Mayor Richards reiterated that it may be a good idea to have one report validated by another arborist.

Mr. Carroll asked if the question would be whether a co-dominant stem would lead to a failure of a tree in each and every case.

Mayor Richards asked if it would be prima facie that the same tree had to be removed just because it had a co-dominant stem.

Commissioner Hannan commented that he was going to respond to Mr. Chiasson's letter, but decided it would not accomplish anything. He asked for the Commissioners' feedback regarding having a workshop on this subject.

Commissioner Kussard interrupted to ask that this not be discussed any further as the board members have volunteered to serve at no pay. She stated they should step back and let them do their job; they do a good job and provide a valuable service to the Town.

Commissioner Hannan continued by saying that in Mr. Chiasson's letter to the Town Manager, he gave her two options. He stated that he did not want Mr. Chiasson to resign as a person with that much passion is an asset to Lady Lake. He stated that he will not apologize for his words as he believes he was correct, but he would like to see a workshop on this subject.

Commissioner Kussard reminded everyone that Light Up Lady Lake is scheduled for this Friday at 5:45 p.m. (correct time is 6:15 p.m.). She stated she attended the annual Christmas tree decorating by the children of the Villages Elementary School, and it was a great activity. She stated she heard a number of comments from people on how much they enjoyed this year's Christmas parade this past Saturday; stating it keeps getting better and better each year. She thanked staff for doing such a wonderful job.

Commissioner Holden stated it has been common practice to rezone property coming into the Town as Medium Density – up to eight houses per acre. He stated there is a lot of property that has been rezoned for that and he would prefer that the Town consider rezoning this property as Low Density – up to four houses per acre.

Ms. Kollgaard stated staff is looking at making changes to the Land Development Regulations, and this could be something that could be incorporated during the workshop. There was further discussion on this.

Commissioner Vincent commented that the public should know that Rolling Acres Road and C.R. 466 are county roads. He further stated that at the League of Cities meeting last week, they discussed bullying in schools, and the fact that teachers have no authority other than to make bureaucratic reports.

N. PUBLIC COMMENTSⁱⁱ

Mayor Richards asked if there were any further comments by the public.

- Lowell Barker of 1570 W. Schwartz Blvd. commented that he wanted to compliment Waste Management, but his pick-up date for trash was on Thanksgiving day, and since they did not pick up on the holiday, he had to wait until the next scheduled pick up day for it to be picked up. He stated it can get bad during that time.

Ms. Kollgaard stated she is meeting with Mr. McCoy from Waste Management tomorrow and she will ask him if that is something that can be negotiated in the next contract.

- John Gauder of 142 Costa Mesa stated he does not disagree with Commissioner Hannan's decision, although an apology would have gone a long way for other people. He stated it may behoove him to choose his words so that people do not think ill of him. Mr. Gauder stated he is also requesting a workshop of the Planning and Zoning Board so that they can work on the process, and he invited all members to attend. He stated that by allowing people to voice their concerns at the Planning and Zoning meeting, it cut down the number of people that came before the Commission.

Commissioner Hannan brought up again about having a workshop on this subject.

Ms. Kollgaard stated that Chairperson Gauder had requested that a workshop be held with the Planning and Zoning Board members prior to the next meeting, but this did not work out because some members are unable to attend. She clarified that this was the workshop Chairperson Gauder was inviting the Commissioners to attend.

Mayor Richards commented that he does not time public speaking unless it seems necessary, and that he does not necessarily follow Robert's Rules of Order. He stated he does not agree that a workshop for the Commission is necessary.

Commissioner Hannan stated that he will not attend the Planning and Zoning workshop meeting, but does agree that it needs to be held.

- Mr. Gauder stated that Commissioner Hannan has a right to his opinion, but he felt that he attacked every member of the board, and it might make it harder to recruit new members. He stated this is why he asked Commissioner Hannan to recant.
- **O. ADJOURN:** With no further business, the meeting was adjourned at 7:48 p.m.

Kristen Kollgaard, Town Clerk	Jim Richards, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

ⁱ 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.

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.