

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

**June 19, 2017**

This 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:** Civility statement read by Mayor Richards made in lieu of invocation.
- D. PLEDGE OF ALLEGIANCE** led by Joe Quinn.
- E. ROLL CALL:**
  - Paul Hannan, Commissioner Ward 4
  - Ruth Kussard, Commissioner Ward 1
  - Tony Holden, Commissioner Ward 2
  - Dan Vincent, Commissioner Ward 3
  - Jim Richards, Mayor/Commissioner Ward 5

**STAFF MEMBERS PRESENT:** Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; C. T. Eagle, Public Works Director; Police Chief Chris McKinstry; Mike Burske, Parks and Recreation Director; Tia O’Neal, Human Resource Director; Marsha Brinson, Director of Library Services; Pam Winegardner, Finance Director; Wendy Then, Town Planner; Michelle Sloane, Community Service Aide; Julia Harris, Administrative Assistant to Town Manager; Philomena Bodie, Utilities Clerk, Kevin Yoakam, Utilities Locator/Mechanic; and Nancy Slaton, Deputy Town Clerk

**F. PUBLIC COMMENTS:** Mayor Richards asked if there were any comments from the audience. There were no comments at this time.

**G. PRESENTATION:**

**1. Presentation of Plaque to Norma Delaney Commemorating Ten Years of Service as Curator of the Lady Lake Historical Society Museum (Mike Burske)**

Mayor Richards read and presented a plaque to Norma Delaney in appreciation of and commemorating ten years of dedicated service she provided as the Curator of the Lady Lake Historical Society.

**H. CONSENT<sup>i</sup>:**

2. **Minutes – June 5, 2017 – Regular Commission Meeting**

3. **Consideration of the Water, Sewer, and Reuse Utility Agreement for Lumen Park at Lady Lake - New Major Site Plan-MJSP 06/15-001 – Proposing a 159,294 Sq. Ft. Assisted Living Facility Providing 198 Beds in 157 Units for Phase I – Located at as 1175 Highway 466 (AK# 3900679) (Thad Carroll)**

The background summary for this agenda item is on file in the Clerk’s Office. It states that Lady Lake Living SLC, LLC, is the fee simple owner of approximately 7.51+/- acres of real property addressed as 1175 Highway 466, approximately 3500 lineal feet west of the intersection of North Rolling Acres Road and Highway 466 (Alternate Key #3900679), within the jurisdiction of Lady Lake, Lake County, Florida.

Upon securing Water and Sewer Utility Capacity Reservation, building permits can be released for the construction of approximately 159,294 sq. ft. of assisted living facility, which was approved by the Town Commission back on July 20, 2015, and which has received multiple development order extensions. As part of this development, the Town Commission has also considered a commercial plat and a TEFRA hearing.

In order to serve the development with water, sewer, and reuse, the developer/owner is seeking to reserve 4,500 gallons per day or 18 equivalent residential units (ERUs) for water, 4,250 gallons per day or 17 equivalent residential units (ERUs) for sewer, and 5,025 gallons per day or 19 equivalent residential units (ERUs) for reuse at this time.

The developer has agreed to utilize the town's water distribution, sanitary sewer collection, and reuse facilities to benefit the development and to the use of the water, sewer, and reuse facilities on the terms and conditions hereinafter set forth in the attached agreement, as provided by Utility (the Town). This agreement was reviewed and determined to be correct in form by Town Attorney Derek Schroth for consideration and approval by the Town Commission. The developer/owner will be conveying to the Town some off-site utilities line to be constructed to service the site.

Mayor Richards asked if anyone had any questions or comments regarding the consent items, and hearing none, asked for a motion.

*Upon a motion by Commissioner Kussard and a second by Commissioner Holden, the Commission approved Consent Items H-1 and H-2 by a vote of 5 to 0.*

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

J. **NEW BUSINESS:**

4. **Consideration of Approval of an Extension to the Adoption Period for the Large Scale Future Land Use Map Amendment, Ordinance No. 2016-34; Providing an Additional 90 Days to Draft Language for the Concurrent Rezoning Ordinance No. 2016-35 (Thad Carroll)**

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 5, 2016, the Town Commission voted 5-0 to approve the first reading of Ordinance No. 2016-34, a Large Scale Future Land Use Map Amendment, which includes 269.15 ± acres located south of County Road 466, and east of Cherry Lake Road in Lake County, Florida. The amendment proposes a change from Lake County Urban

Low Density to Lady Lake Mixed Development District/Traditional Neighborhood District, and the property is owned by Triston Gustavo Meucci Life Estate, Shirley H. Meucci, and Louis Meucci Trustee.

In the course of discussion at the Town Commission meeting, concerns from the residents in the areas adjacent to the proposed development were heard, and it was decided that the concurrent rezoning ordinance, Ordinance No. 2016-35, be tabled in an effort to refine the language of the Memorandum of Agreement. Since that time, the applicant has been working with the Town of Lady Lake, Sumter County, and Lake County to ensure that the improvements that were found to be required to mitigate the impacts of the development are included in the rezoning ordinance.

