REGULAR MEETING OF THE LADY LAKE TOWN COMMISSION

DATE:	**Monday, January 5, 2015**
TIME:	**6:00 p.m.**
PLACE:	**Town Hall Commission Chambers** **409 Fennell Blvd., Lady Lake, Florida**

ALL INTERESTED PERSONS ARE CORDIALLY INVITED TO ATTEND THIS PUBLIC MEETING

AGENDA*

A. CALL TO ORDER: Mayor Ruth Kussard

B. PROCEDURAL: *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. PLEDGE OF ALLEGIANCE: Mayor Ruth Kussard

D. INVOCATION[1]: Rev. Carolyn J. Thomas, Lady Lake United Methodist Church

E. ROLL CALL

F. PUBLIC COMMENTS[2]

G. CONSENT[3]:

1. Minutes – December 15, 2014 – Special Commission Meeting
   – December 15, 2014 – Regular Commission Meeting

2. Budget Amendment to Move Budgeted Computers Items from Capital to Operating Expense (Jeannine Michaud)

3. Renewal of Client Services Agreement Between the Town of Lady Lake and Attorney Mark L. Van Valkenburgh, P.L., for Labor and Employment Legal Services (Tia O'Neal)

4. Consideration of Approval to Host the Town's Spring Art-in-the-Park Event on January 31st and February 1st, 2015 (Mike Burske)

I. OLD BUSINESS:

J. NEW BUSINESS:

5. Consideration to Utilize Funds from the Sale of Surplus Property to Assist with the Purchase of One Additional Unmarked Police Vehicle (Chris McKinstry)

K. TOWN ATTORNEY'S REPORT:

6. Ordinance No. 2014-11 – Second/Final Reading – A Request for Voluntary Contraction (Deannexation) of the Town Boundary by Deannexing +/- 3.18 Acres of Real Property – Generally Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place (Thad Carroll)

L. TOWN MANAGER'S REPORT:

M. MAYOR/COMMISSIONER'S REPORT:

N. PUBLIC COMMENTS[4]

O. ADJOURN

***Back up for agenda items is available on the Town's website at www.ladylake.org or contact the Town Clerk at (352) 751-1571.**

This public hearing is being conducted in a handicapped accessible location. Any handicapped person requiring an interpreter for the hearing impaired or the visually impaired should contact the Clerk's Office at least two (2) days prior to the meeting and an interpreter will be provided. To access a Telecommunication Device for Deaf Persons (TDD), please call (352) 751-1565. Any handicapped person requiring special accommodations at this meeting should contact the Clerk's Office at least two (2) days prior to the meeting.

Advice to the Public: If a person decides to appeal a decision made with respect to any matter considered at the above meeting or hearing, he may need a verbatim record of the proceedings including the testimony and evidence, a record of which is not provided by the Town of Lady Lake. (F.S. 286-0105)

Please be advised that one or more members of any other Town Board or Committee may be in attendance of this meeting.

NS/Word/Town Clerk/Agendas - Commission Meeting – 01-05-2015

---

[1] *Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.*

[2] *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.*

[3] *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.*

[4] *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.*

MINUTES OF THE SPECIAL MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
December 15, 2014

G-1

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 Ruth Kussard presiding. The meeting convened at 4:30 p.m.

1. CALL TO ORDER

2. ROLL CALL: Tony Holden, Commissioner Ward 2
Dan Vincent, Commissioner Ward 3
Paul Hannan, Commissioner Ward 4
Jim Richards, Commissioner Ward 5
Ruth Kussard, Mayor/Commissioner Ward 1

STAFF MEMBERS PRESENT: Kris Kollgaard, Town Manager/Town Clerk; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Wendy Then, Town Planner; and Nancy Slaton, Deputy Town Clerk

Others Present:

3. Public Comment

Mayor Kussard asked if there were any comments or questions. There were no comments or questions at this time.

4. Conceptual Presentation of the Texas Roadhouse – Proposal of a New High-Turnover (Sit-Down) Restaurant of 281 Seats with Approximately 7,163 Sq. Ft. of Building Space – Located at 745 N. Hwy 27/441 (Thad Carroll)

Growth Management Director Thad Carroll gave the background summary from the agenda item cover sheet which is on file in the Town Clerk's office. He stated that the applicant, Benchmark Lady Lake 25 Associates, LLC, is the property owner of a 2.01 +/- acre parcel located at 745 N. Hwy 27/441, just south of the Sam's Club and north of the Lady Lake Town Hall Municipal Complex. The parcel originally received Major Site Plan approval back on August 4, 2008 by the Town Commission for the construction of 16,100 sq. ft. of retail under the project name of Sam's Outparcel. The property has a Heavy Commercial (HC) zoning designation, which allows for the proposed restaurant land use.

Mr. Carroll stated that under the Sam's Outparcel development, the applicant was granted site plan approval for five ft. building and landscaping buffers along the north and south elevations. He stated that after the approval of the Site Plan by the Town Commission on August 4, 2008, the Landscaping Buffer Codes changed in 2009; however, the applicant would like to still pursue a five ft. landscaping buffer for the north and south elevations on this project primarily to accommodate a five ft. concrete sidewalk on both sides.

Mr. Carroll reviewed the following waivers/variances which the applicant will be pursuing:

DRAFT

- Two landscaping waivers in accordance to Chapter 10, Section 10-3. b).1).:
  - North elevation/Buffer 3 - waive four canopy trees due to existing off-site landscaping.
  - West elevation/Buffer 2 - Substitute the required six canopy trees for understory trees due to overhead utility line conflict along N. Hwy 27/441.

- As per LDRs- Chapter 20-Section 20-3C.10.L) - Parking lots with two or more double rows will have a continuous landscaped strip between the sections. This landscaped strip will run parallel to the circulation flow and shall be a minimum of six feet wide.

- Administrative variance as per Chapter 3, Section 13-3).b).4). to address parking deficiency in the amount of 10% or less of required parking spaces.

- Potential variance to address monument sign separation requirement.

