

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

FEBRUARY 7, 2022

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

A. CALL TO ORDER

Mayor Jim Rietz

B. INVOCATION

Rev. Dr. Paul Harsh – First Baptist Church of Lady Lake

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

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

STAFF PRESENT

Attorney Derek Schroth, Town Attorney; Bill Lawrence, Town Manager; Thad Carroll, Growth Management Director; Pam Winegardner, Finance Director; Mike Burske, Parks & Recreation Director; C.T. Eagle, Public Works Director; Sergeant Jason Brough and Lieutenant Nelson Vargas, Lady Lake Police Department; Nancy Wilson, Town Clerk

E. CONSENTⁱⁱ

1. Minutes — January 19, 2022 — Commission Meeting

2. Consideration of Approval for New Song Community Church of Lady Lake to Host Easter Sunday Sunrise Services at Veterans/Log Cabin Park on April 17, 2022 (Mike Burske)

Commissioner Kussard made a motion to approve the Consent Agenda; Commissioner Hannan seconded the motion. The motion passed by a vote of 5-0.

F. NEW BUSINESS

3. Consideration of Approval for the Lady Lake Relay for Life to Host an 80's Themed Cover Band at the Rolling Acres Sports Complex (Mike Burske/Relay for Life)

Parks & Recreation Director Burske said that Relay for Life is requesting to host a classic rock band at the Relay for Life Event. The event is to be held at the Rolling Acres Sports Complex on Saturday April 23, 2022. They are requesting the band play between 6:00pm and 8:00pm. Once again this is flexible as they said that they would be happy to do it earlier if necessary.

At the September 20, 2021 meeting, the Commission approved the Town partnering with the American Cancer Society to host the tri-county Relay for Life at the Rolling Acres Sports Complex Soccer Fields on 4/23/22 and to waive the field rental fees.

Commissioner Kussard disclosed that she spoke to Jessica from Relay for Life, and she is happy about the change of hours for the event. The band has played on Town Square before.

Commissioner Freeman made a motion to approve the use of the Rolling Acres Sports Complex to host an 80's themed cover band during the Relay for Life event; Commissioner Holden seconded the motion. The motion passed by a vote of 5-0.

4. Consideration of Approval for Mikhail Kuns to Utilize the Community Building for Karate Classes and to Charge him 10% of His Gross as Rent (Mike Burske)

Parks & Recreation Director Mike Burske said that Mikhail Kuns is seeking to host a Tae Kwon Do Karate Class at the Community Building. Mondays are available to him, and we will have to work on a second day for him to practice which will have to be flexible. The proposal is to charge him 10% of the gross proceeds of his class. Mr. Kuns is a Chamber of Commerce Member and has had a long career at Texas Roadhouse.

Commissioner Holden made a motion to approve the use of the Community Building for karate classes and to charge Mikhail Kuns 10% of his gross as rent; Commissioner Hannan seconded the motion. The motion passed by a vote of 5-0.

5. Discussion regarding the Interlocal Agreement for Fire Protection Services with the Village Center Community Development District (Bill Lawrence)

The Town Manager met with the new Village District Manager, Kenneth Blocker who asked if the Town of Lady Lake would review the Fire Protection Contract and note any changes they would like to see when updated. The contract was last reviewed on August 19, 2010.

Commissioner Kussard said she is impressed with The Villages Public Safety Department's ISO rating and response time. She asked that now that The VPSD has taken over ambulance service from American Medical Response in Sumter County, how will that affect those in Lady Lake who now have Lake County EMS? She is also concerned about the cost of ambulance services and if that cost will be included in the Town's fire non-ad valorem assessment.

Edmund Cain – Fire Chief, The Villages Public Safety

Mr. Cain said that October 1, 2022 will be day of changeover and they will be using their staff on smaller non-transport rescues. Regarding service charges within the boundaries of The Villages in Lady Lake, there will not be any increase; the fire fee will remain at \$124.

Commissioner Freeman asked if their department is affiliated with Lake County. Mr. Cain answered that they work together; often units go over boundaries. Mutual aid goes beyond the boundaries of The Villages. Lake EMS, for fire and EMS services, will service the portion of Lady Lake that does not fall within the boundaries of The Villages.