Following the approval of the first reading on December 5, 2016, the amendment was transmitted to the Department of Economic Opportunity (DEO) for review, as well as the other applicable state agencies. On January 18, 2017, the Town received a letter in response to the amendment package in which DEO identified no comment related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted. However, pursuant to Section 163.3184 (3) (c) (1) of the Florida Statutes, the second public hearing must be held within 180 days of receipt of the agency comments; thus, the adoption period is set to expire on July 17, 2017. The statute does provide a means whereby the period for the second and final reading can be extended if the jurisdiction and the applicant come to an agreement, and the DEO is provided notice of the extension prior to the date of expiration. This extension will establish a deadline for the amendment adoption by October 15, 2017.

Mr. Carroll reported that at this time, the Town of Lady Lake and the applicant wish to extend the period for the Large Scale amendment adoption an additional 90 days in order to complete the final language of Memorandum of Agreement of the concurrent rezoning ordinance. As a result, all ordinances pertaining to the property can be considered and adopted at second and final hearing on the same date consistent with the normal practice of the Town of Lady Lake.

*Upon a motion by Commissioner Hannan and a second by Commissioner Kussard, the Commission approved the Extension to the Adoption Period for the Large Scale Future Land Use Map Amendment, Ordinance No. 2016-34; Providing an Additional 90 Days to Draft Language for the Concurrent Rezoning Ordinance No. 2016-35 by a vote of 5 to 0.*

#### **5. Consideration of Lumen Park LLC's Request to Hold a TEFRA Hearing Along with a Resolution of Support (Kris Kollgaard)**

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Clerk's office). She stated that on June 9, 2016, the Town Commission approved Resolution No. 2016-106, which supported the issuance by the Capital Trust Agency of its Senior Living Revenue Bonds, Series 2016, under Section 147(F) of the Internal Revenue Code and Section 163.01 of the Florida Statutes.

Ms. Kollgaard stated that on June 9, 2017, the approval of the issuance of the bonds for purposes of 147(F) expired; these funds were to be used to finance the Lumen Park Senior Living project located on approximately 7.5 acres on the north side of E. County Road 466, approximately 300 feet east of the intersection of East County Road 466 and NE 90111 Street, Lady Lake, Lake County, Florida 32159. At this time, the developer would still like to proceed with the construction of the project in the Town of Lady Lake; however, they are seeking to again use this financing mechanism and are requesting to hold a new TEFRA hearing along with another resolution of support for the issuance of bonds under Series 2017.

Mayor Richards asked the reason it did not move forward after this was done last year.

Darren Azdell, AIA Architect, representing the applicant, replied that the bond rates increased after the election, which required the owner to reconsider other forms of financing; construction pricing had also increased. Since then, the bond rates have settled down and the owner will be able to consider a bond resolution position once again and move forward this month. Mr. Azdell stated the owner is now in a position to pay the impact fees and utility agreement fees to the Town.

*Upon a motion by Commissioner Kussard and a second by Commissioner Hannan, the Commission approved Lumen Park LLC's Request to Hold a TEFRA Hearing Along with a Resolution of Support by a vote of 5 to 0.*

**6. Consideration of Proposal for Repair of the Youth Library Roof by Custom Roofing of Ocala (C.T. Eagle/Marsha Brinson)**

Library Director Marsha Brinson gave the background summary for this agenda item (on file in the Clerk's office). She stated that the Town Commission previously approved the first phase of the Youth Library roof repair completed by Custom Roofing of Ocala, which included repair to the flat part of the roof and installation of a latex coating. The second and final phase of the repair will include removal of the existing shingle roof down to the plywood deck, replacing any rotted plywood found (at additional cost of \$50/sheet of plywood per quote), re-nail existing plywood deck, and installing synthetic felt, new drip edge and accessories.

Ms. Brinson stated there is a 30-year warranty for the product and all workmanship is guaranteed for five years. Photos of the before and after of the flat roof repairs, as well as examples of the existing areas on the roof in need of repair, were included in the packet, as were quotes received for the roofing work. She stated that staff recommends utilizing Custom Roofing of Ocala since they performed the previous phase of the work, submitted the lowest quote, and because they also have the best warranty submitted. Ms. Brinson stated the price is an estimated base cost and the total cost will include replacement of rotted plywood and fascia found during the repair work.

*Upon a motion by Commissioner Kussard and a second by Commissioner Holden, the Commission approved the proposal for repair of the Youth Library Roof by Custom Roofing of Ocala by a vote of 5 to 0.*

**7. Consideration to Authorize the Advertisement/Posting for a Request for Proposal for Towing and Vehicle Recovery Services for the Town of Lady Lake (Chris McKinstry)**

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk's office). He stated that in order to maintain vendor services with regard to towing and vehicle recovery services for the Town, the Lady Lake Police Department is requesting that a Request for Proposal (RFP) be advertised/posted. Town Attorney Derek Schroth has reviewed and approved this RFP.

*Upon a motion by Commissioner Kussard and a second by Commissioner Hannan, the Commission approved the consideration to authorize the advertisement/posting for a Request for Proposal for Towing and Vehicle Recovery Services for the Town of Lady Lake by a vote of 5 to 0.*

**8. Consideration of Employment Development Opportunity for Michelle Sloane to Attend the Police Academy (Chris McKinstry)**

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk's office). He stated that a serious challenge for many law enforcement agencies has been to secure and retain quality professional candidates, and Lady Lake is no exception. As a result, many local agencies are now sponsoring recruits to attend the police academy. Chief McKinstry stated that Community Service Aide Sloane has been a responsible and dedicated employee of the Town for four years. She has made a request to attend the police academy and become a sworn police officer for the Town. He stated any investment made in furtherance of her objective would not only benefit her, but also the Town.