At this time, the developer is ready to move forward with the restaurant proposal. Prior to submitting the major site plan application, the applicant would like to showcase the development proposal and exterior building elevations for the Town Commission's feedback. The building does not exhibit one of the four preferred architectural styles; however, Chapter 20, Section 20-3C). 3). has provisions to submit elevations where the compatibility of the proposed building will be reviewed for consistency with adjacent architecture on a case-by-case basis. The building elevations will not exceed the maximum allowed three exterior colors. A similar product is the Longhorn Steakhouse within the Villages Crossroads Plaza across Highway 27/441.

The developer has submitted an introduction letter, along with the following items (included in the packet):

- Approved site plan for the Sam's Out Parcel
- New proposed site plan for Texas Roadhouse
- Exterior building elevations for Texas Roadhouse

The applicant is expected to make full site plan submittal within the next few weeks.

Mr. Carroll introduced Martin Dellebovi of The Benchmark Group, as the developer/applicant.

Mr. Dellebovi stated The Benchmark Group is a real estate development company out of Buffalo, New York, that has been in existence for 32 years. He stated they have had the pleasure of developing in Lady Lake over the past 7-8 years and are the owners of Village Crossroads and Lady Lake Crossing. He stated this will complete the Sam's development with this proposed outparcel use for a national restaurant. Mr. Dellebovi stated that Kimley-Horn will do the engineering as they did with the Sam's structure, and Greenberg Farrow will be the architect for the restaurant. He stated that Benchmark will be developing the site and will build the infrastructure, and will own the site and the restaurant. He stated the tenant will build the restaurant and will be responsible for the permits for the building. Mr. Dellebovi stated the site conditions include all the utilities for water lines and reuse already stubbed in, and the capacity for drainage is already in place with storm drainage stubbed into the site; this will be tied into the current storm system for water and retention. Electric will be coordinated with Duke Energy as the process moves forward.

Mr. Dellebovi reviewed aerial views of the site showing that traffic can access the site from two different directions; from Veterans Way to the north and from US Hwy 27/441. He stated there is

DRAFT

already a crosswalk in place from the Sam's parcel to this outparcel. He reviewed the site plan showing 137 parking spaces to include six handicapped spaces, a dumpster area enclosed behind the building, and a loading zone which will double as parking spaces as any deliveries will be done before the operating hours of the restaurant which are normally from 3:30 p.m. to 10 p.m. Mr. Dellebovi stated new sidewalks will be around the perimeter and will tie into the existing sidewalks. He stated they are proposing a monument sign that may need a variance due to the location of the proposed sign falling within the 100' setback from the existing Sam's sign as it appears to be the best location and will not interfere with sight lines. He stated it makes sense to install a directional sign with the restaurant's logo on it from the north side of the site from Veterans Way, as well, to direct customers in and keep them from missing it and having to turn around by US Hwy 27/441.

Mr. Dellebovi stated the building for the Texas Roadhouse, a national chain, has a themed elevation that is attractive, but it does not fall with the architectural design elements of the Town. He stated there is a stone alternative to the wood elevation that has been done in a couple of other locations, and the tenant would consider it if the Commission so desires. He stated that Benchmark has an executed lease with the tenant that is contingent upon various approvals and permitting. He asked if there were any questions.

Commissioner Hannan stated he is excited about this restaurant coming in as he has eaten at the Ocala restaurant. He stated he would prefer it if the restaurant was pushed back more from the highway, and if the building was flipped to the other side of the site closer to Sam's, which would allow some parking in the front.

Commissioner Richards commented that he has no objection to the plan.

Commissioner Holden stated he agrees with Commissioner Hannan's comments and that some parking in the front might be a good idea. He also stated he likes the look of the stone elevation.

Mayor Kussard confirmed with Mr. Carroll that the plan complies with the Town's code for a 20'setback from the right-of-way. She stated she also likes the look of the stone façade.

Commissioner Vincent asked if most of the traffic will be coming in from the south, or people coming down and making a left hand turn at the light. He asked if the proposed sign would be two-faced.

Mr. Dellebovi replied the sign would be on both sides. He stated the traffic light at Town Hall was put in with the trip generation count taking into account people coming down and making left hand turns.

Mayor Kussard confirmed that there will be a tree border between the proposed restaurant and Town Hall.

Town Manager Kris Kollgaard stated she has heard no complaints from employees about this restaurant coming in; just questions about when it will open.

Commissioner Hannan agreed there may need to be directional signage from the north. He asked if anyone other than himself and Commissioner Holden wanted the restaurant pushed back.

Commissioner Richards stated that the plan meets existing code.

DRAFT

Commissioner Holden stated since the 20' setback meets code, he will go along with whatever is best for the business.

Mr. Dellebovi stated that Growth Management staff keeps them in line and he feels the setback is fine as is, but they would be able to push it back another 10' if they put in a 4' retaining wall along the back of the property due to the grade, which would mean additional costs to the developer.

Ms. Kollgaard asked if there would be a visibility problem if the restaurant was pushed back another 10 feet, as Town Hall is a large building.

Mr. Dellebovi replied they would be okay, but he would have to go back to the tenant as he currently has an approved site plan as presented.

After further discussion, it was the consensus of the Commission that they were in favor of advancement of the conceptual presentation of the Texas Roadhouse with the 20' setback as presented, by a vote of 3-2 (Hannan/Holden). It was the consensus of the Commission that they were in favor of utilizing the stone façade elevation.

5. <u>Conceptual Presentation of Lady Lake Crossings East – Proposal for 52,000 Sq. Ft. of New Retail Building Space, and a 4,000 Sq. Ft. Building Development on the Outparcel Between Tire Kingdom and McDonald's – Located on US Hwy 27/441 (Thad Carroll)</u>

Growth Management Director Thad Carroll gave the background summary from the agenda item cover sheet which is on file in the Town Clerk's office. He stated that the applicant, SRK Lady Lake 43 & Associates, also known as The Benchmark Group, is the property owner of a 41-acre parcel located at the southeast corner of N. Hwy 27/441 and Fennell Boulevard, designated as Lady Lake Crossings. Mr. Carroll stated that Lady Lake Crossings currently exhibits major retail stores such as Kohl's, Kirkland's, The Salt Room, Dollar Tree, and Rug World in the shopping plaza, as well as Tire Kingdom and the recently developed McDonald's restaurant on the outparcels. The property has a zoning designation of PUD-Planned Unit Development, which is governed under the Memorandum of Agreement (MOA) of Ordinance No. 2006-04.

