

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

July 17, 2017

The special meeting of the Lady Lake Town Commission was held in the Commission Chambers at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida with Mayor 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:** Moment of Silence
- D. PLEDGE OF ALLEGIANCE**
- 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; Attorney Sasha Garcia; Growth Management Director Thad Carroll; Public Works Director C.T. Eagle; Chief Chris McKinstry, Police Department; John Pearl, I.T. Director; Tia O’Neal, Human Resource Director; Pam Winegardner, Finance Director; and Nancy Slaton, Deputy Town Clerk

- F. PUBLIC COMMENTS:** Mayor Richards asked if there were any comments from the audience.
- G. CONSENTⁱ:**
 - 1. Minutes – July 5, 2017 – Regular Commission Meeting**

Upon a motion by Commissioner Kussard and a second by Commissioner Hannan, the Commission approved Consent Item G-1 by a vote of 5 to 0.
- H. OLD BUSINESS:** No old business.
- I. NEW BUSINESS:**

2. Consideration of Approval for FY 2017-2018 Benefits (Medical, Dental, Life, Long Term Disability, Short Term Disability, Critical Illness, Accident Coverage, and Vision Plan) (Tia O’Neal)

Human Resource Director Tia O’Neal gave the background summary for this agenda item (on file in the Clerk’s Office). She stated Town staff received rates for medical coverage for the 2017-2018 fiscal year. Staff recommends adding a vision plan to the current list of benefits as requested by employees. This is an employee-paid benefit and has no effect on the budget. Staff also recommends staying with the current plans for all other lines of coverage. Although the short term disability has an increase, this does not effect the budget as this coverage is voluntary and is not paid for by the Town. Ms. O’Neal stated the only increase in benefit costs for the Town is for health insurance.

Upon a motion by Commissioner Holden and a second by Commissioner Hannan, the Commission approved FY 2017-2018 Benefits (Medical, Dental, Life, Long Term Disability, Short Term Disability, Critical Illness, Accident Coverage, and Vision Plan) as presented by a vote of 5 to 0.

3. Consideration of Proposal from Duke Energy for Conversion of Existing Street Lighting to New LED Fixtures and Poles (C.T. Eagle)

Public Works Director C.T. Eagle gave the background summary for this agenda item (on file in the Clerk’s Office). He stated that Town staff met with Duke Energy, and they have submitted a proposal to replace all of the existing street lighting associated with the Town’s account throughout the Town. The new proposed fixtures will be LED lighting which would also require replacement of the poles to accommodate the new fixtures.

Mr. Eagle stated that the initial phase of the project would be a complete inventory of all current lights on the Town’s account. The estimate included in the packet is based on current billing; the final verified inventory may be slightly more or less than what is proposed, depending on the field inventory reports. The advantages to performing this project would include having all new, aesthetically pleasing, and environmentally friendly lighting fixtures throughout the Town. There is an additional estimated monthly leasing cost difference of \$2,534.07, which, if approved, will be included in the upcoming budget for the next fiscal year.

Commissioner Kussard stated that although the monthly cost is increased, the upside is that the lights are environmentally friendly, are much brighter, and will save electricity costs over the long run.

Mayor Richards clarified that the monthly lease the Town pays includes power usage, and the savings on power usage benefits Duke Energy.

Upon a motion by Commissioner Kussard and a second by Commissioner Holden, the Commission approved the proposal from Duke Energy for conversion of existing street lighting to new LED fixtures and poles by a vote of 5 to 0.

3.a. Discuss the Proposed Millage Rate and Proposed Dates, Times, and Places for the Tentative Millage and Budget Hearing, and the Second Public Hearing for Adopting the Final Millage Rate and Budget (Pam Winegardner)

Finance Director Pam Winegardner gave the background summary for this agenda item (on file in the Clerk’s Office). She stated that a proposed millage rate for fiscal year 2017-2018 must be

submitted to the property appraiser by August 3, 2017, along with the date, time and place of the tentative millage and budget hearing. The proposed millage rate can be decreased but not increased at the tentative budget hearing or at the final public hearing.