Town Manager Kris Kollgaard noted that Ms. Sloane will attend the academy on her own time; her work schedule will be modified if necessary. The estimated cost will be \$3,700.00.

As part of this employee development opportunity, CSA Sloane agrees to remain in the employ of the Town for two years or she must reimburse the Town for the cost of the academy. In the event CSA Sloane fails to complete the Police Academy, she would reimburse the Town for the cost of the academy. This agreement is contained within a contract which is under review by Town Labor Attorney Mark Van Valkenburgh.

At the conclusion of her police academy training, the Town would gain a sworn police officer that is already familiar with the Town, its residents, its employees, and the Town's policies, procedures, reporting processes and geography. This familiarity would reduce the amount of time needed to place a fully functional police officer on the street. Staff recommends approval of this request.

*Upon a motion by Commissioner Holden and a second by Commissioner Hannan, the Commission approved the consideration Employment Development Opportunity for Michelle Sloane to Attend the Police Academy by a vote of 5 to 0.*

**9. Consideration of the Interlocal Agreement between Lake County and the Town of Lady Lake for Jurisdiction of Wales Plaza (Kris Kollgaard)**

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Clerk's office). She stated that Wales Plaza roadway is located in Lake County, and for years, the jurisdiction over a portion of Wales Plaza roadway located between Paradise Drive and the Vermont Avenue/Owen Drive intersection has been in dispute between two parties. Staff met with representatives from Lake County and The Villages and advised if that section of Wales Plaza roadway was improved, the Town would consider taking ownership of that portion.

Ms. Kollgaard stated that Lake County has agreed to pay the amount of \$6,889.00 to the Town, which is the estimated cost to mill and resurface 1.5" of Wales Plaza starting at Paradise Drive and extending to the Vermont Avenue/Owen Drive intersection (approximately 239 linear feet). The Town would then include the improvements in the Town's Pavement Management Program (PMP) for this fiscal year. The Town would be accepting jurisdiction, ownership interests, operation, and maintenance responsibilities for Wales Plaza as shown in Exhibit A of the Interlocal Agreement. Derek Schroth, Town Attorney has reviewed and approved the Interlocal Agreement.

Ms. Kollgaard stated that if approved, Wales Plaza will be repaved this year and will then go on the schedule for regular maintenance.

The Commission thanked the Town Manager and staff for working out this agreement.

*Upon a motion by Commissioner Vincent and a second by Commissioner Hannan, the Commission approved the Interlocal Agreement between Lake County and the Town of Lady Lake for Jurisdiction of Wales Plaza by a vote of 5 to 0.*

**K. TOWN ATTORNEY'S REPORT:**

**10. Ordinance No. 2017-16 – Second Reading – Annexation – The Villages of Lake-Sumter, Inc. – Annexing One Lot (0.23+/- Acres; Alternate Key Number 1483271) – Located within Orange Blossom Gardens Unit 2, Within Lake County, FL (Thad Carroll)**

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed an application to annex property consisting of one lot located within Orange Blossom Gardens Unit 2. The annexation application involves 0.23 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. The lot is addressed as 1304 Debra Drive.

Mr. Carroll noted that the manufactured home has been removed from this property. A map of the property was shown, as were aerial views of the property, photos of the postings, and the survey map submitted by the property owner.

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 has been 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 are non-contiguous to the existing municipal boundary.

The annexation application was received on Thursday, March 30, 2017, 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 consideration by the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (18) within 150 feet of the property proposed by the annexation request were mailed Thursday, April 20, 2017, and the property was also posted this same date. He stated there have been no objections or letters of support regarding the annexation; however, residents have voice their concerns regarding removal of trees located on the property. The trees are currently still standing, although a permit has been issued for the removal of five trees.

Ms. Kollgaard asked if an agreement had been made to not remove the one tree on the side property line.

Mr. Carroll replied that the owner has agreed to leave the tree on the side property line.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-16, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the May 8, 2017 meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance No. 2017-16 to the Town Commission with the recommendation of approval. At the June 5, 2017 meeting, the Town Commission voted 4-1 for approval of this ordinance upon first reading.

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

Mayor Richards asked if anyone had any questions or comments.