Mr. Carroll reported that the developer has secured negotiations with a tenant at this time on the remaining 7.39-acre parcel piece located within the existing PUD to complement the existing retail, which is Steinmart. Approximately 52,000 sq. ft. of new retail space is proposed to be built on the seven-acre parcel. For the .65-acre outparcel located between McDonalds and Tire Kingdom, the developer proposes a 4,000 sq. ft. building.

Prior to submitting the site plan application, the applicant would like to present the conceptual elevations, discuss Commercial Design Standards and minor modifications to the PUD Ordinance, and/or potential variances. The following information was included in the packet:

- Conceptual Site Plan
- Planned Unit Development Memorandum of Agreement under Ord. No. 2006-04
- Landscaping Plans
- Exterior Building Elevations

At the time the applicant submits a full site plan application, Town staff will conduct a comprehensive review regarding the site plan, commercial design standards, parking, landscaping, and signage requirements. This phase will be built following elements of the Mediterranean

Architectural Design Style in conjunction with the existing exterior elevations of the buildings in Lady Lake Crossings and the Villages Crossroad Plaza. Any landscaping waivers will be brought before the Parks, Recreation, and Tree Advisory Committee, and any commercial landscaping waivers will be brought before the Town Commission for final consideration.

Mr. Carroll introduced Martin Dellebovi of Benchmark to talk about this proposal.

Mr. Dellebovi stated that Benchmark feels that Steinmart will be a great addition to this retail space. He stated that Kohl's and Bed, Bath & Beyond have waived the restrictions to allow this. He stated that Steinmart will use 32,000 sq. ft. of the retail space and there will be 20,000 sq. ft. of additional retail space available adjacent to them, although there are no signed leases for this space yet, which may either be one or two store fronts. He stated there will be a minor modification to the St. John's permit and Kimley-Horn will be updating all the engineering for the infrastructure currently in place, as well as the site conditions and traffic impact. Mr. Dellebovi stated the elevations proposed are consistent with the current theme of the elevations for Village Crossroads and Lady Lake Crossing. He stated that Steinmart is interested in putting a sign on the left side elevation of the building because of the traffic coming down from the bridge into Lady Lake, and this will be brought back before the Commission at a later date.

Mr. Dellebovi stated that they will be building a retail building on the outparcel near McDonald's, although there is no tenant currently in place, and the elevation will match the elevation themes of the outparcel where the Vitamin Shoppe and Aspen Dental are with awnings, etc. He stated the landscaping and lighting will also remain consistent throughout the parcels, which has done very well from the Village Crossroads to Lady Lake Crossing. Mr. Dellebovi stated that the signage for Steinmart and any other tenants will be going on the pylon sign at the corner by McDonald's. He asked if there were any questions.

Commissioner Hannan asked if there would be additional signs on the Tire Kingdom sign. He also mentioned that the developer agreed in the past to pull that sign down if the overpass is torn down.

Mr. Dellebovi stated that there are currently two signs, the one by McDonald's and the one by Tire Kingdom, and he confirmed that they would take it down if the overpass comes down.

It was the consensus of the Commission that they were in favor of advancement of the conceptual presentation of Lady Lake Crossings East as presented.

6. <u>Conceptual Presentation of Changes for Rolling Acres Self Storage (Tree Tops) – Proposal for a Manager's Residence in Phase 2 in an Existing Building Near the Secondary Egress Drive on West Lady Lake Blvd.; Proposal to Change the Planned 12 Mini-Storage Buildings Totaling 41,000 Sq. Ft. to Two Proposed Indoor Motor Vehicle/RV/Boat Storage Buildings Totaling Same; Proposal for an RV Sewage Dump Station Approximately 40' Inside the Gate at the Secondary Egress Drive; and Cancellation of Proposed Phase 3 of the Project (Thad Carroll)</u>

Growth Management Director Thad Carroll gave the background summary from the agenda item cover sheet which is on file in the Town Clerk's office. He stated that on December 16, 2013, Tree Tops Golf Inc., received site plan approval for the construction of a development consisting of three phases with 32 buildings on a 12.65-acre parcel located at 175 S. Rolling Acres Road (referenced by Alternate Key # 3250290). He stated the Development Order for the first phase of MJSP 10/13-

003 was issued on December 17, 2014, consisting of eight buildings being 110,289 sq. ft. of mini-storage space.

Mr. Carroll stated the Memorandum of Agreement of Ordinance No. 2013-10 was approved for the property by the Town Commission on September 18, 2013 (Ordinance No. 2013-10 with MOA attached). He stated that at this time, the applicant is seeking to amend the Memorandum of Agreement to propose the following changes:

- A manager's residence was not constructed in Phase 1. This is now proposed in Phase 2 in an existing building near the secondary egress drive on West Lady Lake Boulevard, approximately 763 sq. ft. in size.

- Phase 2 changes the originally planned 12 mini storage buildings totaling 41,000 sq. ft. to two proposed Indoor Motor Vehicle/RV/Boat Storage Buildings totaling same.

- Phase 2 includes a proposed RV sewage dump station approximately 40' inside the gate at the secondary egress drive.

- Phase 3 is no longer proposed. Six mini storage buildings will not be planned in Phase 3.

Mr. Carroll summarized that a total of 152,452 sq. ft. of buildings is now planned for the site with a net reduction of 9,548 sq. ft. from the originally approved development; the originally approved building coverage on-site was 162,000 sq. ft.

Mr. Carroll reviewed the site plans as originally proposed and the revised plans for the changes being proposed today.

The Future Land Use Map designation for the site is Commercial General-Retail Sales & Services (RET) and property is zoned Planned Commercial (CP). The proposed changes are consistent with the directives of the Comprehensive Plan and zoning classification, provided that the amendments are incorporated and adopted under a revised Memorandum of Agreement.

