

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

3 **June 17, 2019**

4 The regular meeting of the Lady Lake Town Commission was held in the Commission Chambers
5 at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida with Mayor Jim Richards presiding.
6 The meeting convened at 6 p.m.

7 **A. CALL TO ORDER**

8 Mayor Jim Richards

9 **B. INVOCATION**

10 By Keith Johnson of the Chapel of Christian Faith

11 **C. PLEDGE OF ALLEGIANCE**

12 **D. ROLL CALL**

Commissioner (Ward)	Present
Hannan (Four)	NO
Kussard (One)	YES
Holden (Two)	YES
Vincent (Three)	YES
Richards (Five)	YES

13 **STAFF PRESENT**

14 Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth
15 Management Director; C.T. Eagle, Public Works Director; Mike Burske, Parks and Recreation
16 Director; Chief Rob Tempesta, Lt. Nelson Vargas, Lady Lake Police Department; Wendy Then,
17 Senior Planner; Pam Winegardner, Finance Director; Maureen Gochee, Human Resource
18 Director; and Nancy Slaton, Deputy Town Clerk

19 **E. PUBLIC COMMENT**

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

1 **F. PUBLIC HEARING:**

2 **1. Resolution 2019-106 (First and Final Reading) — Tentative Fire Assessment Rates (Pam**
3 **Winegardner)**

4 Finance Director Pam Winegardner presented the background for this agenda item (on file in the
5 Clerk's Office).

6 Fire Chief Edmund Cain from The Villages Public Safety Department presented an overview of
7 the Lady Lake portion of the department in regard to equipment, staffing, and response to
8 incidents.

9 Mayor Richards asked if there were any questions or comments.

10 Commissioner Kussard thanked Chief Cain for his presentation. She stated she sent information
11 regarding this increase to the residents in her Ward, and although they were unhappy with it,
12 they understood the reasoning for it. She stated The Villages has a wonderful fire department.
13 She also stated that she is impressed with the department's Insurance Service Office (ISO) rating
14 of two, with the possibility of going to a one, as her husband and Commissioner Holden are both
15 former firefighters and she understands the significance of the rating.

16 Commissioner Holden stated he has heard no negative comments regarding The Villages fire
17 department or the County's fire department, and feels this increase is warranted.

18 Mayor Richards stated he was concerned about the 38% increase since 2011. He asked for an
19 explanation for such a large increase since that time. He also noted that this tentative increase is
20 by resolution at this time and it will be finalized September 4th, also by resolution.

21 Chief Cain replied that the department increased their engine crew response staffing to a
22 minimum of three as per National Fire Protection Association (NFPA) and ISA regulations and
23 requirements. He stated personnel and operational costs have increased as well.

24 Town Manager Kris Kollgaard noted that this resolution for the tentative rate increase must be
25 approved so that the residents can be notified by the TRIM notices rather than the Town having
26 to individually mail this notice out to each affected homeowner. She confirmed that this was
27 advertised in the newspaper for public notice.

28 Town Attorney Derek Schroth read the resolution by title only.

29 Ms. Kollgaard clarified with Chief Cain that the lower the ISO rating, the better the rating is.

30 Bruce Ballot of the Village of La Reynalda commented that although he has no complaint with
31 the increase, he feels residents would prefer the increases come in smaller increments rather
32 than a large percentage at one shot. He stated the fire department does a good job.

1 Hearing no other questions, Mayor Richards asked for a motion.

2 **Commissioner Kussard made a motion to approve the First and Final Reading of Resolution**
3 **2019-106 as presented. Commissioner Holden seconded the motion. The motion passed by**
4 **the following roll call vote:**

Commissioner	Vote
Kussard	YES
Holden	YES
Vincent	YES
Richards	YES

5 **G. CONSENT**

6 **2. Minutes — June 3, 2019 — Regular Commission Meeting**

7 **3. Consideration for the Water, Sewer, and Reuse Utility Agreement for Lady Lake Commons**
8 **— New Major Site Plan MJSP 09/18-002 —A Multi-Tenant Development Proposing an 72,243-**
9 **Square-Foot Inline Retail Building with 428 Parking Spaces and Four Outparcels, on**
10 **Approximately 18.5 Acres Along Hwy 27/441, Fennell Blvd. and County Road 25, Identified by**
11 **Alternate Key 3305451 (Thad Carroll)**

12 **4. Consideration for the Water and Sewer Utility Agreement for Sumter County Commercial**
13 **Center, LLC— A Mixed-Use Development Which May Include Multifamily Residential, Assisted**
14 **Living Facility and Commercial Uses, on Approximately 40.35 Acres Located West of the**
15 **Intersection of Cherry Lake Road and Highway 466 in Sumter County, Florida (Thad Carroll)**

16 Mayor Richards asked if any of the Commissioners had any concerns regarding the Consent
17 items. Hearing none, he asked for a motion.

