

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

**November 15, 2021**

The regular meeting of the Lady Lake Town Commission was held in the Commission Chambers at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida, with Mayor Ruth Kussard presiding. The meeting convened at 6: 10 p.m.

## **A. CALL TO ORDER**

Mayor Ruth Kussard

## **B. INVOCATION**

Moment of Silence

## **C. PLEDGE OF ALLEGIANCE**

## **D. ROLL CALL**

<b>Commissioner (Ward)</b>	<b>Present</b>
Hannan (Four)	YES
Kussard (One)	YES
Holden (Two)	YES
Freeman (Three)	YES
Rietz (Five)	YES

## **STAFF PRESENT**

Derek Schroth, Town Attorney; Bill Lawrence, Town Manager; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Tamika DeLee, Human Resource Director; Wendy Then, Senior Planner; Chief Robert Tempesta, Deputy Chief Jason Brough, Officer Heather Couch, and Officer Devin Daniels, Lady Lake Police Department; Pam Winegardner, Finance Director; Interim Library Director Marsha Brinson; Nancy Wilson, Deputy Town Clerk, Julia Harris, Staff Assistant to Town Clerk, and Nancy Slaton, Town Clerk

## **E. PRESENTATION OF APPRECIATION OF SERVICE AWARDS**

Former Mayor/Commissioner Jim Richards

Commissioner Tony Holden

Mayor Kussard stated that former Mayor/Commissioner Jim Richards was on the Town

Commission for 13 years; nine of them as Mayor. She stated he is the longest serving Mayor in the Town of Lady Lake. He shared his considerable engineering and public works knowledge while serving. Mayor Kussard presented Mr. Richards with a plaque in appreciation of his 13 years of service on the Commission, and wished him a long and happy retirement.

Former Mayor Richards stated that he and his wife have loved Lady Lake since they moved here in 1994. He stated it was a pleasure serving on the Commission thanks to the Commissioners and excellent staff and he is happy with how everything is being taken care of. He stated “pay as you go” is his motto and he recommended that the Town’s reserve be kept in case of emergencies. Mr. Richards thanked everyone for the recognition.

Mayor Kussard presented Commissioner Holden with an appreciation of service award for 15 years of service on the Commission.

Commissioner Holden stated the years have flown by; he thanked everyone for this recognition.

There was a standing ovation and applause by the audience for both former Mayor Richards and Commissioner Holden.

#### **F. PRESENTATION OF LIFE SAVING AWARDS (Chief Robert Tempesta)**

Corporal Heather Couch

Officer Devin Daniels

Officer Dennis Pranouskes

Police Chief Robert Tempesta announced that these officers are being presented with Life Saving awards for their quick actions that saved the life of another. He provided a summary of the events of each officer leading to the presentation of these awards. Chief Tempesta stated Officer Pranouskes was unable to attend this evening due to a conflict.

There was a standing ovation and applause by the audience for both officers.

#### **G. COMMISSION SWEARING-IN CEREMONY:**

Ruth Kussard, Ward One

Ed Freeman, Ward Three

Jim Rietz, Ward Five

The Town Clerk officiated the swearing in of the Commissioners.

#### **H. CONSIDERATION OF SELECTION OF MAYOR AND MAYOR PRO-TEM FOR 2021-2022**

Mayor Kussard asked the Commissioners for their nominations for Mayor and Mayor Pro Tem

**Commissioner Hannan made a motion to nominate Commissioner Rietz as Mayor for the coming year. Commissioner Holden seconded the motion. The motion passed by a vote of 5 to 0.**

**Commissioner Hannan made a motion to nominate Commissioner Kussard as Mayor Pro Tem for the coming year. Commissioner Holden seconded the motion. The motion passed by a vote of 5 to 0.**

#### **I. CONSIDERATION OF SELECTION OF COMMISSION LIAISONS FOR 2021-2022**

Mayor Rietz asked the Commissioners if they would like their liaison assignments to remain the same as last year or if they wanted to change. After discussion, the following changes to the liaison list were made:

Florida League of Cities: Commissioner Freeman with Commissioner Holden as alternate.