The applicant has submitted a summary of proposed modifications; which is contained within the packet, along with the following items:

- Approved Ordinance No. 2010-13 with Memorandum of Agreement
- Proposed changes to the Memorandum of Agreement
- Proposed Conceptual Plan to accompany MOA (in color)
- Approved and proposed Site Plans 24" x 36" in black & white
- Executed Development Order for Phase I

Mr. Carroll turned the presentation over to Mr. David Springstead of Springstead Engineering, as project engineer, to review the proposed changes.

Mr. Springstead stated he represents Tree Tops/Rolling Acres Mini-Storage. He stated the manager's residence proposed in Phase 1 in the front building was made into mini storage units instead, and they are proposing that the current storage shed by the back entrance be renovated into a manager's residence. He stated the two proposed indoor storage buildings instead of the 12 unit mini storage buildings would be designed to meet the building codes for restrooms, fire protection and alarm systems, as these were issues that popped up during the first phase. Mr. Springstead

DRAFT

commented that the proposed driveways are wide enough for two-way traffic all around and allow for backing into the facilities. He stated the idea for the RV storage and dump station is that it would be a self-contained site to allow for clean-out and storage, and there would be a second connection to the Town's sewer system to allow for a small lift station to insure that the flow for the dump station would not effect the plant's operation.

Mayor Kussard clarified that the site would not have its own stand-alone system, but would hook up to the Town's system, and that samples could be taken to insure that nothing that should not be going into the system would go into it.

Mr. Springstead confirmed this and stated the lift station could provide a sample if need be. He stated that the site drainage has already been designed to meet the same amount of impervious area that was previously proposed, although there will be a slight modification to the St. John's permit for the piping and transmission. Mr. Springstead stated that Lady Lake Boulevard will be paved down past the second entrance in this phase, and that the entrance will be a gated access that will be coded and monitored closely.

It was the consensus of the Commission that they were in favor of advancement of the proposed changes for Rolling Acres Self Storage (Tree Tops) as presented.

7. ADJOURN: There being no further discussion; the meeting was adjourned at 5:16 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

DRAFT

MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
December 15, 2014

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 6:00 p.m.

A. CALL TO ORDER: Mayor Ruth Kussard

B. PROCEDURAL: *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. PLEDGE OF ALLEGIANCE: Led by Joe Quinn.

D. INVOCATION[i]: Mayor Kussard called for a moment of silence as Rev. Michael Smith of the North Lake Presbyterian Church was unable to attend.

E. ROLL CALL: Tony Holden, Commissioner Ward 2
Dan Vincent, Commissioner Ward 3
Paul Hannan, Commissioner Ward 4
Jim Richards, Commissioner Ward 5
Ruth Kussard, Mayor/Commissioner Ward 1

STAFF MEMBERS PRESENT: Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Jeannine Michaud, Finance Director; Chief Chris McKinstry, Police Department; Patricia Rule, Animal Control Officer; John Pearl, I.T. Director; and Nancy Slaton, Deputy Town Clerk

F. PUBLIC COMMENTS[ii]

Mayor Kussard asked if anyone in the audience had any questions or comments. There were no questions or comments.

Town Manager Kris Kollgaard introduced Patricia Rule as the Town's current Animal Control Officer and announced that she will be retiring after eight years and will be missed. She stated Ms. Rule has presented a gift to the Town of a painting she did herself of her Italian greyhound, and it will be hung in the lobby. Ms. Kollgaard commented that Ms. Rule did all the illustrations and set-up of the Animal Control pamphlet a few years ago, which saved the Town the cost of the printing the pamphlet.

G. INTRODUCTION: Lady Lake Chamber of Commerce's New Executive Director – Susan Kelly

DRAFT

Mayor Ruth Kussard introduced Susan Kelly as the new Executive Director of the Lady Lake Chamber of Commerce, beginning January 1, 2015, and reviewed Ms. Kelly's background. Ms. Kelly was welcomed by those present, and was introduced to the Commissioners and Town Attorney Derek Schroth.

Ms. Kelly stated she was excited to join Lady Lake's Chamber and that it will be fun to expand the businesses around town.

H. CONSENT[iii]:

1. <u>Minutes</u> – December 1, 2014 – Regular Commission Meeting

2. <u>Consideration of Approval to Renew the Lease Agreement with Scout Troop 244 for the Scout Hut (Mike Burske)</u>

The background summary for this agenda item is on file in the Clerk's office. It states that Scout Troop 244 desires to renew their lease agreement for the Scout Hut. The dates and the elimination of part of the indemnity clause are the only changes to this document. The Town Attorney has approved the insurance and lease.

Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved Consent Items #H-1 and #H-2 by a vote of 5 to 0.

I. OLD BUSINESS:

J. NEW BUSINESS:

3. <u>Consideration of Approval for the Historical Society to Install Museum Quality Lighting if Funded Through a Grant from the Daughters of the American Revolution (Mike Burske)</u>

Town Manager Kris Kollgaard read the background summary for this agenda item (on file in the Clerk's Office) in Parks and Recreation Director Mike Burske's absence. She stated that the Lady Lake Historical Society is asking permission to install quality lighting for their exhibits if they are funded by a grant from the Daughters of the American Revolution. This lighting would continue the efforts to improve the presentation quality of the Lady Lake Historical Society. As the summary of the project supplied by the Historical Society states, the lights would be professionally installed. No Town assistance has been requested.

Ms. Kollgaard stated there is currently overhead fluorescent lights which are harmful to the artifacts and historical items, and if the grant is awarded, they will buy pendant and track lighting for all of the exhibits. She stated staff recommends approval.

Mayor Kussard stated she wanted to thank Dr. Brenda Weaver for her assistance to Dr. Norma Delaney in writing the grant for the lighting, and also Judith Martin, Chapter Regent of the Puc Puggy Chapter of the DAR. She also thanked all of their members for their donation of $1,000.00 toward the lighting project.

DRAFT

Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved for the Historical Society to Install Museum Quality Lighting if Funded Through a Grant from the Daughters of the American Revolution as presented, by a vote of 5 to 0.