Ms. Winegardner stated that the current year's rolled back rate is 3.2164 mills. Currently, staff has based the budget on the millage rate of 3.3962 mills, which is a 5.29% increase above the current year's rolled back rate. This rate, as well as any rate up to 3.6280 mills, would require three affirmative votes by the Town Commission. Any rate above 3.6280 mills to 3.9908 mills would require a two-thirds vote by the Town Commission, or four affirmative votes. These votes are based on the total membership of the Town Commission rather than the membership present at the meeting. Any rate above 4.3287 mills would require a unanimous vote of all five Commissioners.

Ms. Winegardner stated the Town's two public hearings cannot conflict with Lake County or School Board public hearings. The tentative dates for the County are September 12th and September 26th, and the School Board's tentative dates are July 31st and September 11th. The public hearings cannot start before 5 p.m.

Commissioner Kussard commented that the millage rate was 3.3962 on the 2016-2017 property tax statement, and the proposed budget is balanced on this same rate of 3.3962. She stated she is concerned that if the Commissioners choose to go back to the rolled back rate of 3.2164 as they have done the past two years, it would be less than the rate of 3.2808 in the 2009-2010 fiscal year. She stated the Town cannot purchase items for the same amount they did in past years, and there is an amendment on the November ballot to decrease property taxes by an additional \$25,000 exemption. Commissioner Kussard stated that this will probably pass as everyone wants to reduce their property taxes, and it is unknown how this will effect the Town's revenue. She stated the Town had to raise taxes a few years ago, and no one wants that. She stated she is also in favor of Commissioner Holden's recent suggestion of building new roads in Lady Lake prior to new businesses moving in to relieve the traffic on some of the existing roads.

Commissioner Hannan made a motion to set the millage rate for FY 2017-2018 at the rolled back of 3.2164, and to set the tentative hearing dates as recommended. This motion died for lack of a second.

Upon a motion by Commissioner Kussard and a second by Commissioner Holden, the Commission approved setting the tentative millage rate at 3.3962, and tentative hearing dates of Wednesday, September 6, 2017 at 6 p.m., and Wednesday, September 20, 2017 at 6 p.m., by a vote of 4 to 1 (Hannan).

J. TOWN ATTORNEY'S REPORT:

4. Ordinance No. 2017-23 – Second/Final Reading – Annexation – The Villages of Lake-Sumter, Inc. – Annexing Three Lots (0.49+/- Acres Referenced by Alternate Key Numbers 1753601, 1482470, & 2701102) – Located within Orange Blossom Gardens Units 1 and 3.1B, Lake County, FL (Thad Carroll)

Attorney Sasha Garcia 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., Beth and Leonard Maiorani, Gail and Richard Smith, and Robert Sharpe, has filed an application to annex three lots located within Orange Blossom Gardens Units 1 and 3.1B.

This application involves annexing 0.49 +/- acres of property from unincorporated Lake County into the Town of Lady Lake.

The lots are addressed as follows:

- 1046 Aloha Way
- 1020 Aloha Way
- 716 Truman Avenue

A map of the properties 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. Appropriate legal descriptions, a location map, and a sketch of the properties were included with the submitted application. The lots will be served by the Village Center Community Development District Central Water and Sewer System, as well as the District's Fire Department.

In accordance with the provisions of Florida Statute 171.205, and the Interlocal Service Boundary Agreement executed September 4, 2013 between Lake County, Florida and the Town of Lady Lake, Florida, the Town may annex properties into the Town that are non-contiguous to the existing municipal boundary.

The annexation application was received on Tuesday, May 16, 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.

Mr. Carroll stated that notices to inform the surrounding property owners (60) within 150 feet of the property proposed by the annexation request were mailed Thursday, May 25, 2017, and the properties were posted this same date. No inquiries or objections have been received to date.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-23, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the June 12, 2017 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2017-23 to the Town Commission with the recommendation of approval. The Town Commission approved first reading of this ordinance on July 5, 2017 by a vote of 5-0.

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

Mayor Richards asked if anyone had any questions or comments. There were no questions or comments.