- Richard St. Amant of 1303 Debra Drive stated he speaks for himself and several other residents in the vicinity regarding their concern for the future of the trees on this property, including two historic live oak trees at 1304 Debra Drive. He stated the permits for removal of the trees were issued prior to this item coming before the Commission. He read a prepared statement that stated the revitalization of the historic side of The Villages could do without revitalizing this lot with the removal of the historic trees. He asked for consideration that these trees not be removed.
- Louise Rahmlow of 1302 Debra Drive stated she lives next door to this lot and that one of the trees is shared with her property. She thanked the Commission for listening to the residents' concerns, and also thanked Mr. Carroll for following up and responding to her concern about this tree. Ms. Rahmlow stated a survey was done which confirmed that one tree is halfway on her property and it is her understanding that this tree will not be removed now. She suggested that the Town renegotiate its interlocal agreement with Lake County relative to issuing permits on property prior to the annexation process being completed. Ms. Rahmlow reported that Mr. Dye of The Villages Community Standards visited her home and filed a complaint with the developer regarding the trees. The developer's response was that they will go through all the legal actions that are required regarding the tree rules of The Villages.
- Kevin St. Amant of 1303 Debra Drive also thanked the Commissioners for listening to their comments regarding the trees. He spoke of the historic value of the trees on this lot. He pleaded with the Commission to deny the permits for removal of these trees.
- Kathy Egan Hildebrandt stated she does not live in The Villages, but that her father previously bought this lot in the 1970's because of the trees. She stated the trees are magnificent.
- Marilyn Solomon stated she attended the last meeting and was upset to hear the permits had been issued before the residents were able to speak on the issue at the meeting. She voiced opinions against the board regarding their approval to remove the trees since they would be replaced.

Mayor Richards stated, in regard to the interlocal agreement, that normally a property being annexed into the Town is not a closed enclave in the County. He noted that most of the residents speaking tonight were in the county enclave, not tax-paying Lady Lake residents. Mayor Richards stated that all of the issues normally looked at for annexations such as police, utilities, schools, parks, have already been in place for 30-40 years, and the interlocal agreement takes this into consideration for the issuance of permits.

Mayor Richards stated that when the removal of historic trees is required, \$500 per tree removed is paid into the tree and beautification fund, and this fund is used to plants trees in other areas. He stated hundreds of trees have been planted around the soccer fields and other areas of the town, and that the Town tries to save trees when they are not in the way of construction. The county allowed the interlocal agreement, and the removal of these trees meets with the Town’s current Code of Ordinances.

Commissioner Hannan stated he viewed the lot and trees and believes The Villages can design a house around these trees.

Mayor Richards reminded Commissioner Hannan of the time last year when someone wanted to develop an area near the Village Vet office off of Hwy 27/441, and a large tree was in the way. He stated, to keep it in perspective, all the Commissioners voted to take the tree down, and he voted against it. He stated there should be some consistency with the rules, although change is not ruled out.

*Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved the Second/Final reading of Ordinance No. 2017-16 by the following roll call vote:*

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

**11. Ordinance No. 2017-17 – Second/Final 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 – for One Lot (0.23+/- Acres; Alternate Key Number 1483271) – Located within Orange Blossom Gardens Unit 2, Within Lake County, FL (Thad Carroll)**

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed an application to amend the future land use comprehensive plan designation for property consisting of one lot located within Orange Blossom Gardens Unit 2, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves 0.23 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. The proposed property is addressed as 1304 Debra Drive.

A map and an aerial view of the property was presented showing the future land use of the subject parcel and adjacent properties.

The Small Scale Future Land Use Map Amendment application was received on Thursday, March 30, 2017, 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 consideration by the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (18) within 150 feet of the property proposed by the SSFLUM Amendment request were mailed Thursday, April 20, 2017, and the property was posted this same date. There have been no objections to the application.

Concurrency Determination Statement: 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 proposes to remove the existing manufactured home on the lot to construct a conventional built home. There will be no increase in utility services, traffic, population, or recreation use.

Mr. Carroll reported that there will be no impact on Town services as shown below:

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

Sewer – No impact, 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 0.23 ± acres and lies 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
<b>Future Land Use of Adjacent Properties</b>	
West	Lake County Medium Urban Density
East	Lake County Medium Urban 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.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-17, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the May 8, 2017 meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance No. 2017-17 to the Town Commission with the recommendation of approval. The Town Commission approved first reading of this ordinance on June 5, 2017 by a vote of 4-1.

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

Mayor Richards asked if anyone had any questions or comments on the comprehensive plan.

One audience member spoke up from the audience about permits and was ruled out of order.

Mayor Richards asked for a motion.

*Upon a motion by Commissioner Holden and seconded by Commissioner Vincent, the Commission approved the Second/Final reading of Ordinance No. 2017-17 by the following roll call vote:*

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

**12. Ordinance No. 2017-18 – Second/Final Reading – Rezoning – The Villages of Lake-Sumter, Inc. – from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) – for One Lot (0.23+/- Acres; Alternate Key Number 1483271) – Located within Orange Blossom Gardens Unit 2, Within Lake County, FL (Thad Carroll)**

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed an application to rezone property consisting of one lot located Within Orange Blossom Gardens Unit 2. The application involves rezoning 0.23 +/- 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 1304 Debra Drive.

A map of the property and a map of the zoning designations of the parcel and adjoining parcels was shown.

The Rezoning application was received on Thursday, March 30, 2017, 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 consideration by the Town Commission.

Notices to inform the surrounding property owners (18) within 150 feet of the property proposed by the rezoning request were mailed Thursday, April 20, 2017, and the property was posted this same date.

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

**Zoning**

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

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-18, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the May 8, 2017 meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance No. 2017-18 to the Town Commission with the recommendation of approval. At the June 5, 2017 meeting, the Town Commission voted 4-1 for approval of the ordinance upon first reading.

