

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

July 18, 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 Pro Tem Kussard presiding. The meeting convened at 6:00 p.m.

## CALL TO ORDER

## INVOCATION

Matt Malott – New Life Christian Church

## PLEDGE OF ALLEGIANCE

## ROLL CALL

Commissioner (Ward)	Present
Hannan (Four)	YES
Kussard (One)	YES
Holden (Two)	YES
Freeman (Three)	YES
Rietz (Five)	NO

## STAFF PRESENT

Derek Schroth, Town Attorney; Pam Winegardner, Finance Director; Thad Carroll, Growth Management Director; Wendy Then, Senior Planner; Becky Higgins, Planner; Mike Burske, Parks & Recreation Director; Deputy Chief Jason Brough, Lady Lake Police Department; Nancy Wilson, Town Clerk

## A. CONSENT AGENDA

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.

1. Regular Commission Meeting Minutes – July 6, 2022
2. Approval for the Lady Lake Dog Park Association to lay 4,800 square feet of sod at the Dog Park at their expense

**Commissioner Holden made a motion to approve the Consent Agenda; Commissioner Freeman seconded. Motion carried 4-0.**

**B. NEW BUSINESS**

**3. Consideration of having the Lady Lake Area Chamber of Commerce and the Lady Lake Parks and Recreation Department to Take Over the Lady Lake Farmers Market (Mike Burske)**

Mike Burske, Parks & Recreation Director said that his department and the Chamber of Commerce would like to take over operations of the Farmer's Market. The Tuesday Market is currently being operated by Peggy Sweet and the Chamber. The Chamber and Mr. Burske have decided that it would be better for the event to be run directly by Parks & Recreation and the Lady Lake Chamber of Commerce. Revenue would still go to benefit the Chamber as it has for around 14 years. The goal is to re-brand the Market and separate it from the current venture. The loss of parking due to construction at Snooky Park is a huge factor in the reopening date in February.

**The Commission consented to approve of the request to have Parks & Recreation and the Lady Lake Chamber of Commerce assume responsibility for the Lady Lake Farmers Market.**

**4. Consideration of Approval to Remove Five Trees at the Driving Range that are Beginning to Damage the Pavement Between the Parking Lot and the Woodworking Shop. (Mike Burske)**

The Villages Woodworking Shop has requested that the Commission approve the removal of trees that are beginning to damage the pavement on the trail between the Driving Range and the Woodworking Shop. This would require the removal of five trees and though removing live oak trees is not desirable, these were planted directly under power lines which conflicts with Town Code. The trees have been butchered by the power company and will never have a healthy life. Over the years, the Town has planted dozens of trees at this park, so Mr. Burske did not recommend replacing them just for the sake of replacing them. He will coordinate with Public Works and try to complete the project in house.

Commissioner Holden commented that they look like healthy trees. Mr. Burske said when they were paving the driving range, the area between the range and the woodworking shop unpaved. It was later paved and now we have damage caused by roots. If looking at the trees in relation to the power lines, they are directly under the lines, so every time the power company trims the trees, they get butchered but remain healthy closer to the ground. They will never be able to mature as long as the lines are overhead.

Commissioner Freeman said there is a sidewalk along Rolling Acres, does that not go from the driving range to the woodworking shop? Mr. Burske responded in the affirmative adding that the biggest factor is that golf carts cannot go on that sidewalk. Commissioner Freeman said he would like to replace the trees on the other side of the golf cart path because it will look barren if there are no trees there. Mr. Burske responded that at that location there is a slope that goes down to the retention pond area so they would only be able to plant something like cypress trees. Commissioner Freeman asked if the woodworking shop would pony up some money to replace the trees. Commissioner Hannan interjected that the woodworking shop runs on a very limited budget, and they are strapped for money. Commissioner Freeman said it is not going to be cheap to remove the trees so maybe if the path is lumpy, the golf carts should go slower.

Commissioner Hannan asked about the cost of removing the trees. Mr. Burske said they are looking to perform the project in-house; they would start with the two worst trees and work on removing them as time permits.