Upon a motion by Commissioner Kussard and seconded by Commissioner Vincent, the Commission approved the second/final reading of Ordinance No. 2017-23 by the following roll call vote:

HANNAN	YES
KUSSARD	YES
HOLDEN	YES
VINCENT	YES
RICHARDS	YES

5. Ordinance No. 2017-24 – 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 Three Lots (0.49+/- Acres Referenced by Alternate Key Numbers 1753601, 1482470, & 2701102) – Located within Orange Blossom Gardens Units 1 and 3.1B, Lake County, FL (Thad Carroll)

Attorney Sasha Garcia 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., Beth and Leonard Maiorani, Gail and Richard Smith, and Robert Sharpe, has filed an application to amend the future land use comprehensive plan designation for three lots located within Orange Blossom Gardens Unit 1 and 3.1B, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves annexing 0.49 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. The proposed properties are addressed as follows:

- 1046 Aloha Way
- 1020 Aloha Way
- 716 Truman Avenue

A map and an aerial view of the properties 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 Tuesday, May 16, 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.

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 homes on the lots to construct conventional built homes. There will be no increase in utility services, traffic, population, or recreation use.

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

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

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

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

Transportation – No impact, the existing homes will be replaced with new homes. 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 Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

The subject property involves approximately 0.49 ± 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
Future Land Use of Adjacent Properties	
West	Lake County Medium Urban Density/Lady Lake Manufactured Home High Density
East	Lake County Medium Urban Density/Lady Lake Manufactured Home High Density
North	Lady Lake Manufactured Home High Density/Lake County Medium Urban Density
South	Lake County Medium Urban Density/Lady Lake Manufactured Home High 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 (60) within 150 feet of the property proposed by the SSFLUM Amendment request were mailed Thursday, May 25, 2017, and the properties were posted this same date. No inquiries or objections have been received to date.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-24, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the June 12, 2017 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2017-24 to the Town Commission with the recommendation of approval. The Local Planning Agency considered Ordinance No. 2017-24 on July 5, 2017 and voted 5-0 for approval. The Town Commission approved first reading of this ordinance on July 5, 2017 by a vote of 5-0.

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

Mayor Richards asked if anyone had any questions or comments.

Attorney Garcia pointed out that the alternate key number shown on the packet item cover sheet for this ordinance and the next ordinance should be 1753601 instead of 11753601.

Upon a motion by Commissioner Vincent and seconded by Commissioner Holden, the Commission approved the second/final reading of Ordinance No. 2017-24 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>

6. Ordinance No. 2017-25 – 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 Rezoning for Three Lots (0.49+/- Acres Referenced by Alternate Key Numbers 1753601, 1482470, & 2701102) – Located within Orange Blossom Gardens Units 1 and 3.1B, Lake County, FL (Thad Carroll)

Attorney Sasha Garcia 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., Beth and Leonard Maiorani, Gail and Richard Smith, and Robert Sharpe, has filed an application to rezone three lots located within Orange Blossom Gardens Units 1 and 3.1B. The application involves rezoning 0.49 +/- 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 that are presently in the Town of Lady Lake’s jurisdiction. The proposed properties are addressed as follows:

- 1046 Aloha Way
- 1020 Aloha Way
- 716 Truman Avenue

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

The Rezoning application was received on Tuesday May 16, 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 transmittal to the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (60) within 150 feet of the property proposed by the rezoning request were mailed Thursday, May 25, 2017, and the properties were posted this same date. No inquiries or objections have been received to date.

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

Zoning

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

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-25, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the June 12, 2017 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2017-25 to the Town Commission with the recommendation of approval. The Town Commission approved first reading of this ordinance on July 5, 2017 by a vote of 5-0.