Town Manager Lawrence asked Mr. Cain if he foresees a change in staffing compared to the current agreement. Mr. Cain responded that the mutual aid agreement would cover any changes to staffing. Mr. Lawrence asked if there is anything else the town needs to be made aware of regarding the new agreement that has not been discussed so far. Mr. Cain responded that there is nothing new that has not been discussed.

No motion needed.

6. Discussion regarding moving forward with the purchase of the Taylor property (C.T. Eagle, Bill Lawrence, Derek Schroth)

Public Works Director C.T. Eagle said that there is an issue with the finalization of closing documents for the Taylor property. The Town has received the signed contract from the property owner and the Town Attorney has advised that the Town can move forward with enforcing the contract if it wishes to do so. Staff is requesting direction from the Town Commission on whether they should move forward with enforcing the signed Contract to Purchase and closing on the property.

This proposed purchase has been in the works for many years. With a contract signed by both parties and input from the Town Attorney, the Commission decided to enforce the contract.

The Town Manager recommended moving forward with the contract and directing the Town Attorney and the Public Works Director to meet with Ms. Taylor and let her know that the Town wants to move forward with the signed contract. The Commission concurred.

7. Consideration of Approval for the Christian Food Pantry - Building Addition – Major Modification to Site Plan MJM 12/21-001 – Proposal for a 431-square-foot Building Addition, a 120-square-foot Aluminum Cover Structure, a 96-foot Concrete Ramp with Landing, a 104-foot Concrete Slab, a 120-gal LP Gas Tank and Pad, and providing seven parking spaces, on a .22-acre parcel owned by North Lake Presbyterian Church Inc., located at 103 High Street, and identified by Alternate Key Number 1723663 (Thad Carroll)

Growth Management Director Carroll said that the engineer on the project indicated that the Food Pantry operations require additional space to serve the growth in families and individuals seeking help. To accommodate that need, they would like to expand their storage area; the area would not be used for office or retail. Because of limited weekday operations and the expense of running sewer lines to make connection for just one equivalent residential unit, the applicant is requesting a waiver to connect to the Town's Sewer Facilities.

Commissioner Kussard made a motion to approve the major modification to the site plan for the Christian Food Pantry; Commissioner Holden seconded the motion. The motion carried 5-0.

8. Consideration of Approval for the Old Dixie Highway Park Improvements – Major Modification to Site Plan MJM 01/22-001 – Proposing to construct a 12-long, 2,500 linear feet multi-use trail featuring 114 parking spaces including 5 ADA Florida accessible parking spaces, four 10-foot by 10-foot pavilions, four benches, two drinking fountains, two access points, and one public restroom, on a 9.97-acre parcel located at the southwest corner of Old Dixie Hwy and Lady Lake Blvd., addressed as 120 West Lady Lake Blvd. and identified by Alternate Key Numbers 1279917 and 1698693 (Thad Carroll)

Growth Management Director Carroll said that the Town originally acquired a five-acre vacant parcel fronting Old Dixie Highway in December of 2012 zoned Light Commercial. In April of 2014, the Town acquired an adjacent 5.73-acre parcel which has access to Arlington Avenue and is zoned Single Family Medium Density (RS-6). The parcel fronting Old Dixie Highway has been historically used as a parking lot to accommodate overflow parking for special Town events held at the Log Cabin and has been utilized by adjacent businesses as well. Mr. Carroll described the scope of work.

Commissioner Freeman asked why there are only five handicapped parking spaces. Mr. Carroll responded that a formula is used to determine how many spaces are needed.

Commissioner Freeman asked about pavement in the parking area to which Parks & Recreation Director Burske responded that a mesh is used to support the weight of a fire truck. Mesh is used anyplace a fire truck may potentially traverse.

Commissioner Freeman said that on the plans, it looks like two kinds of pavement are being used. Mr. Burske explained that from Arlington to Old Dixie Hwy, in that neighborhood, there is only one road and if there is an emergency, that pathway would support the weight of trucks and cars for emergency access. The junction between the two pavement types will be seamless.

At this time, there are no security cameras or lightening arrestors.

Commissioner Freeman made a motion to approve the major site plan modification for the Old Dixie Highway Park improvements; Commissioner Hannan seconded the motion. The motion passed by a vote of 5-0.