4. Consideration of Sewer, Water, and Reuse Utility Agreement for the Pain & Spine Centers of Florida – MJSP 08/14-002 – For Multi-Tenant Medical Complex – Located at 800 Highway 466 (Thad Carroll)

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's Office). He stated that the developer, Bridge House Trading Company, LLC, is the fee simple owner of approximately 1.27 +/- acres of real property situated in Lady Lake, Florida. He stated that the developer has requested connection to Town water and sewer facilities (Utility), and reuse distribution facility ("Reuse Facilities"), and that the Utility allocates and reserves sufficient capacity in these facilities to serve and sustain the operation of four equivalent residential units (ERUs) or 1,000 gallons per day for sewer and water, and three equivalent residential units (ERUs) or 702 gallons per day for reuse to be consumed by a proposed multi-tenant complex for medical offices.

The proposed facility, which is expected to have four tenants, will consist of a medical complex totaling 9,976 sq. ft. of Office/Professional Building area requiring central water, central sewer, and wastewater reuse services for this 1.27+/- acre parcel located at 800 Highway 466. The Pain & Spine Centers of Florida project received Town Commission site plan approval on December 1, 2014, and the Development Order was issued on December 3, 2014.

The developer has agreed to connect to certain water distribution, sanitary sewer collection facilities, and reuse distribution that will benefit the development and to the use of the water, sewer, and reuse facilities on the terms and conditions hereinafter set forth in the attached agreement, as provided by Utility. This agreement was reviewed by Town Attorney Derek Schroth on Wednesday, December 3, 2014, and was determined to be correct in form for consideration and approval by the Town Commission.

Mr. Carroll stated that Lloyd Sadlowski is present if there are any questions.

Mayor Kussard asked if there were any questions or comments from the Commissioners, and hearing none, asked for a motion.

Upon a motion by Commissioner Holden and a second by Commissioner Vincent, the Commission approved the Sewer, Water, and Reuse Utility Agreement for the Pain & Spine Centers of Florida – MJSP 08/14-002 – For Multi-Tenant Medical Complex – Located at 800 Highway 466 as presented, by a vote of 5 to 0.

K. TOWN ATTORNEY'S REPORT:

5. Ordinance No. 2014-10 – Second/Final Reading – An Ordinance Adopting Corrections, Updates, and Modifications to the Capital Improvements Schedule of the Town of Lady Lake Comprehensive Plan (Thad Carroll)

Derek Schroth, Town Attorney, 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 this is a request to adopt the Town's annual update of the Capital Improvements Schedule, which is part of the Town's Comprehensive Plan. The Capital Improvement Plan update process and the corresponding requirements are no longer required to be processed by a Comprehensive Plan Amendment, but may be adopted by local ordinance. As required by Chapter 163.3177(3)(b): *"The CIE must be reviewed by the local government on an annual basis. Modification to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local Comprehensive Plan."*

Mr. Carroll noted that there has been one correction to Table 8.2 since the first reading as noted by Commission Hannan at the December 1st meeting.

The Town must annually update the Five-Year Schedule of Capital Improvements pursuant to *Florida Statutes*. The purpose of the Capital Improvements Element and the Improvement Schedules is to identify the capital improvements that are needed to implement the Comprehensive Plan and ensure that adopted Level of Service (LOS) standards are achieved and maintained for concurrency related facilities.

These facilities include water, water supply, sewer, solid waste, drainage, parks and recreation, public schools, transportation and mass transit. While the Town does not have financial responsibility or accountability regarding some of these public facilities, there is still the requirement to incorporate the five year capital improvement schedules from other entities. Corrections, updates, and modifications concerning costs, revenues, or the dates of construction of any facility or project identified in the Comprehensive Plan/Capital Improvement Program are not considered amendments and may be accomplished by local ordinance.

Category descriptions of capital improvements are as follows:

A) Category A (Concurrency, Mandatory) -- Public facilities and services for which a level of service must be adopted for concurrency determination as mandated by Chapter 163 of the Florida Statutes. These facilities include water, sanitary sewer, solid waste, drainage, under ownership and operation authority of Lady Lake, or a private utility. Map references and public requests are required within the Public Facilities Element thereof pursuant to policy 8-1.1.2. All Category A facilities must be supported by data and analysis accomplished within an element of the Comprehensive Plan as mandated by Chapter 163, F.S.

B) Category B (Non-Concurrency, Mandatory) -- Public facilities and services exempt from concurrency determination but which are inventoried and analyzed within a mandatory element of the Comprehensive Plan required by Chapter 163, F.S. These facilities include parks and recreation, roads, housing and conservation improvements, including governmental services and facilities necessary to administer and implement the Comprehensive Plan.

C) Category C (Non-Concurrency, Non-Mandatory) -- Public facilities that are exempt from concurrency requirements (i.e., level of service standards) and which are not analyzed and identified within a mandatory element of the Comprehensive Plan are classified as Category C. Such municipal services include, but are not limited to, law enforcement, fire protection, library services, and public buildings.

DRAFT

D) Category D (Non-Mandatory, Concurrency) -- Per the Community Planning Act of 2011, the Public School Facilities Element is no longer mandatory. The Town of Lady Lake has opted to retain and update this optional element and require concurrency per its existing interlocal agreement with the Lake County School District.

Staff recommends approval of Ordinance No. 2014-10 as presented to the Town Commission for their motion to adopt as presented or amend. This ordinance serves to update the Capital Improvements Schedule as required under F.S. 163.3177(3)(b). The attached "Exhibit A" reflects the proposed improvements for the Five Year Planning Period of 2014/15 to 2018/19. Also attached is Ordinance No. 2013-15 to document the prior 5-year Capital Improvement Schedule of 2013/14 - 2017/18, which is being replaced by this ordinance.

The members of the Technical Review Committee individually reviewed the application for Ordinance No. 2014-10 and provided all comments by Tuesday, November 4, 2014. The TRC report was included in the packet. At the November 10, 2014 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2014-10 to the Town Commission with the recommendation of approval.

Mr. Carroll stated that he and Public Works Director C.T. Eagle are available to answer any questions. He stated that this is the second and final reading, and upon approval, it will be submitted to the state and will update the Town's five year plan.

Mayor Kussard asked if there were any questions from the audience, and hearing none, asked for a motion.