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 Holden and seconded by Commissioner Kussard, the Commission approved the second/final reading of Ordinance No. 2017-25 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>

7. Ordinance No. 2017-29 – First Reading – Lady Lake, Inc. – Special Exception Use for 103 +/- Acres Located at the Northeast Corner of Highway 466 And Rolling Acres Road (Alternate Key No. 1120829); Requesting to Incorporate the Wholesalers and Distributors Land Use Within the Light Commercial (LC) Zoning Classification (Thad Carroll)

Attorney Sasha Garcia 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, Grant Gore, on behalf of Lady Lake, Inc., has submitted a Special Exception Use (SEU) application requesting to incorporate the Wholesalers and Distributors land use within the Light Commercial (LC) zoning classification, on property located at the northeast corner of the intersection of Highway 466 and Rolling Acres Road (103 +/- acres).

A map of the subject parcel was shown.

Mr. Carroll stated that the applicant is currently in the process of establishing Flying Fish Imports, LLC, a wholesaler of wine. In doing so, an address must be designated for the place of business

with the proper zoning designation for the wholesaler and distributor land use; hence, the applicant is seeking the Special Exception Use to accomplish the same. The operation will be limited to that portion of the parent parcel which is currently zoned Light Commercial, and more specifically, to the park office building. The subject property lies in Section 17, Township 18 South, Range 24 East, Lady Lake Florida.

An aerial map depicting the area where the office is located was shown, as was a map showing the zoning of the subject and adjacent parcels. The zoning classifications of the subject parcel and the adjacent properties are as follows:

Zoning	
Subject Property	Light Commercial (LC) and Commercial Tourist (CT)
Zoning of Adjacent Properties	
West	Heavy Commercial (HC)
East	Multi-Family 12 du/acre (MF-12)
North	Planned Commercial (CP)
South	Public Facilities District (PFD)/Residential Professional (RP)

Mr. Carroll stated the applicant had previously proposed a text amendment to incorporate this into the Commercial Tourist designation, but he has changed his request to a special exception use in the Light Commercial designation, which is permitted by the Town’s codes.

Mr. Carroll stated that according to the Land Development Regulations, Chapter 6, Section 2, g), 39): Wholesalers and Distributors. (SEU in LC). A special exception may be granted under the following conditions, including but not limited to:

- 1) The site shall front on an arterial or collector roadway.
- 2) General retail sales and services shall not be permitted.
- 3) No manufacturing, processing or craftsman, of any kind shall be permitted.
- 4) No commercial vehicles (semi-trailers) shall be parked on the site overnight.
- 5) Buffering shall be provided based on Buffer Class "B".

Mr. Carroll commented that in addressing the conditions as required under Chapter 6, Section 2, g), 39), the proposed property fronts on an arterial or collector roadway. There will be no retail sales on premises; no trucks will be parked overnight; no manufacturing will be occurring; and the buffer Class “B” is being requested to be waived, given that the use is being established with an existing office building.

Photos of the posting of the property and photos depicting the roadway frontage were shown.

Mr. Carroll reviewed an excerpt from Ordinance 2017-29 regarding the special exception use, and comments as follows:

- 1) The proposed use is strictly limited to the area of the park office, which has the zoning designation of “Light Commercial”, satisfying the zoning criteria to establish the Special Exception Use as requested.
- 2) The applicant must still obtain approval for the site plan under separate application prior to the commencement of any construction, if necessary, associated with the convenience store and fueling operations.
- 3) 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.

- 4) 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), 39), provided that waiver to the Class "B" buffer is approved.
- 5) The proposed hours of operation are 7:30 a.m. – 9:00 p.m., seven days a week.

The Special Exception Use (SEU) application was received on Monday, June 26, 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 (26) within 150 feet of the property proposed by the SEU request were mailed on Monday, July 3, 2017. The property was posted on Monday, July 10, 2017. One phone inquiry has been received.

Mr. Carroll stated that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-29 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. The Town Commission is scheduled to consider Ordinance No. 2017-29 for second/final reading on Monday, August 7, 2017.

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

Mayor Richards asked if anyone had any questions or comments.

Commissioner Kussard expressed her concern that granting this special exception use would set a precedent to allow incorporating a Wholesale and Distributor land use within the Light Commercial zoning classification. She asked if such a use should be permitted facing either Rolling Acres Road or C.R. 466, both busy roads. She stated she agrees with a comment made by Commissioner Vincent at a June meeting regarding the constant changing of rules or codes, and that it would be nice to follow the Town's policy without setting a precedent for future requests.