G. TOWN ATTORNEY'S REPORT

9. Ordinance 2021-29 (First Reading) — Rezoning — Palm Property Partners-Haymaker, LLC — Rezoning Certain Property being Approximately 41.22 Acres from Lady Lake Unclassified Designation to Lady Lake Residential Planned Unit Development (PUD); Referenced by Alternate Key Numbers 1739438, 1237815, and 1739454, within Lake County, Florida (Thad Carroll)

Attorney Derek Schroth read Ordinance 2021-29 by title.

Growth Management Director Carroll said this ordinance was presented to the Commission on January 3, 2022 at which time the Commission voted not to pass it by a vote of 3—2. All parties involved are the same. The applicant is Charles Hiott with Besh Halff who is present on behalf of Palm Property Partners-Haymaker LLC. The proposed zoning is for a Planned Unit Development (PUD) and the future land use is single family, medium density which supports up to six dwelling units per acre. Since 2006 when the property was annexed, a future land use was assigned but when it came time for zoning, the applicant withdrew the request. Since that time the property has floated without a zoning assignment from the Town of Lady Lake.

Mr. Carroll repeated some of his background summary from the January 3, 2022 meeting:

The property consists of three parcels along County Road 25. The current zoning designation is unclassified, and the proposed zoning is Residential Planned Unit Development. A couple ordinances were adopted in 2006 at which time the property was annexed and a future land use designation of six dwelling units per acre was assigned. When the ordinance for rezoning was ready to be brought before the Commission, the owners decided to abandon the project. Therefore, this area has been in limbo since 2006 without an assigned zoning designation. Now there are applicants who would like to rezone the property. Their proposal is for just under four units per acre which is less density than what is permitted with the future land use

designation. This would allow for 160 homesites with the dwellings ranging from about 1,600 – 1,800 square feet and selling for around \$300,000.

There are other residential designations in the area. Permitted uses include single family detached dwelling units and ancillary subdivision amenities. The proposed lot size is 5,600 square feet with a minimum of ten feet between structures which is a fire code requirement.

There was an amendment to the Memorandum of Agreement since the Planning & Zoning Board meeting on December 21, 2021. The change states that a type “A” buffer shall be provided along CR 25 and a six-foot vinyl fence will be erected along the east, north and south property lines.

Much of the discussion that came about at the Planning & Zoning meeting was from the adjacent property owners some of whom own large tracts of land. They do not want to look at intense development to the south of them and there are some safety concerns so that is why the six-foot vinyl fencing was been proposed for the entire property except along CR 25.

Regarding traffic, this development is projected to generate 1,602 net external daily trips; the volume allowed on CR 25 to comply with level of service “D” is 14,060. Currently, daily trips are running at about 11,400 so there is still some capacity on CR 25.

This matter is being brought back to the Commission because Commissioner Hannan, who had previously voted against approving the ordinance, changed his mind and asked that it be reconsidered.

Tara Tedrow, attorney for applicant.

Ms. Tedrow showed a visual presentation to the audience and explained the layout of the PUD in more detail.

Ms. Tedrow then said that after the meeting on January 3, 2022 when the ordinance was rejected, the property owner wanted to mediate the matter utilizing the Florida Land Use and Environmental Dispute Resolution Act which would require the Town to hire a mediator or magistrate to try to resolve the differences between the two parties. The expense of the mediator would be shared. If the two parties couldn’t agree on a resolution, one would be recommended by the mediator which the Town could either accept, modify, or reject. The process would take about six months. This process was avoided since this is being brought back before Commission to reconsider.

One of the concerns voiced at a previous meeting was about school bus pickup in the new community. Ms. Tedrow’s team reached out to the Lake County School District Bus Route Manager, and they were told that the bus would drive north on CR25, turn right into the

subdivision, and wouldn't stop on the county road. Because this development is located at the northern end of the county, the subdivision would provide a good turnaround area for the bus. They are also proposing a designated pickup area for the children within the subdivision.

Market demand is a big issue for developers, and growth needs to be managed not mitigated. There is tremendous growth happening in Lake County and the median price of a house is about \$316,000. In October 2019, it was \$200,000. Demand is continuing to increase, and this property is projected to generate \$600,000 additional future property tax.

Commissioner Hannan stated that he was disappointed that the density of housing hadn't been reduced.

Commissioner Kussard disclosed that she talked to one of the owners, Peter Duke, in January. She voted in favor of the project, but she knows adjoining property owners have concerns. A lot of those concerns were mitigated at the previous meeting by adding a fence and berms. She is also happy that they are single family homes and not apartment buildings.