Upon a motion by Commissioner Holden and a second by Commissioner Hannan, the Commission approved Ordinance No. 2014-10 – Second/Final Reading – An Ordinance Adopting Corrections, Updates, and Modifications to the Capital Improvements Schedule of the Town of Lady Lake Comprehensive Plan, by the following roll call vote:

HOLDEN	***YES***
VINCENT	***YES***
HANNAN	***YES***
RICHARDS	***YES***
KUSSARD	***YES***

6. <u>Ordinance No. 2014-11 – First Reading – A Request for Voluntary Contraction (Deannexation) of the Town Boundary by Deannexing +/- 3.18 Acres of Real Property – Generally Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place (Thad Carroll)</u>

Derek Schroth, Town Attorney, 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 applicants, Richard and Christine Stine, owners of property addressed as 224 Moore Place, have filed a request to voluntarily deannex their property from the Town of Lady Lake, which includes 3.18 ± acres of property. He stated the present and proposed use of the property is a single family residence. Mr. Carroll stated staff recommends approval of this ordinance.

DRAFT

Aerial views of the property were shown, as well as photos of the property.

Mr. Carroll stated that the nearest Town residence on the south side via Lake Griffin Road is .66 miles away; the nearest residence Lake Griffin Road on the north side is .44 miles, and from Lake Griffin Road via Dulgar Road/Moore Place is .25 miles. He stated the applicants have provided a letter of justification, dated November 20, 2014, outlining their reasons for the request to deannex (see attached).

The Town annexed a portion of the subject property by Ordinance No. 84-18-(120) on December 3, 1984 and the remainder by Ordinance No. 90-28 on November 5, 1990. In 1990, the previous owners of this property requested to be annexed in because one of the owners was in poor health and was concerned about ambulance response. The property was sold to the Stine's in 2003, and they requested that the property be deannexed in 2004 because they were paying Town taxes but receiving no Town services. The Town denied the request in 2004 fearing that they would be setting precedent for subsequent deannexation requests; additionally, there were plans to extend water and sewer service as this was expected to be an area of large growth for the Town of Lady Lake. Another concern at the time they had made their prior request to deannex was that there would have to be a referendum vote to deannex the property. It has since been determined by Town Attorney Derek Schroth that no referendum vote is required as there is only one person in the area instead of the 15% of qualified voters required to request that it go on a referendum.

This property fails to meet the following criteria of Florida Statute 171.043 and is therefore eligible for municipal contraction. Reasons as to how the property fails to meet the standard are noted in bold text:

2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries. **The subject parcel has two residents and the property is 3.18 acres, this density does not achieve two persons per acre.**

(b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are one acre or less in size. **The subject property and the adjacent properties are equal, and in a majority of instances, are greater than one acre in size.**

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts five acres or less in size. **In accordance with the definition below, the subject property and adjacent properties are not used extensively to qualify under this definition.**

F.S. 131.031 (10) "Urban purposes" means that land is used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels of land retained in their natural state or kept free of development as dedicated greenbelt areas.

(3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area. **There are no municipal services of water and sewer lines to the east, unincorporated lands of the property, nor are there areas developed for urban purposes anticipated to be developed.**

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2). Urban purposes are not in existence along 60% of the external boundary. **There are no abutting adjacent properties to the subject property; currently, adjacency is only being met via a water body.**

The Town is not currently servicing the Stine's property for water and sewer, and should these utilities ever be extended along Lake Griffin Road, the lines would not be within the 200 feet required by the Land Development Regulations to connect. Also, the Stine's are getting no police services from the Town as the Lady Lake officers do not patrol near their property. Additionally, code enforcement officers have been confused in the past, under the belief that the subject property was unincorporated. Upon evaluation of the aforementioned facts and circumstances, staff is in agreement with the applicants that the property exhibits characteristics that are consistent with unincorporated areas.

The Future Land Use and Zoning of the property and adjacent properties are as follows:

Future Land Use

Subject Property	Lady Lake – Rural High Density - 1 dwelling unit per acre
Future Land Use of Adjacent Properties	
West	Lady Lake – Single Family Low Density, up to 3 du/acre
East	Lake County – Urban Low
North	Lake County – Urban Low
South	Lake County – Urban Low

Zoning

Subject Property	Agriculture Residential AG-1
Zoning of Adjacent Properties	
West	Lady Lake – Residential 3 du/ac (RS-3)
East	Lake County – Rural Residential (R-1)
North	Lake County – Rural Residential (R-1)
South	Lake County – Rural Residential (R-1)

It was the consensus of the Town Commission after discussion at the November 17, 2014 meeting that they would be in favor of this deannexation. On November 26, 2014, Town Attorney Derek Schroth approved Ordinance No. 2014-11 as to form as prepared.

Mr. Carroll stated that the application was received on Thursday, November 20, 2014. Notices to inform the surrounding property owners (12) within 150' of the property of the proposed ordinance were mailed by certified mail return receipt on Monday, December 1, 2014 and the property was posted this same date. To date, one phone inquiry was received regarding the application.

Mr. Carroll reported that the Technical Review Committee (TRC) reviewed the application for deannexation and Ordinance No. 2014-11 individually and there were no comments received. It was determined that the application was complete and ready for transmittal to the Planning and Zoning Board. At the December 8, 2014 meeting of the Planning and Zoning Board, they voted 5-0 to forward Ordinance No. 2014-11 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider Ordinance No. 2014-11 for second and final reading on Monday, January 5, 2014.

Mr. Carroll stated the Stine's are present if there are any questions.

Mayor Kussard asked if there were any questions from the Commissioners or the audience, and hearing none, asked for a motion.

Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved Ordinance No. 2014-11 – First Reading – A Request for Voluntary Contraction (Deannexation) of the Town Boundary by Deannexing +/- 3.18 Acres of Real Property – Generally Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place by the following roll call vote:

HOLDEN	***YES***
VINCENT	***YES***
HANNAN	***YES***
RICHARDS	***YES***
KUSSARD	***YES***

7. <u>Resolution No. 2014-102 – First/Final Reading – Plaza Professional Center – A Resolution Granting a Variance to Authorize the Removal of Two Historic Trees in Accordance with Chapter 10, Section 10-4).F)., of the Town of Lady Lake Land Development Regulations, on Property Owned by Brian W. Warwick, Janet R. Varnell, and Ellen R. Robards – Located at 316 La Grande Blvd., within the Plaza Professional Center (Thad Carroll)</u>

Derek Schroth, Town Attorney, 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 on February 3, 2014, Fran Dann-Akin, on behalf of property owners Brian W. Warwick, Janet R. Varnell, and Ellen Robards, submitted an application for a variance in accordance with Chapter 10, Section 10-4).f). of the Land Development Regulations (LDRs) which states that on all properties, the removal of historic trees shall require a variance from the Planning and Zoning Board and then the Town Commission. He stated staff recommends approval of this resolution to accommodate a new office building at the Plaza Professional Center.