Mayor Richards commented that C.R. 466 is a collector four-lane road designed for this type of traffic and is designed to handle even more than is currently occurring. He stated this is why the code allows for special exception uses in certain areas.

Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved the first reading of Ordinance No. 2017-29 by the following roll call vote:

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

8. Resolution No. 2017-106 – First/Final Reading – The Villages of Lake-Sumter, Inc. – Side-Yard Easement Vacation Request for the South Five Feet of the Ten Foot. Side-Yard Utility Easement Along the Northern Property Line of Lot 109 of Orange Blossom Gardens Unit 2 – Addressed as 1310 Debra Drive (Alternate Key No. 1483298) (Thad Carroll)

Attorney Sasha Garcia read the resolution by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the applicant, Robert Farner, has submitted an application on behalf of The Villages of Lake-Sumter, Inc., property owners, for the partial vacation of a ten-foot side-yard utility easement. The applicant is proposing the vacation of the south five feet of the ten-foot side-yard utility easement along the northern property line of Lot 109 of Orange Blossom Gardens Unit 2. The property is addressed as 1310 Debra Drive.

A map of the subject parcel was shown, as was a survey showing the area where the error occurred.

Mr. Carroll reported that the applicant has expressed that an error was made during the time of the construction of the home that led to the encroachment upon the utility easement. Most lots in the subdivisions of the Orange Blossom Gardens have a five-foot utility easement along the side-yard property lines; however, on this particular lot, there is a ten-foot utility easement along the north property line to provide a twenty-foot easement between Lot 109 and Lot 110 to the north.

Mr. Carroll stated that upon completion of the home and issuance of the survey, it was realized that this lot had the ten-foot easement, and that the structure was encroaching into it; the home sits 5.91 feet from the property line at its closest point. The structure to the north, on Lot 110, is at least a minimum of ten feet; which is required for fire safety; therefore, approval of the vacation would not create a safety concern for either of the residents of 1310 Debra Drive or 1312 Debra Drive. In addition, the Village Center Community Development District (VCCDD) has issued a letter stating that the encroachment poses no issue, and the vacation of the five feet would leave an adequate easement for the maintenance and operation of the sanitary sewer gravity main that runs between lots 109 and 110; this is according to the review and field observation by CH2M, the VCCDD utility operations and maintenance contractor.

Photos of the posting of the property and photos showing the home and its relationship to the neighboring homes were presented.

As part of the Easement Vacation application, the Utility Review Form for vacation of an easement was submitted to the following local utility companies:

- Lake County Public Works Department
- CenturyLink/Embarq
- SECO Utility
- Comcast
- The Villages Utilities

Mr. Carroll noted that response/comments from the utility companies were received with no objections to the easement vacation. The results are shown in the following table:

Utility Name	Utilities on Site	Approve/Deny Project	Comments
Lake County Public Works Dept.	No	Approve	Utilities service provided by The Villages.
CenturyLink/Embarq	No	Approve	Encroachment does not interfere with the maintenance and operation of services.
Duke Energy	No	Approve	The encroachment, in its present form, does not interfere with Duke Energy’s use of easement. No objection.

Comcast	No	Approve	Comcast design does not show any facilities within this easement; no objection.
The Villages Utility	No	Approve	Utilities run along the front yard of the property. Encroachment does not interfere with any of The Villages Utilities.

In order to remedy the encroachment and become compliant with Town regulations, the applicant is seeking approval to vacate the south five feet of the utility easement. Staff supports this request based upon the agency reviews and determination that the utilities can be adequately maintained with the remaining portion of the easement.

The subject property lies in Section 06, Township 18 South, Range 24 East, Lady Lake, Florida. The Future Land Use Map designation for the site is MH-HD (Manufactured Home-High Density, up to 8 DUs/acre) and is zoned “MX-8”.

Mr. Carroll stated that the Technical Review Committee individually reviewed the application for Resolution No. 2017-109 on Monday, July 10, 2017, provided comments, and determined the application to be complete and ready for transmittal to the Town Commission. The Planning and Zoning Board does not review easement vacation applications.