Commissioner Holden stated that he is satisfied with Ms. Tedrow's school bus answer.

Dan Vincent, 806 Nelson Drive

Mr. Vincent was also happy about the school buses driving into the subdivision to turn around, but he would feel better if the school board president would sign a letter to that effect.

Commissioner Hannan asked Ms. Tedrow if the developer would agree to ask the school board president for a letter saying that the bus would not stop on CR25. She said she does not know if the school board would give them something, but she will find out prior to the February 23, 2022 meeting.

Sandra Ellison – 1814 SE 180 Street

Ms. Ellison lives on north side of the proposed development and the new houses will be within ten feet of her property. She does not want the new people who move in to have an issue with her animals or noise generated by caring for her animals. She was concerned about how the water and sewer will be brought up CR 25.

Chuck Hiott – Engineer for the project

Mr. Hiott said that the utilities will come up CR25 from Griffin Avenue on both sides of the road. When they reach the property, they will do a directional bore under the property to get the utilities to the subdivision. There will be some maintenance of traffic that will be part of the contractor's permit with Lady Lake and with Lake County who will require turn lanes.

Mayor Rietz asked for Ms. Tedrow to address potential repercussions from the animal noise coming from Ms. Ellison's property. Ms. Tedrow responded that there is no intention of disrupting adjacent zoning.

Ann Chattaway – 1520 Line Road.

Ms. Chattaway said she has resided at 1520 Line Road for twenty years and she has an excellent view of CR25. It is difficult pulling out onto CR25 now but with the addition of 160 more houses, it is going to be impossible. Currently, the cars on Marion County Road are backed up for a quarter mile trying to turn left onto CR25. It is a traffic nightmare now and the traffic coming from the new development will make matters worse.

In response to a question posed by Mayor Kussard, Mr. Carroll said that during the plat process, the plans will be transmitted to Lake County for permitting and at that time they will address traffic. Based on their studies, if turn lanes are necessary, they will be added. When the process is coordinated through Lake County, if a traffic signal is warranted, it will be added. All of this will be addressed during site plan review.

Ms. Tedrow added that no traffic signal is being proposed but there will be deceleration lanes going both northbound and southbound based on previous traffic studies. The deceleration lanes were all that was required for mitigation techniques that had to be implemented to account for the traffic that is generated from the project. The study concluded that the roadway segments operate at their adopted levels of service at our project build-out year which means that they look and analyze not just for a given day but for compounded growth on the roadways. The study concluded that the roadways could handle the traffic.

Ryna Moore – Marion County Road

Ms. Moore said her property will butt up to this project. All of us knew this would eventually happen but she hates to see it because the traffic is already horrible, and she and her neighbors all worry about getting out onto CR25 in the morning. On CR25, people do not slow down making it even more difficult to get onto the county road. Over the years, there have been numerous traffic accidents at her intersection. She said if CR25 is not widened, she cannot imagine how bad the traffic will be once the proposed development is completed. She asked that the Commission think about the roads and traffic before there is more development.

Yolanta Buchanan - 567 Dowling Circle

Ms. Buchanan said nobody in her subdivision was notified of either meeting regarding this project. She said she does not mind the development, but the traffic is horrible. She added that

lowering the speed limit to 35 mph would make the area safer. Mr. Carroll responded to her question about closing the entrance to her subdivision during placement of utilities, saying that the entrance would not be closed and that residents would be given at least 48-hour notice of any construction. There are turn lanes into and out of the subdivision.

Sandra Ellison - 1814 SE 180 Street

Ms. Ellison said people speed down CR25 road and it is very dangerous. She said it is hard to get onto CR25 and asked how the people who want to build these houses would like the development butting up against their property; they don't have to endure this.

Ms. Tedrow again addressed the traffic. One of the frustrating parts of development for residents are traffic increases over the years as population grows. Roads are designed at certain levels of service which is not dictated by the developer. Florida statutory law is clear that even existing deficiencies on roadways are not a legal basis to deny requested development. If they had a traffic study performed that said the development would cause a failing roadway or add new deficiencies, that would be a different topic altogether. Existing deficiencies aren't held against a single developer because no development would ever be built if, for instance, they had to wait for CR25 to be a four-lane road. Likewise, if somebody wanted to sell their property, they wouldn't want to have to wait for Lake County to widen the road before they could exercise their property rights. The County should be tasked with mitigating some of the problems on CR25, not the developer.