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

Mayor Richards asked if anyone had any questions or comments, and hearing none, asked for a motion.

*Upon a motion by Commissioner Vincent and seconded by Commissioner Holden, the Commission approved the Second/Final reading of Ordinance No. 2017-18 by the following roll call vote:*

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

**13. Ordinance No. 2017-20 – First Reading – Tabled from June 5, 2017 Meeting – An Ordinance Granting a Special Exception Use to Incorporate the Convenience Store with Fuel Operations Land Use Within the Heavy Commercial (HC) Zoning Classification – on Property Located at the Southwest Corner of the Intersection of Highway 466 and Highway 27/441, North of McClendon Street (1.73 +/- Acres; Alternate Key Numbers 1260370, 1131561, 1723680, 1131553, 1131405, & 131413) (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 this ordinance was tabled from the June 5, 2017 meeting, and the applicant, 441 & Lemon, LLC, on behalf of Susan and Daniel Cangialosi, Valerie and Anthony Powell, AA Castle, LLC, and Chitralka and Heralal Narine, has submitted a Special Exception Use (SEU) application requesting to incorporate the convenience store with fuel operations land use within the Heavy Commercial (HC) zoning classification on 1.73 +/- acres of property located at the southwest corner of the intersection of Highway 466 and Highway 27/441, north of McClendon Street.

Mr. Carroll reported the present use of the property includes an art framing store, a triplex residential unit, a vacant lot, an upholstery shop, the Affordable Security & Lock establishment, a pet boarding shop, and a landscaping and exterior decorating materials lot. He stated staff recommends approval of this ordinance. He noted the proposed development encompasses the entire block less the oil change establishment on the southeast corner.

A map of the parcels, an aerial view of the property and adjoining parcels, and photos of the postings and the property in its current state from different viewpoints were shown.

Currently, the applicant is in the process of developing plans to construct a 7,211 square foot Wawa convenience store with fuel operations. The present zoning of the property is Heavy Commercial (HC) which permits the construction of the convenience store; however, in order to establish the fueling operations on the same premises, a Special Exception Use (SEU) is required as per Chapter 5, Section 4, m), 2), I), of the Land Development Regulations.

The subject property lies in Section 20, Township 18 South, Range 24 East, in Lady Lake, FL, and is comprised of six separate parcels which the applicant intends to purchase for the construction of the convenience store with fuel operations. Upon buildout, the facility will occupy the footprint of nearly the entire block, aside from the oil change facility located on the southeast corner.

The Future Land Use and Zoning Classifications of the subject parcel and the adjacent properties are as follows:

**Future Land Use**

Subject Property	Commercial General- Retail Sales & Services (RET)
<b>Future Land Use of Adjacent Properties</b>	
West	Commercial General- Retail Sales & Services (RET)
East	Commercial General- Retail Sales & Services (RET) and Religious Facilities (RF)
North	Commercial General- Retail Sales & Services (RET)
South	Government Facilities (GF)

**Zoning**

Subject Property	Heavy Commercial (HC)
<b>Zoning of Adjacent Properties</b>	
West	Light Commercial (LC)
East	Public Facilities District (PFD) and Heavy Commercial (HC)
North	Heavy Commercial (HC)
South	Public Facilities District (PFD)

According to the Land Development Regulations, Chapter 6, Section 2, g), 10): Convenience stores with fuel operations. (SEU in LC). A special exception may be granted under the following conditions, including but not limited to:

- A) The proposed site shall front on an arterial or collector roadway.
- B) When allowed in a LC zone:
  - 1. The proposed site shall be at least one (1) acre in size.
  - 2. Buffer Class "C" shall be provided adjacent to residential uses.
- C) When allowed in HC zone:
  - 1. The propose site shall be at least one-half (½) acre in size.
  - 2. Buffer Class "C" shall be provided adjacent to residential uses.
  - 3. Canopies must maintain a fifty (50) foot setback from Highway 27/441.

Mr. Carroll reported that in addressing the conditions as required under Chapter 6, Section 2, g), 10) C), the proposed property exceeds the minimum size requirement of one-half acre by providing a total area of 1.73 acres for the development. There are no adjacent residential uses; therefore, a Buffer Class “C” is not required. In response to the last requirement Chapter 6, Section 2, g), 10) C) 3, the applicant has revised their application to comply with the fifty-foot (50’) canopy set back requirement from Highway 27/441.

Comments:

- 1) The applicant must still obtain approval for the site plan under separate application prior to the commencement of any construction associated with the convenience store and fueling operations.
- 2) Any waivers or variances in association with the project shall be considered at the time the site plan is being considered by the Town Commission.
- 3) The applicant has properly addressed the review criteria for the Special Exception Use as outlined in the Land Development Regulations, Chapter 6, Section 2, g), 10), C), provided that the concurrent text amendment is approved under Ordinance 2017-19.
- 4) Under the proposed Special Exception Use (SEU) ordinance, in addition to a 6,119 building, the applicant is specifically proposing a 903 sq. ft. outdoor seating area and another 189 sq. ft. of canopy overhang. The convenience store will include the retail sale of fresh prepared sandwiches, soups, breakfasts, and other fresh meals, coffee and other specialty drinks, groceries, tobacco products, beer and wine, car care products, sundries, pre-packaged food items, lottery tickets, surcharge free ATM services, and a maximum of eight dispenser islands with a total of 16 fueling positions for regular, plus, premium, ethanol free gasoline, and diesel fuel.
- 5) The proposed hours of operation are 24 hours a day, seven days a week.