Mr. Carroll reiterated that most lots in The Villages typically have a five-foot side yard setback, however, there was a ten-foot easement on this particular plat. He stated there are only a few lots with this ten-foot easement, and it was an error that this easement was not located prior to construction of the home.

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

Mayor Richards asked if anyone had any questions or comments.

Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved the first/final reading of Resolution No. 2017-106 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>

9. Ordinance No. 2017-30 - First Reading - Establishing an Ordinance for a Temporary Moratorium on the Submittal, Processing, Approval, and Issuance of Licenses, Local Business Tax Receipts, Development Orders, Land Use Modifications or Approval for Marijuana Dispensing Organizations or Medical Marijuana Treatment Centers for a Period of One Hundred and Eighty (180) Days (Kris Kollgaard)

Attorney Sasha Garcia read the ordinance by title only.

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Clerk’s office). She stated that in June, Florida Governor Rick Scott signed Senate Bill No. 8-A, which creates a unified regulatory structure for sale, use, distribution, and consumption of medical

marijuana in the State of Florida. Some of the changes in this new bill will affect the Town’s current ordinance. Staff recommends establishing this temporary moratorium to give staff and the Town Commission an opportunity to review applicable regulations concerning activities related to or uses of medical marijuana permitted under the legislation.

Ms. Kollgaard stated that the Senate bill allows counties and municipalities to ban medical marijuana treatment center dispensaries from being located within their boundaries by ordinance. She stated that if the Town does not ban this, the new bill allows that the Town cannot place limits on the number of dispensaries allowed and they must be treated the same as pharmacies; they would be allowed in any zoning district that currently allows pharmacies such as Walgreens. These include Light Commercial, Heavy Commercial and Planned Commercial. The bill states that medical marijuana treatment center dispensing facilities may not be located within 500 feet of real property that comprises public or private elementary, middle or secondary schools.

Ms. Kollgaard recommended establishing a moratorium of 180 days to give the Commissioners time to think about this, and perhaps hold a workshop to discuss it further.

Mayor Richards commented that he would like to hold a workshop. He stated that it appears from the voting records that Lady Lake citizens voted two to one to approve medical marijuana. He stated he would like to get input from citizens on this.

Ms. Kollgaard stated that even though the residents voted for medical marijuana, it would be good to get their feedback on whether they want medical marijuana dispensaries located in the Town.

Commissioner Vincent commented that this moratorium would give the Commissioners some time before making a declaration, and may save some legal problems later on.

Mayor Richards asked if anyone had any further 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. 2017-30 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>

K. TOWN MANAGER’S REPORT:

Town Manager Kris Kollgaard reported that she has looked into the request by resident Joe Quinn regarding “jake breaking”, by truckers. She stated a lot of municipalities have banned the use of “un-muffled compression breaks”. The Town could also do this by ordinance, but would need to get permission from F.D.O.T. to put up signs on Highway 27/441. Other municipalities have allowed this type of breaking only if there is an emergency. She asked Mr. Quinn if he considers this a big problem.

- Joe Quinn of 633 Rainbow Blvd. replied that it is a big problem with trucks coming off the overpass bridge both ways on Hwy 27/441.

Commissioner Hannan asked what costs would be associated with this. He stated he does not hear this type of noise at his home, which is 200 feet off of C.R. 25.

Mayor Richard replied there would be no costs other than signage. He stated the state would install the signs for the Town.

Commissioner Hannan asked how the noise level would be measured.

Mayor Richards stated it would most likely be anything at 90 decibels or more.

Commissioner Kussard stated the Town does not have a noise ordinance, and asked how this would be enforced.

Ms. Kollgaard agreed there is no noise ordinance and the Town may need to consider this as well, as there have been complaints from residents about noise such as lawn work commencing too early or on weekends; especially in residential areas near commercial areas.

Commissioner Hannan asked who would respond to such a complaint, and who would be responsible.

Ms. Kollgaard replied that the police would respond and it would be on the contractor, or the homeowner, if applicable.