DRAFT

Mr. Carroll reported that the original variance proposal was for the removal of one historic tree on the property, and at the March 17, 2014 Commission meeting, the Town Commission requested that an alternative plan be presented to determine whether that tree could be saved if the building or parking configuration were changed. At the April 7th meeting, Resolution No. 2014-02 was again continued to the April 21st meeting, and at the May 5, 2014 meeting, the item was tabled indefinitely to a date uncertain.

Mr. Carroll stated that the property owners, Brian W. Warwick, Janet R. Varnell, and Ellen Robards, have submitted an alternative proposal for the development of new buildings in the Plaza Professional Center, which proposes the removal of two historic trees in lieu of the prior proposal to remove one historic tree. He stated the property owners have elected to propose a change of the location of the building which requires the removal of a 45" live oak and a 42" live oak. The owners also reassessed the size of the prior tree, finding that it is a tree with a 60" diameter. Brian Warwick, property owner, has submitted a revised Justification Statement as to why the removal of the trees is necessary (included in packet).

Aerial views of the site, drawings of the proposed site plan, and photos of the property and the trees were reviewed.

When reviewing an application for a variance, the Planning and Zoning Board and the Town Commission shall consider the following requirements and criteria according to Chapter 3, Section 14 f) – Review criteria for variances in the Land Development Regulations:

1. No diminution in value of surrounding properties would be suffered.
2. Granting the permit would be of benefit to the public interest.
3. Denial of the permit would result in unnecessary hardship to the owner seeking it.
4. The use must not be contrary to the spirit of this Code.
5. Financial disadvantages and/or inconveniences to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.
6. Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Town Commission.

The subject property lies in Section 07, Township 18 South, Range 24 East, Lady Lake Florida. The Future Land Use Map designation for the site is Commercial General-Retail Sales & Services (RET) and is zoned Planned Commercial (CP). The subject property is located at 316 La Grande Blvd. within the Plaza Professional Center (Alternate Key 3808678), within the town limits of the Town of Lady Lake, Florida.

Upon approval of this variance resolution, if granted, the applicant will have to undergo the Site Plan application process for approval of any improvements proposed; two buildings are proposed at this point. All landscaping buffer requirements and plantings would have to be satisfied during this process.

Mr. Carroll reported that notices to inform the surrounding property owners (19) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Wednesday, November 26, 2014. In addition, the property was posted on Monday, December 1, 2014. He stated that to date, staff has received one phone call in opposition to this proposed

DRAFT

variance request, and this same person spoke at the Planning and Zoning Board meeting on December 8, 2014.

Mr. Carroll reported that at the November 18, 2014 special meeting of the Town Commission, it was the consensus of the Commission that they were in favor of advancement of the conceptual presentation of alternative historic tree removals for the Plaza Professional Center as presented. The Technical Review Committee reviewed the application for Resolution No. 2014-102 and returned no comments regarding this application on Monday, December 1, 2014. On Monday December 8, 2014, the Planning and Zoning Board voted 3-2 to forward Resolution No. 2014-102 to the Town Commission with the recommendation of denial.

Mr. Carroll stated that Brian Warwick is not present, but that property owner Janet Varnell has requested to give a brief presentation, and applicant Fran Dann-Akin is present as well.

Ms. Varnell thanked the Commissioners for hearing her this evening. She stated that she, her husband, and her mother want to leave the world a little better than they found it and pass it on to the children, but she stated there must be a balance to be wise. She related a story about a lawsuit regarding Central Beef in Sumter County, Florida to point out that there must be a balance between property owners' rights and the needs of the community. Ms. Varnell stated that she and her family are great stewards of the environment and practice that on their own property. She stated tonight's proposal will help mitigate and improve the environment for Lady Lake and for posterity.

Ms. Varnell stated that this second buyer is a general practitioner who will build a medical office building that will have golf cart access and will be accessible for residents of Lady Lake and The Villages. She stated that although the trees on the lot are important, there is also the need to balance that fairly with the property owners' rights so that they can sell their property. Ms. Varnell stated there are 32 trees on her property and they are requesting to take down two, which will make the parking lot safer and easier to get around while protecting the larger 60" historic tree. She stated that the engineers and architect have advised them that there is no way for them to have their deeded rights unless they build the two buildings as proposed and by taking down the two trees to allow for sufficient parking for the area. Ms. Varnell made an impassioned plea to the Commissioners to approve this request.

Mayor Kussard stated she wanted to make some comments before any more were heard. She stated the Town has allowed trees to be cut on other properties and that is why there is mitigation. She stated these property owners have come back to the Commission, and there is no hazard, and since there are already a lot of trees on the property, she sees no reason why they should be turned down. Mayor Kussard stated they have done everything that the Commission has asked of them.

Commissioner Hannan stated he is against cutting down trees, and that it does not make sense to allow two trees to be cut down instead of one. He stated a resident came forward at the Planning and Zoning Board meeting and was so passionate about the trees that she offered to purchase the property. Commissioner Hannan stated he did not see anything in the meeting minutes that would indicate why three of the Commissioners were in favor of this alternate proposal. He stated that he would not like to create a concrete jungle in Lady Lake and that our trees are important. Commissioner Hannan stated he agrees with the Planning and Zoning Board's recommendation of denial.

Commissioner Richards stated he has not changed his opinion for his no vote, with the reason being that the 4,000 sq. ft. of open area was not used for the building, but instead they are proposing to take more parking lot away, and then making more parking area. He stated he feels there is another way to develop the property.

Commissioner Holden stated that although he respects the members of the Planning and Zoning Board, he will stand by his decision to approve the removal of these two trees as this property has more than its proportionate share of trees compared to other properties that have been developed.