**Commissioner Hannan made a motion to approve the removal of five trees at the driving range; Commissioner Holden seconded. Motion carried 3-1 with Commissioner Freeman casting the dissenting vote.**

**5. Consideration of Approval to add Tuition Reimbursement to Section 26: Professional Development in the Human Resources manual. (Tamika DeLee)**

Tamika DeLee, Human Resources Director, said she would like to establish an educational assistance program to provide employees with the opportunity to enhance their development, increase their knowledge and skills, and potentially earn their undergraduate degrees. Courses must be directly related to the employee's current job, an advanced position within the Town of Lady Lake, or an identifiable career path within the Town of Lady Lake. Classes must not interfere with an employee's normal work schedule.

Commissioner Hannan said it is about time this was implemented. He suggested, however, that the program be operated for two years then have the Town Commission revisit the program to determine its viability.

Commissioner Freeman asked how the tuition money would be awarded to which Ms. DeLee responded that it would go to four different people at \$1,000 per fiscal year capping at \$4,000.

Mayor Pro Tem Kussard clarified that the funding is for existing employees, and it only covers tuition costs for those who want to get an undergraduate degree in their current line of work.

Commissioner Holden asked if employees will be paid their salaries while taking classes. Ms. DeLee said that class work would have to be conducted on employees' own time.

**Commissioner Hannan made a motion to approve the addition of tuition reimbursement to the Human Resources manual for a period of two years to determine the viability of the program; Commissioner Freeman seconded. Motion carried 4-0.**

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

**6. Ordinance 2022-04 (Second and Final Reading) Annexation — Smith-Anderson — An Ordinance Voluntarily Annexing Three Vacant Parcels Being Approximately 24.75 Acres, owned by William Mason Anderson and Alfreida Anderson and Carl A. Smith Trustee of the Carl A. Smith Family Trust, property being approximately a mile south of the intersection of Rolling Acres Road and Highway 466, and just over 5/6 of a mile north of the intersection of Rolling Acres Road and Lake Ella Road, southeast corner of Sunshower Lane and Rolling Acres Road, Referenced by Alternate Key Numbers 3907338, 1283264, and 1283329, within Lake County Florida. (Thad Carroll)**

Growth Management Director Carroll gave an overview of the project. The application was filed by Chuck Hiott from HALFF Associates on behalf of the property owners who want to annex the property. The property consists of three vacant parcels located approximately a mile south of the intersection of Rolling Acres Road and Highway 466 and about 5/6 of a mile north of the intersection of Rolling Acres Road and Lake Ella Road at the southeast corner of Sunshower Lane and Rolling Acres Road, the property is contiguous with the existing municipal boundary. The parcels would be served by the Town's water, sewer, and reuse facilities.

Commissioner Freeman asked how the annexation is going to affect the town. Mr. Carroll responded that once developed, the property will be put on the Town's tax roll. Then once the property is connected to our services, we will receive revenue from providing those services.

Commissioner Freeman asked if the annexation is not approved, would they still be able to develop the property. Mr. Carrol responded that they would not be able to develop the property in the manner they would like; they wouldn't get the density they want and wouldn't have town facilities. It makes sense for them to annex into the Town.

**Commissioner Holden made a motion to adopt Ordinance 2022-04 on second and final reading as presented; Commissioner Hannan seconded.**

Commissioner (Ward)	Vote
Hannan (Four)	YES
Holden (Two)	YES
Freeman (Three)	YES
Kussard (Mayor) One	YES

Motion carried 4-0

**7. Ordinance 2022-05 (Second and Final Reading) Small Scale Future Land Use Comprehensive Plan Amendment — Smith-Anderson — Change the future land use designation from Lake County Urban Low Density to Lady Lake Single Family Medium Density for property owned by William Mason Anderson and Alfreida Anderson and Carl A. Smith Trustee of the Carl A. Smith Family Trust; being approximately 24.75 acres; Referenced by Alternate Key Numbers 3907338, 1283264, and 1283329, within Lake County, Florida. (Thad Carroll)**