Commissioner Vincent stated that once the bridge comes down, F.D.O.T. may need to put up sound barriers by Water Oak; audio engineers will need to get involved.

Mayor Richards agreed this may be a moot issue once the bridge comes down.

Ms. Kollgaard reported she received a letter today from the Florida Public Human Resource Association, and she congratulated the Town's Human Resource Director, Tia O'Neal, for earning her second and final recertification as a Public Human Service Professional through this association. She stated this recertification demonstrates a minimum of a nine-year commitment. She thanked Ms. O'Neal for a job well-done.

Ms. O'Neal was applauded and congratulated.

L. MAYOR/COMMISSIONER'S REPORT:

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

Commissioner Vincent reported on items discussed at the Florida League of Cities Transportation Committee meeting recently. He stated there are two items designated as super priorities. One concerns SB 596 signed by the Governor regarding the Advanced Wireless Infrastructure Deployment Act, and is described as follows: *Utilities; Authorizing the Department of Transportation and certain local governmental entities to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdictions any voice or data communications services lines or wireless facilities; creating the "Advanced Wireless Infrastructure Deployment Act"; providing requirements for the collocation of small wireless facilities on authority utility poles; authorizing an authority to enforce local codes, administrative*

rules, or regulations adopted by ordinance in effect on a specified date which are applicable to a historic area designated by the state or authority, etc.

Commissioner Vincent stated this bill allows for indiscriminate wireless right of way site requests to be processed at any given time, and effects Home Rule.

Commissioner Vincent reported on the second priority discussed regarding the Franchise Business Preemption (HB 1021). HB 1021 is described as follows: *Construction; Authorizing solar energy systems manufactured or sold in the state to be certified by professional engineers; revising an exemption from construction contracting regulation for certain public utilities; prohibiting a political subdivision from adopting or enforcing certain building permits or other development order requirement; requiring the Florida Building Code Administrators and Inspectors Board to establish rules; prohibiting local enforcement agencies, independent districts, and special districts from charging certain fees; revising requirements for updating the Florida Building Code, etc.*

Commissioner Vincent stated this is also a preemption to Home Rule and even effects free speech in regard to signage.

Mayor Richards asked if the Florida League of Cities is opposing these bills.

Commissioner Vincent replied they are vigorously opposing these bills. He stated he has heard the local Florida League of Cities representative is not running with the crowd up there.

Ms. Kollgaard stated she would like to discuss some of these bills with the Town Attorney prior to a workshop because some of them have severely affected the Town's Home Rule powers, and it is very serious for local governments.

Commissioner Hannan stated he is on the Florida League of Cities Land Use and Transportation Committee, and they had a few action items regarding annexation, CRAs, etc. He stated they had a discussion lasting almost three hours regarding Tallahassee attacking Home Rule. It was said that Tallahassee thinks they can do a better job at managing municipalities than local government, which is so wrong. Commissioner Hannan stated he has given materials to the Town Manager to be shared with the other Commissioners so they can be aware what actions the Town needs to take.

Mayor Richards stated that the Florida League of Cities is representing local government in Tallahassee.

Commissioner Kussard asked when the workshop would be scheduled, and if there will be one regarding medical marijuana separate from the Florida League of Cities issues.

Ms. Kollgaard replied she would like to check with the Town Attorney's schedule prior to scheduling the workshop regarding the bills from Tallahassee.

Mayor Richards stated he would like to hold the workshop regarding medical marijuana in the next two to three weeks.

M. PUBLIC COMMENTSⁱⁱ

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

- Nora Choquette of 212 E. McClendon Street thanked the Commission for temporarily banning medical marijuana dispensaries until further review of the issues involved. She also commented that she takes her son to the children’s park on Guava Street, and people tend to drive fast down that road. She asked if the Town would consider putting speed bumps in that area of the road. She reported that the latch on the gate of the children’s park is broken.

Ms. Kollgaard stated staff will check on the broken latch in the morning.

N. ADJOURN: There being no further business, the meeting was adjourned at 7:04 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.*