Metropolitan Planning Organization: Commissioner Freeman with Commissioner Holden as alternate.

MPO Citizens Advisory Committee: Dan Vincent

Lake County Library Advisory Board: Mayor Rietz stated he may have someone in mind. The Clerk asked that the Clerk's Office be contacted if they are interested.

#### **J. CONSENT<sup>ii</sup>**

##### **1. Minutes — November 1, 2021 — Commission Meeting**

Mayor Rietz asked if the Commissioners had any questions regarding the consent item. There were no questions.

**Commissioner Hannan motioned to approve Consent Item J-1. Commissioner Holden seconded the motion. The motion passed by a vote of 5 to 0.**

#### **K. NEW BUSINESS**

**2. Consideration of Approval for the Lighthouse Storage New Major Site Plan MJSP 06/21-001 — A Proposal to Develop a Storage Facility Consisting of an 800-Square-Foot Office, 77,850 Square Feet of Climate Control Mini Storage, 181 Covered RV and Boat Parking Stalls and 42 Parking Spaces; on Property Located at 41101 and 41109 County Road 25, Referenced by Alternate Key Numbers 1237718 and 1237734; within Lady Lake, Florida (Thad Carroll)**

Growth Management Director Thad Carroll presented the background summary for this item. On Wednesday, June 23, 2021, applicant Steve Valentine filed a New Major Site Plan

application on behalf of property owner LYNK Investments, LLC for the proposed Lighthouse Storage development at 41101 and 41109 County Road 25, within the town limits of the Town of Lady Lake, Florida. As part of the review of the Land Development Regulations for the Lighthouse Storage new major site plan, it was identified certain elements of the Commercial Design Standard were not being met.

Mayor Rietz asked if there were any questions by the Commissioners.

Commissioner Freeman asked if the existing building will be removed or renovated.

Steven Valentine stated the existing building will be refurbished and will become the office.

Mayor Rietz asked for a vote.

Town Attorney Derek Schroth asked if there were any questions by the public since there were waivers requested. There were no questions or comments.

**Commissioner Kussard motioned to approve the Lighthouse Storage New Major Site Plan MJSP 06/21-001 with the requested waivers. Commissioner Hannan seconded the motion. The motion passed by a vote of 5 to 0.**

**3. Consideration of Approval of the Major Modification for the Water Oak Golf Course Pond Enhancement Project — MJM 09/21-001, for Property Owned by Sun Water Oak Golf, Inc.;**  
**Referenced by Alternate Key Numbers 1584809 and 3793724 (Thad Carroll)**

Growth Management Director Thad Carroll presented the background summary for this item. This project consists of the re-grading of the majority of the golf course, moving tee boxes, greens and fairways for a more enjoyable golfing experience. The three small ponds will be enlarged and a fourth added. All four will be interconnected and outfall to the existing offsite wetland. The ponds will provide stormwater treatment for the entire course as well as additional stormwater storage to reduce the chance of flooding in the low areas that currently occurs in heavy rainfall events, especially during the rainy season. An improved clubhouse and maintenance building will also be added in the future as part of another project on the course.

Mr. Carroll stated that the engineer of record is present if there are questions.

Mayor Rietz asked if there were any questions by the Commissioners.

Commissioner Freeman asked if there will be a fourth pond, and if so, will it be a snake pit. He asked if there is an easement to allow the run-off to flow into the wetland.

Richard Kelly replied the fourth pond will be close to the eighth fairway in the upper left-hand corner. He stated it will catch the run-off and will be made larger in area. He stated the run-off is a natural flow and no special easement is required.

Mayor Rietz asked for a vote.