The Special Exception Use (SEU) application was received on Wednesday, April 12, 2017, and has been reviewed and determined to be complete. The application is ready for consideration by the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (10) within 150 feet of the property proposed by the SEU request were mailed Monday, May 22, 2017. The property was posted on Wednesday, May 17, 2017, and again on Thursday, May 25, 2017. Emails and other

input opposing locating the Wawa in this area, as well as input from those in favor of it have been received.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2017-20 and determined the application to be complete and ready for transmittal to the Town Commission. The Planning and Zoning Board does not review Special Exception Use applications. It was the consensus of the Town Commission to table Ordinance No. 2017-20 at the June 5, 2017 meeting. The Town Commission is scheduled to consider this ordinance for second/final reading on Wednesday, July 5, 2017.

Mr. Carroll stated Michael Leeds, representing the applicant, is present and has requested to speak regarding this proposed development.

Michael Leeds reported on some of the aspects of this project, many relating to the requested approval of the special exception use. He stated he would also like to clarify some of the facts and statements made about the project. Subsequent to the June 5, 2017 meeting, Wawa and its designers revised the standard canopy that Wawa uses to reduce its dimensions by five feet, without diminishing the important characteristics of the canopy, to allow them to comply with 50' setback requirement. He shared that a local arborist, Brian Stanage, was hired to perform an evaluation of the existing oak trees currently on the property, and the arborist identified three healthy oak trees that he recommended be preserved. Mr. Leeds stated they have made modifications to their site plan to accommodate these three trees. The remaining balance of the trees on the property are not considered healthy and are recommended to be taken down as a liability. He stated that a landscape arborist has been hired to prepare a landscaping plan for the project, particularly foundation landscaping, to be presented at the site plan process.

Mr. Leeds stated they have purchase agreements with the four property owners that comprise the site for this proposed project. They are assisting the existing business owners of Cangialosi's paper business, Cindy's Place, and Affordable Lock in relocating their businesses elsewhere in Lady Lake. The Narene's have made their own arrangements to relocate their two businesses, a kennel and an upholstery shop, elsewhere in Lady Lake. Wawa has made arrangements with the Powell's, owners of the triplex, to provide them with money to give to each of their three tenants to cover most, if not all, of the costs of relocating when they have to move.

Mr. Leeds stated that the zoning for this proposed Wawa site is Heavy Commercial, allowing for the most intense categories of development in the town. He stated that Mohammed Abdallah, a licensed transportation engineer with Transportation and Mobility Consultants, is present to share facts regarding the proposed Wawa, including a recap of the future FDOT widening project of the Hwy 27/441 corridor.

Mr. Abdallah stated he is a licensed, professional traffic engineer with more than 20 years of experience. He stated they will be conducting a full traffic study for this site should the project move forward, and they have done some advance preparations before this meeting regarding the convenience use for the Wawa at this site. Mr. Abdallah stated that a convenience use on this corner would generate about 1,700 new trips in a 24-hour period. Fast food use would generate about 2,250 new trips, a mix of general retail and a fast food use would generate around 2,000 trips; and a retail only use would generate around 1,500 new trips. He noted that Wawa is on the lower end of the spectrum between 1,500 and 2,200 new trips a day.

Mr. Abdallah stated that a convenience use is different in that it must be convenient, and is a place where the traffic is; traffic passes by convenience, stops, then keeps going. He stated people do not

go out of their way to pick up a sub or get gas, and this location at a crossroads of two major roads is a good location. He stated the future major improvement of Hwy 27/441 to a six lane highway by FDOT, with a left turn lane, will significantly allow more capacity coming to this area, and convenience would be one of the least disruptive uses for this area. Mr. Abdallah stated he has been in touch with FDOT and major improvements for this corridor are slated to start in the next couple of years.

Commissioner Hannan commented that he would like to stay on topic.

Mayor Richards commented for the record that traffic impact is looked at when reviewing a special exception use application.

Mr. Leeds stated that Wawa's origins date back well over 100 years ago, with the founding family still owning the company today. A tab on their website includes the Wawa community giving program, and a founding principle is their on-going commitment to giving back to the communities where they do business, and their company and associates continue to seek out opportunities to make them the best neighbor they can be. He thanked the Commission for considering this application, which complies with the Town's Land Development Regulations (LDRs).

Commissioner Hannan stated that he, along with other residents, does not have anything against Wawa; they just do not like where it is proposing to be located.

Commissioner Kussard stated that the Town has already set the precedent of the special exception use when they granted it to Race Trac. She stated that Hwy 27/441 is a major commercial corridor through Lady Lake from other cities, and it will always be busy, and there are plans to widen it to six lanes in the near future. She stated this would be a good location for a successful, privately-held company such as Wawa, who pays their employees above minimum wage with benefits, invests in the community, and meets the Town's LDRs. Commissioner Kussard stated it would be a disservice to turn this development down for people who live and work in Lady Lake. She stated Lady Lake has the second lowest property tax rate in Lake County because of its businesses. She stated the property owners involved are happy to sell their properties. She reiterated that the people who live and work in Lady Lake that would stop there are already driving on those roads; it is not a destination stop.