18 **Commissioner Kussard made a motion to approve Consent Items G-2 through G-4.**
19 **Commissioner Holden seconded the motion. The motion passed by a vote of 4 to 0.**

20 **H. OLD BUSINESS**

21 No old business.

22 **I. NEW BUSINESS**

23 **5. Consideration of Approval to Partner with the Lady Lake Historical Society to Host a Movie**
24 **Night on September 28, 2019, to Include a Movie and Free Hot Dogs and Chips for Attendees,**
25 **in Celebration of the Smithsonian’s National Museum Day (Mike Burske)**

1 Parks and Recreation Director Mike Burske presented the background summary for this agenda
2 item (on file in the Clerk’s Office). He stated that staff will also include soft drinks in the budget
3 for this event.

4 Mayor Richards asked if there were any questions, and hearing none, asked for a motion.

5 **Commissioner Holden made a motion to approve the consideration to partner with the Lady
6 Lake Historical Society to host a movie night on September 28, 2019as presented.**

7 **Commissioner Kussard seconded the motion. The motion passed by a vote of 4 to 0.**

8 **J. TOWN ATTORNEY’S REPORT**

9 **6. Ordinance 2019-03 (Second and Final Reading) — Annexation — The Villages of Lake-
10 Sumter, Inc. — Voluntarily Annexing Approximately 0.14 Acres, One Lot Located Within
11 Orange Blossom Gardens Unit 3.1b, Referenced by Alternate Key 271805, within Lake County,
12 Florida (Thad Carroll)**

13 Town Attorney Derek Schroth read the ordinance by title only.

14 Growth Management Director Thad Carroll presented the background summary for this agenda
15 item (on file in the Clerk’s Office). He stated Martin Dzuro, Jr. is present if there are questions.

16 Mayor Richards asked if there were any questions or comments, and hearing none, asked for a
17 motion.

18 **Commissioner Holden made a motion to approve the Second and Final Reading of Ordinance
19 2019-03 as presented. Commissioner Kussard seconded the motion. The motion passed by
20 the following roll call vote:**

Commissioner	Vote
Kussard	YES
Holden	YES
Vincent	YES
Richards	YES

21 **7. Ordinance 2019-04 (Second and Final Reading) — Small Scale Future Land Use Map
22 Amendment — The Villages of Lake-Sumter, Inc. — Amending the Lady Lake Future Land Use
23 Map from Lake County Medium Urban Density to Town of Lady Lake Manufactured Home
24 High Density (MH-HD) for Approximately 0.14 Acres, One Lot Located Within Orange Blossom
25 Gardens Unit 3.1b, Referenced by Alternate Key 271805, within Lake County, Florida (Thad
26 Carroll)**

1 Town Attorney Derek Schroth read the ordinance by title only.
2 Growth Management Director Thad Carroll presented the background summary for this agenda
3 item (on file in the Clerk’s Office). He stated the applicant is present if there are questions.
4 Mayor Richards asked if there were any questions or comments, and hearing none, asked for a
5 motion.

6 **Commissioner Vincent made a motion to approve the Second and Final Reading of Ordinance**
7 **2019-04 as presented. Commissioner Holden seconded the motion. The motion passed by the**
8 **following roll call vote:**

Commissioner	Vote
Kussard	YES
Holden	YES
Vincent	YES
Richards	YES

9 **8. Ordinance 2019-05 (Second and Final Reading) — Rezoning — The Villages of Lake-Sumter,**
10 **Inc. — Rezoning Property from Lake County Residential Medium (RM) To Lady Lake Mixed**
11 **Residential Medium Density (MX-8) for Approximately 0.14 Acres, One Lot Located Within**
12 **Orange Blossom Gardens Unit 3.1b, Referenced by Alternate Key 271805, within Lake County,**
13 **Florida ((Thad Carroll)**

14 Town Attorney Derek Schroth read the ordinance by title only.
15 Growth Management Director Thad Carroll presented the background summary for this agenda
16 item (on file in the Clerk’s Office). He stated the applicant is present if there are questions.
17 Mayor Richards asked if there were any questions or comments, and hearing none, asked for a
18 motion.

19 **Commissioner Kussard made a motion to approve the Second and Final Reading of Ordinance**
20 **2019-05 as presented. Commissioner Vincent seconded the motion. The motion passed by the**
21 **following roll call vote:**

Commissioner	Vote
Kussard	YES
Holden	YES
Vincent	YES

Commissioner	Vote
Richards	YES

1 **K. TOWN MANAGER’S REPORT**

2 Town Manager Kris Kollgaard reminded the Commissioners that the quarterly workshop will be
3 held on Monday, June 24th, at 10 a.m., and it will be open discussion.