Growth Management Director Carroll said this follows the previous request for annexation. This is a request to change the future land use designation from Lake County Urban Low Density to Lady Lake Single Family Medium Density referred to as a Small-Scale Future Land Use Comprehensive Plan Amendment. The property totals 24.75 acres and the proposed Future Land Use designation allows residential development at a maximum density of six dwelling units per acre. Multi-family, industrial or commercial uses will not be permitted though a mixed-use PUD will be allowed. The applicant stated in his application that the proposal of a mix of single-family residences and townhomes is a much-needed housing option in the area that would make it more affordable for families.

Adjacent properties include the Lake County Transfer Station that provides limited recycling and waste disposal services.

Mr. Carroll explained the impact on Town services and traffic, school seat requirements, and environmental considerations. The proposed development will consist of 49 single family detached and 80 townhome/single family attached dwellings.

**Commissioner Holden made a motion to approve Ordinance 2022-05 as presented; Commissioner Hannan seconded.**

Commissioner (Ward)	Vote
Hannan (Four)	YES

Commissioner (Ward)	Vote
Holden (Two)	YES
Freeman (Three)	YES
Kussard (One)	YES

Motion carried 4-0

**8. Ordinance 2022-06 (Second and Final Reading) Rezoning — Smith-Anderson — Change the zoning designation from Lake County Agriculture (A) to Lady Lake Residential Planned Unit Development (PUD) for property owned by William Mason Anderson and Alfreida Anderson and Carl A. Smith Trustee of the Carl A. Smith Family Trust; being approximately 24.75 acres; Referenced by Alternate Key Numbers 3907338, 1283264, and 1283329, within Lake County, Florida. (Thad Carroll)**

Growth Management Director Carroll said this is the last of the three ordinances related to the 24.75-acre parcel. The request is to change the zoning designation from Lake County Agricultural to Lady Lake Residential Planned Unit Development. The proposed development will consist of 49 single family detached and 80 townhome/single family attached dwellings. The single family detached units will have a front setback with a 25-foot minimum; rear setback with a 10-foot minimum and a side yard setback with a 5-foot minimum. The single family attached units will have a front setback with a 25-foot minimum; a primary rear yard setback with a 10-foot minimum; an accessory rear yard setback with a five-foot minimum and a side setback with a zero-foot minimum. Minimum lot size for the detached units is 6,000 square feet and for the attached units the minimum lot size is 2,400 square feet. Will be back for site plan approval.

Commissioner Freeman asked if there is a requirement for test drilling to ensure there are no contaminants, given that the property is next door to a former landfill. Mr. Carroll responded that we typically get borings and soil tests at site plan time.

Chuck Hiott – HALFF Associates

Mr. Hiott said that part of due diligence was a phase one environmental, so testing was done to check for contaminants. A clean bill of health was returned. The testing was performed by Four Point Engineering Company.

**Commissioner Holden made a motion to approve Ordinance 2022-06 as presented; Commissioner Hannan seconded.**

Commissioner (Ward)	Vote
Hannan (Four)	YES
Holden (Two)	YES
Freeman (Three)	YES
Kussard (Mayor) One	YES

**Motion carried 4-0**

**9. Ordinance 2022-07 (Second and Final Reading) An Ordinance of the Town of Lady Lake, Lake County, Florida; Amending the Town of Lady Lake Land Development Regulations (Ordinance No. 94-08); Amending Chapter 7, Site Development Plan Regulations; Adding Section 13, Entitled Limitation of Hours of Construction. (Thad Carroll)**

Growth Management Director Carroll explained that in March 2022 at a meeting, a resident said that construction activity near her residence is occurring at all hours of the day, and she asked if the Town had a noise ordinance. Staff conducted some research about how other communities regulate similar situations and presented their findings along with proposed verbiage to the Town Commission. The Town Commission directed staff to prepare draft language to include in the Land Development Regulations. Section 7-13. Limitation of Hours of Construction would read:

Construction within Residential Districts. No person shall engage in construction, drilling, repair, alteration, or site demolition work between the hours of 8:00 p.m. and 7:00 a.m. of the following day. Work performed by a public service utility in the event of an emergency and/or work performed by a government agency for road construction performed in the overnight hours which is required by the operations plan of the project shall be exempt from this section. This prohibition does not apply to construction taking place in commercial or industrial zoning categories which do not directly abut residential zoning districts. Activities pertaining to the delivery and installation of concrete and other materials associated with residential slab installation are not subject to this prohibition, provided that the abutting property owners are given a 48-hour notice of such activity.

Commissioner Hannan commented that this will put a restriction on construction and may raise prices.

Commissioner Holden said if it does not work out the Resolution can be tweaked or revoked.

**Commissioner Holden made a motion to approve Ordinance 2022-07 as presented; Commissioner Freeman seconded.**

Commissioner (Ward)	Vote
Hannan (One)	YES
Holden (Two)	YES
Freeman (Three)	YES
Kussard (One)	YES

Motion carried 4-0

**10. Resolution 2022-112 — (First and Final Reading) — Declaration of Qualifying Dates for the Office of Town Commissioner for Wards Two and Four for the November 8, 2022 General Election; and Authorization to Request that the Lake County Supervisor of Elections Conduct the Election (Nancy Wilson)**

Town Clerk Nancy Wilson stated that this is an annual housekeeping task that is performed to announce the qualifying dates for an election. This year the election is open to qualified electors who reside in Ward 2 and Ward 4 and qualifying is from noon on August 15, 2022 until noon on August 19, 2022.

**Commissioner Freeman made a motion to approve Resolution 2022-112 as presented; Commissioner Holden seconded.**

Commissioner (Ward)	Vote
Hannan (Four)	YES
Holden (Two)	YES
Freeman (Three)	YES
Kussard (Mayor) One	YES

Motion carried 4-0

**TOWN MANAGER’S REPORT**

Town Manager Lawrence said he is looking for consensus regarding a request by the Lady Lake Little League. They are requesting that the Commission allows them to have a recruiting day on August 6<sup>th</sup> from 10am – 2pm. There will be refreshments for both children and adults plus other activities. The purpose is to generate interest and to grow the Lady Lake Little League.

**There was consensus among the Commission members to approve the Little League event.**



Town Manager Lawrence announced that Becky Huitt in Finance retired, her last day was the previous Thursday. She worked for the Town for 14 years.

The budget workshop date and time was announced: Thursday, July 28<sup>th</sup> at 10am.

The Town Manager received an email from the Town Attorney that included the Lake County Road Impact Fee Study – Final Report. The goal of the study is to determine if the road impact fee should be increased. The County Attorney said she will inform our Town Attorney when a hearing is scheduled.

#### **MAYOR AND COMMISSIONER’S REPORT**

Commissioner Freeman said he hopes everyone reads the 72-page report. We need to be educated before we go in and start discussing this matter. He said he does not think our County Commissioner is not in favor of raising impact fees.

Mayor Pro Tem Kussard said since she was unable to attend the “Officer of the Year” ceremony at the American Legion, she relayed her congratulations to Sergeant Devon Daniels and Officer Dennis Pranouskes. The Town has a terrific team of officers, and she is proud to say that they are out there everyday looking out for our residents.

#### **PUBLIC COMMENTS**

Dan Vincent - 806 Nelson

Mr. Vincent commented on all the tree stumps along Griffin Road and CR25 that are close to the walkway. He asked that the Town keep an eye on the project to make sure the sidewalks are not damaged when the stumps are removed. Growth Management Director Carroll said he is meeting with Marty Dellebovi on Thursday so he will discuss this matter with him at that time.

#### **ADJOURN**

There being no further business, the meeting was adjourned at 6:40 p.m.

s/ Nancy Wilson, Town Clerk

s/ Ruth Kussard, Mayor Pro Tem