Commissioner Holden reported that every constituent of his ward that he spoke with agreed with him that they like Wawa, just not at this location. He stated that constituents of other wards that he spoke to said the same thing; he did not find one person who liked the idea of it being on this corner.

Commissioner Vincent disclosed that he met with representatives of Wawa, the Town Manager, and Growth Management staff prior to this meeting. He stated they discussed the canopy setback, among other items. He stated that many people have talked about the aesthetics of the Wawa and the removal of the landmark buildings. Commissioner Vincent stated that perhaps Wawa would give the buildings to the people if they would move them off the property. He stated he liked the fact that Wawa is willing to help with the cost of relocating the tenants of the triplex, and with that in mind, he visited Lakewood Villas on S. Old Dixie Highway. He stated they are ground floor duplex apartments and include Section 8 availability.

Mayor Richards asked if anyone had any questions or comments.

The following citizens voiced their opposition to the special exception use for the proposed Wawa:

- Nora Choquette, 212 E. McClendon St., spoke against another gas station located in Lady Lake and suggested it would lead to more congestion on the corner of Hwy 27/441 and Hwy 466 and lead to more accidents. She stated she polled residents around the area and no one is in favor of the Wawa in this location.
- Marilyn Solomon, 113 S. Old Dixie Highway, and a resident of the triplex owned by Tony Powell, stated that she has not been given notice of eviction or of any relocation allowance. She also stated she would not be eligible for Lakewood Villas as she is not 55 or older, and she works and does not need Section 8 housing.
- Judy Glasel, 1121 Ricardo, stated she does not believe this is the best location for Wawa in Lady Lake, although she is not familiar with the company.
- William Marshall of Weirsdale asked that the Commissioners really study the proposed site plan for the Wawa. He stated the petition he brought to the last meeting may not have been legal, but it represented many residents. He asked how he would be able to access the Wawa on this corner if he was heading north on Hwy 27/441.

Commissioner Hannan commented that the petition was not legal because it had no addresses on it.

Mr. Leeds replied that there are currently two ways to access this corner from the north. The first way is to make a left hand turn on McClendon, but this will be closed when FDOT widens the highway. The second way is to make a U-turn at the intersection of Hwy 27/441 and Hwy 466, which will be specifically designed to accommodate U-turns, even for larger vehicles.

The following citizens expressed their support of the special exception use for the proposed Wawa:

- Yolanda Green of Leesburg stated that the Wawa represents growth in Lady Lake and it will bring jobs to Lady Lake.
- Betty Salas, member of the Lady Lake Chamber of Commerce Board member and local businessperson, stated a colleague of hers took a poll of their customers and could not find one person who was not excited about having Wawa in Lady Lake. She stated she has either lived or conducted business in Lady for more than 20 years, and has been involved in numerous sales and construction projects during this time. She gave an example of a past controversy over an old Smithgall's grocery store that was removed; stating no one remembers it now, and likened it to the castle building. She stated the castle building was constructed in 1979 and is in ill-repair with roof leaks and older wiring.

Ms. Salas stated she is tired of hearing people refer to south of the bridge in Lady Lake as an eyesore, with north of the bridge being beautiful and modern. She stated Lady Lake needs new growth south of the bridge and Wawa is known for building a good product, and the Town should encourage growth in that area. She stated residents will appreciate how nice and clean that corridor will be after Wawa builds, and they will be bringing over 40 jobs with benefits, tax revenue, and will be an incentive to others to build and improve in areas of the south. She stated this is the perfect corner for this business.

- Kevin Yoakam of 208 W. Lady Lake Blvd. stated he is a business owner who lives in the neighborhood near this location and he is in favor of the Wawa. He stated he and his family

have lived in this area for generations, and he agreed that the area south of the bridge does need new growth and new businesses.

*Upon a motion by Commissioner Kussard and seconded by Commissioner Vincent, the Commission approved the First reading of Ordinance No. 2017-20 by the following roll call vote:*

<i>HANNAN</i>	<i>NO</i>
<i>KUSSARD</i>	<i>YES</i>
<i>HOLDEN</i>	<i>NO</i>
<i>VINCENT</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

**L. TOWN MANAGER’S REPORT:**

**14. Consideration to Change the First Meeting in July from Monday, July 3<sup>rd</sup>, to Wednesday, July 5<sup>th</sup>, Due to the 4<sup>th</sup> of July Holiday (Kris Kollgaard)**

Town Manager Kris Kollgaard requested Commission approval to change the date of the first meeting in July from July 3<sup>rd</sup> to July 5<sup>th</sup> due to the 4<sup>th</sup> of July holiday.