Timothy Spratt - 1747 Marion County Road

Mr. Spratt said this is a Town Commission decision. He said Ms. Tedrow gave a nice presentation, but the development is significant, and the traffic will increase. It is high density, why not make them one acre lots so everybody is not so smothered; make it so we can drive around and have peace of mind.

Dan Vincent - 806 Nelson Drive

Mr. Vincent said he hears all their traffic woes but there is nothing the Commission can do about it. He asked how many have talked to their County Commissioner and added that Lady Lake has no jurisdiction over this road.

Sandra Ellison - 1814 SE 180 Street

Ms. Ellison said she did not receive notice of the meeting until the previous Friday, and everybody was not notified of the meeting. She said it has been zoned agriculture for a long time and this kind of development is not right.

Susan Aicher – Marion County Road.

Ms. Aicher said they can talk all they want about traffic studies but if you are not living the nightmare, you cannot relate to it. Ms. Aicher said she is a realtor and what is being called affordable housing is not what most of the people who work here can afford. She has 30 acres, and she is going to have to look at this development. Further development could spread like wildfire if we don't put on the brakes. A 300-unit apartment complex was recently approved just down the road from the proposed development; the roads cannot handle it, neither can the hospitals. We need to press the pause button, or the development should decrease density. There is a similar project in Leesburg and there are four and five cars parked in the driveways. She would like to see a better product.

Lewis Patane - 2221 Marion County Road.

Mr. Patane thanked the developers for listening to them and adding the fencing, but he wanted to know when the fence would be installed. Ms. Tedrow said fencing is usually one of the last things a development does, but they can move it to the beginning of the project; before any house is constructed, the fence will be installed. The HOA will clean the fence.

Mr. Patane said that turning south onto CR25 is a nightmare and asked if the traffic study has taken into account traffic from the apartments being built? Mr. Carroll responded that the applications were concurrent adding that a traffic plan will be come back at site plan time. This is a Lake County issue, and they will determine any mitigation.

Commissioner Kussard made a motion to approve Ordinance 2021-29; Commission Holden seconded the motion; the Commission approved Ordinance 2021-29 on first reading by the following roll call vote:

Commissioner	Vote
Hannan	YES
Kussard	YES
Holden	YES
Freeman	NO
Rietz	YES

H. TOWN MANAGER'S REPORT

Town Manager Lawrence reminded everybody about the upcoming saxophone event. He also reported that the Lady Lake Police Department was recognized by the Florida Attorney General, Ashley Moody, for the "Thin Blue Line K9 Police Tribute" recognizing canine units.

Shout outs to everybody who participated in the Mock Commission meeting with the Village Charter School seventh grade civics class.

I. MAYOR AND COMMISSIONER REPORTS

Commissioner Kussard stated that Chula Vista Avenue and Rio Grande has been a problem for years and continues to be frustrating for the residents. She met with The Villages District Manager, the Fire Chief, the Police Chief, and the Town Manager in an attempt to come up with solutions. Since the time the apartments were built in Sumter County and with the widening of 27/441, and as people are looking for alternate routes, there has been an exponential increase in traffic. Certain criteria must be met but she would like to see an internal traffic study performed to determine if it would be feasible to make some of the changes suggested by the residents. This study would not be expensive and if the other members of the Commission agree, she would like to have a Workshop to discuss the matter further. There was consensus to hold a Workshop and Mayor Rietz said they would come up with a date.

Commissioner Freeman thinks the Highway 27/441 should be named for the man who died building it - John Joseph Terranova. Three of the Commission members disagreed for a variety of reasons.

Mayor Rietz said he is looking forward to the Macaroni and Cheese cookoff. He also said the soccer leagues are looking for coaches and referees.

J. PUBLIC COMMENTS

Yolando Buchanan - 567 Dowling Circle.

Ms. Buchanan asked when the developer will begin building the storage building near her property. Mr. Hiott said that the Lake County permits are being finalized for the driveway and they are on a list for turtle removal. He thinks building will commence in 30-45 days.

K. ADJOURN

There being no further business, the meeting was adjourned at 7:43 p.m.

s/ Nancy Wilson, Town Clerk

s/ Jim Rietz, Mayor