**Commissioner Holden motioned to approve the Major Modification for the Water Oak Golf Course Pond Enhancement Project — MJM 09/21-001. Commissioner Freeman seconded the motion. The motion passed by a vote of 5 to 0**

**4. Consideration to Award Construction of Well #4 and Well #5 Project (Bid #2021-0002 Documents) to Citrus Well Drilling (Surface Casing Contractor) in the amount of \$128,820.00 and Applied Drilling Engineering, Inc. (Production Well Completion) in the Amount of \$554,700.00 for a Total Contract Amount of \$683,520.00 (C.T. Eagle)**

Public Works Director C.T. Eagle presented the background summary for this agenda item. He stated that on June 24, 2021, the Town received one bid for the subject project that was significantly greater than the engineer's estimate at \$1,043,600. As a result, the project was re-advertised and re-bid on August 26, 2021. No bids were received. Town staff then directed the engineer to request and review proposals from qualified well drillers to move this phase of the project forward. The engineer has coordinated a cost effective solution as described in the attached Engineer's Recommendation of Award Letter. Mr. Eagle stated Jason Shepler of Mittauer is present.

Mayor Rietz asked if there were any questions by the Commissioners.

Commissioner Kussard thanked Mr. Shepler for working out this solution so that these wells can be constructed.

Mayor Rietz asked for a vote.

**Commissioner Hannan motioned to approve to award the construction of Well #4 and Well #5 Project (Bid #2021-0002 Documents) to Citrus Well Drilling (Surface Casing Contractor) in the amount of \$128,820.00 and Applied Drilling Engineering, Inc. (Production Well Completion) in the amount of \$554,700.00 for a total contract amount of \$683,520.00, with a 10% contingency. Commissioner Holden seconded the motion. The motion passed by a vote of 5 to 0.**

#### **L. TOWN ATTORNEY'S REPORT**

**5. Ordinance 2021-21 (Second and Final Reading) — An Ordinance Granting Approval to Rescind the Development Order for The Tri-County Villages Lake Development of Regional Impact (Thad Carroll)**

Town Attorney Derek Schroth read the title of the ordinance.

Growth Management Director Thad Carroll presented the background summary for this agenda item. The Florida Statutes, under 380.115, affords a process by which a DRI no longer subject to operation of law may elect to rescind the development order. The applicant has stated that they have satisfied all required mitigation of the development order; specific mitigation with respect to transportation, housing, and wildlife are listed in “Exhibit 2” of the applicant’s submitted materials and have been incorporated into Ordinance 2021-21 under “Request for Rescission” on pages 13 and 14 of the Ordinance. The Tri-County Villages Planned Commercial (CP) zoning and supplemental Memorandum of Agreements shall remain in effect, in addition to the Mixed Residential Medium Density (MX-8) and Planned Unit Development (PUD) zoning designations, as the established land use entitlements for further development of the property. Mr. Carroll stated the applicant’s attorney, Jo Thacker, is present to represent the applicant. He stated the Town Attorney may have something to add.

Commissioner Hannan asked Mr. Schroth to report on the hearing regarding their lawsuit against the Town.

Mr. Schroth stated that the judge reported that The Villages has stated they will dismiss the lawsuit against the Town if this rescission ordinance passes this evening.

Commissioner Hannan asked if The Villages can bring another lawsuit against the Town if the apartment issue is brought before the Town again.

Mr. Schroth stated that any person who feels they were aggrieved by a Town decision can bring a lawsuit.

Mayor Rietz asked if the Commissioners or the audience had any questions.

Commissioner Freeman asked Mr. Schroth his sense of what will happen if the Town does not approve this ordinance. He also asked why it is so important to The Villages to rescind this DRI.

Mr. Schroth stated that if the Commission does not approve the DRI tonight, there will most likely be two lawsuits; the existing law suit challenging the prior action, and then a lawsuit challenging this action since the legislature has said that the local government shall rescind it. He stated he is comfortable defending the first lawsuit, but cannot defend a lawsuit if this DRI is not rescinded tonight. He recommended approving the rescission of the DRI.