*Per consensus, the Town Commission approved changing the date of the first Commission meeting in July to July 5, 2017.*

**15. Discussion Regarding Sumter County’s Request for Changes to the Organizational Structure of the Lake-Sumter Metropolitan Planning Organization (Kris Kollgaard)**

Town Manager Kris Kollgaard stated that Sumter County is requesting changes to the organizational structure of the Lake-Sumter MPO (LSMPO), and the Lake County Commission will be discussing these requested changes on June 20, 2017. The letters from Sumter County were included in the packet for discussion. She stated it appears that Sumter County has made two requests. They are asking for a change of the organization structure of the MPO to allow only five board members instead of the current 19 members. If that request is not approved, they are asking to disband the MPO and then require Lake and Sumter Counties to become part of the Orlando Metro MPO.

Mayor Richards asked to address this. He stated the intention of the MPO is to allow local input. Prior to the inception of Lake-Sumter MPO, Lake County made all the decisions because Lady Lake had no voting power due to its size. He stated that the urbanized populations reside in the municipalities of Lake County such as Leesburg, Eustis, Clermont, Fruitland Park and Lady Lake, and at least five of these cities have a vote, including Lady Lake, and can sway items that come up. Mayor Richards stated that Sumter County has the ear of the governor and they are frustrated that they do not have more voting power, being as they have four members in the group of 19.

Mayor Richards stated that Sumter County has made disparaging remarks against the current Executive Director of the LSMPO. The Mayor stated he is also a professional engineer and fills out vouchers for government work that do not have to be completed until 10 a.m. the next day. The Executive Director of the MPO has had problems with the vouchers as it was thought he was estimating time when filling out paperwork for the many different grants that fund the MPO. He commented that the state changes their guidelines/rules very often as the Town’s Parks and Recreation Director well knows because of his recent LAP project. Mayor Richards stated he sympathizes with the Executive Director of the MPO.

Mike Burske, Parks and Recreation Director, agreed that the rules can change day to day in dealing with the state.

Mayor Richards stated that he believes Lady Lake would have no say if they joined the Orlando MPO. He asked for the Commissioners' support to keep the Lake-Sumter MPO as it is so that Lady Lake can have a say in how traffic is done in Lake County.

Commissioner Vincent stated he is an alternate member of the MPO board, and he agrees with Mayor Richards. He stated if the Lake-Sumter MPO disbands, it would be better to join with Ocala's TPO than to join with Orlando.

Ms. Kollgaard stated Lake County will be discussing this tomorrow, and she asked for the consensus of the Commission so that she could email them before their meeting tomorrow morning.

Mayor Richards stated that if Sumter County breaks away, Lake County's urbanized areas may be enough to keep an MPO, or they could join with Marion County as Commissioner Vincent mentioned.

*After further discussion, it was the consensus of the Town Commission to keep the organizational structure of the Lake-Sumter MPO as it is.*

**M. MAYOR/COMMISSIONER'S REPORT:**

Mayor Richards asked if there were any comments from the Commissioners.

Commissioner Hannan reported on his attendance at the Florida League of Cities meeting last week where they discussed recent legislative actions, one of which was regarding medical marijuana. He noted that municipalities can ban dispensaries by ordinance. Another item discussed was regarding FEMA's ability to recover payments once a project's worksheet is completed rather than waiting for a final expenditure report for the entire disaster, and there were additions made to the Public Records Act. He stated the Land Use and Development Committee agenda was narrowed to four issues to present to the legislative session and included CRA's, ethics, Sunshine, and pre-emption of home rule. Commissioner Hannan stated that the Florida Constitution Revision Commission was announced and is comprised of 37 members. He stated that Gary Lester of The Villages is a member appointed by the Governor and he suggested that Mr. Lester be invited to a Commission meeting to enlighten the Commission on what changes might be on the table; especially regarding home rule. He also suggested that the Commissioners or staff should have conversations with Senator Dennis Baxley, who is the sponsor of bills for this municipality. He stated his back-up material has been turned over to the Town Manager if anyone wants to review it.

Commissioner Kussard reported she attended the "Meet the Trucks" of Lady Lake event which was held at the Lady Lake Library last Wednesday, and she commended Library and Public Works staff for their participation in this event. She stated the children had a good time and the parents were grateful.

Commissioner Vincent reported he also attended last week's Florida League of Cities meeting as part of the transportation group. He stated the crux of the whole meeting was regarding home rule. He stated they will have another meeting on July 14<sup>th</sup> to work on six key transportation items.

Mayor Richards stated that he arrived at the Lady Lake Library “Meet the Trucks” event early on and was unable to stay for the whole event, but that it was great to see everything staff had set up for the event and he was sure everyone had a good time. He announced that he would be away for a couple of weeks and will miss the Evening at the Museum event hosted by the Lady Lake Historical Society on July 1<sup>st</sup>, from 5 p.m. to 7 p.m., where they will be honoring Dr. Delaney for her service as curator.

**N. PUBLIC COMMENTS<sup>ii</sup>**

Mayor Richards asked if there were any comments from the audience.

- Joe Quinn of 633 Rainbow Blvd. asked if the Town would request that the County consider painting a center stripe on Shay Boulevard.

Ms. Kollgaard stated that she will contact the county about this in the morning.

**O. ADJOURN:** There being no further business, the meeting was adjourned at 7:36 p.m.

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Kristen Kollgaard, Town Clerk

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Jim Richards, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

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<sup>i</sup> *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.*

<sup>ii</sup> *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.*