4 **L. MAYOR AND COMMISSIONER’S REPORT**

5 Mayor Richards asked if any of the Commissioners had anything to report. There were no
6 reports.

7 **M. PUBLIC COMMENTS**

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

9 David Davis of 925 Orchid Street in The Villages stated he has an issue with the Town’s Building
10 Department regarding the construction of a deck at his home which was approved by The
11 Villages Architectural Review Committee (ARC). He stated his wife is disabled as a result of an
12 accident and this is why he is building the deck and ramp at a level access to his manufactured
13 home. He stated that materials arrived earlier than expected and were left in his driveway. So
14 that vehicles were not left parked on the street over the weekend, he began building the
15 platform without a permit. Mr. Davis stated that he has been told he now has to apply for a
16 variance as well as a permit, and he has not heard anything. He stated he tried to follow the
17 rules and was well intentioned.

18 Mr. Carroll agreed that Mr. Davis has visited the building department on a number of occasions.
19 He stated there is an active code enforcement case regarding the fact that Mr. Davis built the
20 structure without a permit. He stated the main issue in not approving the permit is the
21 interpretation of the Town’s Land Development Regulations (LDRs) regarding the 20 foot
22 setback from the local roadway in the MX-8 zoning. According to this, the deck is encroaching 13
23 feet into the front setback. He stated that he does not know why the ARC approved this deck,
24 and whether they were aware of the spacing for the setback.

25 Mr. Carroll stated it appears this deck is built for leisure, and in its present condition, is not built
26 for handicap accessibility. Mr. Davis has been given avenues for variance applications with two
27 options noted; an administrative variance at a cost \$265, or a full variance at a cost of \$850. Staff
28 does not consider this a hardship case. Mr. Davis was told he could come to the Commission
29 meeting to get the Commissioners’ view on a request for a variance.

30 Mayor Richards asked if a wheelchair ramp could be installed four or five feet outside of the

1 house and still be within the setback.

2 Mr. Davis replied that the only other access to the house is two stairs up from the carport. He
3 stated that he does not believe a wheelchair ramp that close to the house would be safe in the
4 case of a structure fire.

5 Mayor Richards asked if Mr. Davis has the drawing of the project approved by the ARC.

6 Mr. Carroll stated the issue is the level of encroachment on the setback, although staff may be
7 able to support the construction of an ADA handicap accessible ramp. He stated the deck seems
8 to have been built for entertainment purposes.

9 Commissioner Kussard asked if there is a possibility of scaling back the size of the deck.

10 Mr. Carroll stated that staff has suggested that the deck be reduced in size, but Mr. Davis wants
11 to leave the deck as constructed in its entirety.

12 Mayor Richards stated he does not understand why the ARC approved the construction of this
13 deck, knowing the right-of-way setbacks.

14 Attorney Schroth noted that through the normal variance process, the neighbors would get
15 noticed, the property would be posted, and there would be a full hearing before any decision
16 would be made by the Commissioners. The Commissioners could then determine if there is a
17 bonafide ADA issue and whether to refund whatever variance fee is changed after a full hearing.

18 Mr. Davis stated he did not believe any neighbors would complain about his deck, and that he
19 was well intentioned by getting ARC approval, who he believed had authority over the Town of
20 Lady Lake's recommendations.

21 Mayor Richards agreed with staff and the Town Attorney that Mr. Davis would have to apply for a
22 variance.

23 Mr. Carroll stated there are two options for Mr. Davis at this point. He could apply for a
24 substantial administrative variance at a cost of \$265 to potentially construct a handicap ramp
25 with that application, or he could apply for a full variance to keep the deck in its entirety at a
26 cost of \$850. He stated Mr. Davis needs to be aware that by paying the variance fee, there is no
27 guarantee that the Commission will approve the variance.

28 There was further discussion by the Commission regarding the reasoning for the setback
29 requirements.

30 Mr. Carroll stated that if Mr. Davis paid for the variance application, it would probably come
31 back before the Commission at the July 15th meeting due to noticing requirements. He noted
32 that this deck was constructed several months ago and is not currently a life or safety threat.

1 Town Manager Kris Kollgaard reminded the Commission that before too much more discussion
2 is held on this issue, the variance application fee needs to be paid for and a variance resolution
3 noticed.

4 Mr. Davis asked what the application fee was for, and whether it was for engineered drawings.

5 Ms. Kollgaard replied that the fee is based on the costs for staff's time, advertising, public notice
6 requirements for posting and mail-outs to surrounding property owners.

7 Mr. Carroll stated the application fee does not include the cost of engineered drawings, which
8 may be necessary for the permit if the variance is approved, and if so, will be the responsibility
9 of Mr. Davis. He has been given a list of engineers as a resource, though no recommendations
10 are made by staff.

11 Mr. Davis clarified that if variance was approved, it would change the requirements for this lot
12 only. He thanked the Commission for listening to his issue.

13 **N. ADJOURN**

14 There being no further business, the meeting was adjourned at 6:56 p.m.

15 _____
16 Kristen Kollgaard, Town Clerk

17 _____
18 Jim Richards, Mayor

19 Minutes transcribed by Nancy Slaton, Deputy Town Clerk