Attorney Jo Thacker stated the rescission of the DRI takes away a layer of bureaucracy; it will save time by doing away with filing amendments, etc.

Mayor Rietz stated the rescind request seems fishy to him. He feels there is a connection between this request and the lawsuit over the action regarding the apartments. He reported

some of what Attorney Glass stated regarding the postponement of the lawsuit based on the result of this DRI ordinance vote.

Attorney Thacker stated the merits of the existing lawsuit are their own, although they would be willing to dismiss the lawsuit with prejudice. She stated the application for the DRI rescission stands on its own and should not be considered in the same manner as what was previously considered. The application for the DRI has nothing to do with apartments; they are separate.

Mayor Rietz stated because of this rescission request, his constituents are concerned about the future for the Rialto theatre since the building permit expired. He continued speaking of other concerns regarding Spanish Springs businesses, and future development in Sumter County. He stated he will vote to approve this because he feels his hands are tied.

Mayor Rietz asked for public comments.

Jim Cipollone read a statement asking Commissioners to consider their vote regarding the Spanish Springs town center.

With no further discussion, Mayor Rietz asked for a motion.

**Upon a motion by Commissioner Kussard and a second by Commissioner Holden, the Commission approved the second and final reading of Ordinance 2021-21, by the following roll call vote:**

<b>Commissioner</b>	<b>Vote</b>
<b>Hannan</b>	<b>YES</b>
<b>Kussard</b>	<b>YES</b>
<b>Holden</b>	<b>YES</b>
<b>Freeman</b>	<b>YES</b>
<b>Rietz</b>	<b>YES</b>

#### **M. TOWN MANAGER'S REPORT**

Town Manager Bill Lawrence reported that he appreciated the solution that C.T. Eagle and Mr. Shepler came up with for the construction of the wells. Also, kudos to Parks and Recreation Director Mike Burske and Julia Harris for taking over the rental of the community building and achieving the highest rental income for the month of October. He stated if they keep this up, they will be nearing his goal of having the community building pay for itself.

Town Manager Bill Lawrence welcomed Commissioner Freeman and congratulated Mayor Rietz on their appointments.

#### **N. MAYOR AND COMMISSIONER'S REPORT**

Mayor Rietz asked if any of the Commissioners had anything to report.

Commissioner Hannan stated the Town has no authority to intervene in the business of the Lady Lake Historical Society's refusal to continue with the Vietnam Memorial display. He stated he feels this is a disgrace and feels the American Legion will not be happy to hear about it either.

Commissioner Kussard stated she attended the Veterans' Day Ceremony at Veterans' Park and spoke with Conrad Fischer about this issue.

Commissioner Freeman stated he is a Vietnam Veteran, and he would like to see a display in the museum. However, he stated if there is no interest, the Commission cannot get involved in this.

#### **O. PUBLIC COMMENTS**

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

Conrad Fisher, past president of the Vietnam Veterans, stated he was asked to get the word out regarding veteran activities. He stated it will be a big let-down for the community if the museum does not continue with their display.

Commissioner Hannan stated the Commission has no authority over the museum.

Mayor Rietz asked that Mr. Fischer meet with the museum executives to discuss this.

Suzanne Herto, Executive Director of the Lady Lake Historical Museum, stated that they put out a memorandum regarding a Zoom meeting, but Mr. Fischer did not respond. She stated they asked for a report about the Vietnam Veterans display project and were told it was going slow. The Board voted to abandon this project in a legal meeting.

James Donovan, a Director of the Lady Lake Museum, stated he made the motion to stop efforts on this project. He stated the museum's purpose is regarding the history of Lady Lake, not just the Vietnam era, although they do have a military exhibit.

#### **P. ADJOURN**

There being no further business, the meeting was adjourned at 7:22 p.m.

s/ Nancy Slaton, Town Clerk

s/ Jim Rietz, Mayor



Minutes transcribed by Nancy Slaton, Town Clerk