Commissioner Vincent stated that he will also approve the removal of these two trees.

Town Attorney Derek Schroth suggested that public comment be requested on this variance request.

Mayor Kussard asked if anyone in the audience had any comments or questions.

- Sirana(sp?) Dye of 3847 Griffin Avenue stated that she is a long time resident of Lady Lake, and that it is very hard to navigate the parking lot on the property in question because of all the trees. She requested that the Commission allow the trees to be cut.

- Joe Quinn of 633 Rainbow Blvd. stated he drives by this property often, and that it is a small woods with so many trees. He stated that these two trees should be allowed to be removed as they are getting in the way of a better use of the property, and it will get rid of the for sale sign!

- Robert Riendeau of 828 Silver Oak Avenue stated he welcomes the addition of a general practitioner in the area. He stated there are plenty of trees there.

- Susan Aker stated she was born in Ocala and raised in Lady Lake. She agreed that this property has more than its share of trees and is commercially zoned, and although she loves the trees, she believes the property should be used for a commercial purpose, and that it is not a park.

- Shirley Lennox of 936 Tarrson Blvd. stated she lives in the shade of this tree and that she has expressed her objections to this. She asked where this will end.

Ms. Varnell asked to make a rebuttal to the Commissioner's comments; particularly Commissioner Richards' comments about putting the building on the 4,000 sq. ft. open space. She stated the professionals, engineers and architects, as well as representatives from The Villages, have advised her that this is the only way to configure adequate parking spaces. Ms. Varnell stated she was told that it would be insane to reduce the amount of parking spaces by variance request, as the parking is extremely burdened already. She referred to a letter by Anita Valdez, who is a commercial resident of this area, and who stated it would be a disservice to reduce the required number of parking spaces. Ms. Varnell also stated that her liability insurance on this property is high because there have been a number of people who have slipped from all the leaves that fall in this parking lot from the trees, making it a safety hazard.

In reply to Commissioner Hannan's comments, Ms. Varnell replied that she was more than willing to consider another offer to buy the property from Ms. Lennox, but she only offered $215,000,

DRAFT

which is not close to fair market value. She stated it is a commercial property, not a park, and it is her family's retirement investment.

Commissioner Hannan did agree that Ms. Varnell made a good case regarding the parking.

- Ms. Lennox denied that she made a $215,000 offer for the property.

Commissioner Hannan asked how often the other Commissioners travel through this area, stating he does not believe they have the feel for the neighborhood that he and Commissioner Richards have.

Mayor Kussard asked for a motion.

Upon a motion by Commissioner Vincent and a second by Commissioner Holden, the Commission approved Resolution No. 2014-102 – First/Final Reading – Plaza Professional Center – A Resolution Granting a Variance to Authorize the Removal of Two Historic Trees in Accordance with Chapter 10, Section 10-4).F)., of the Town of Lady Lake Land Development Regulations, on Property Owned by Brian W. Warwick, Janet R. Varnell, and Ellen R. Robards – Located at 316 La Grande Blvd., within the Plaza Professional Center by the following roll call vote:

HOLDEN	***YES***
VINCENT	***YES***
HANNAN	***NO***
RICHARDS	***NO***
KUSSARD	***YES***

L. TOWN MANAGER'S REPORT:

8. <u>Discussion of Penny Sales Tax Projects (Kris Kollgaard)</u>

Town Manager Kris Kollgaard reported that Lake County has requested that municipalities report their recommendations for projects funded by the penny sales tax. She asked the Commissioners if they had any comments or suggestions other than the ones she outlined in her e-mail to them regarding this.

Mayor Kussard commented that this penny sales tax built the library and added to Public Works, and benefits the Town in so many different ways. She stated she would like to see a big, beautiful park for families.

Ms. Kollgaard explained that this is the renewal for the penny sales tax which sunsets in 2017-2018 and may be on the ballot in 2015 or 2016. She explained that this is a user tax and anyone traveling through the county pays it, with one third going to the municipalities, one third goes to the county, and one third goes to the School Board. She stated it has helped with a lot of infrastructure around Town such as the library and the wastewater treatment plant.

Ms. Kollgaard stated one of her suggestions is a nice passive park where people can grill, have a playground for children, and perhaps build a building where people can have family reunions or weddings. She stated that another suggestion is to install the fiber optic connections for businesses.

DRAFT

Commissioner Hannan commented that at one time the Town was looking at the property on the corner of Lake Griffin Road behind Lady Lake Realty, although it was pricey.

Ms. Kollgaard agreed that it was pricey, and stated that the Town could possibly get a match grant to bundle with the penny sales tax monies for some projects.

Commissioner Richards stated his two suggestions are the extension of Lady Lake Boulevard going out to Rolling Acres, and the extension of Clay Avenue to the back of the shopping center.

Ms. Kollgaard stated that the Town may shortly be in a position to sit down with residents regarding the extension of Clay Avenue.

Commissioner Holden and Commission Vincent both commented that they are in favor of the renewal of the penny sales tax.

Mayor Kussard commented that there was also talk at one time about extending the road by Sam's to CR 25.

Ms. Kollgaard stated that staff looked into that when they were considering the repaving of Avenida Central. She stated she will prepare the list that is due to the county by the end of January, and will send it to the Commissioners to review before sending it to them.

Ms. Kollgaard reported that Lake County had suspended the school impact fees and then reduced them to 25% of the original fees, but have now increased the fees to 75% of the original amount. She asked the Commissioners if they wanted to match the county as they have in the past.

It was the consensus of the Commissioners that the Town should match the county in regard to school impact fees.

Ms. Kollgaard stated that staff will prepare an ordinance for this and it will be brought back before the Commission.

M. MAYOR/COMMISSIONER'S REPORT:

Commissioner Richards stated he received the latest monthly financial report from staff today, and he is concerned that the Town has not received a final answer regarding the Communication Services Tax from the Department of Revenue. He stated closure is needed one way or another.

Ms. Kollgaard stated the Finance Director received some information from the Department of Revenue today which will be forwarded to the Town Attorney, and it will be forwarded to the Commissioners after he reviews it. She stated there is no date set, but the information received was in reply to staff's request for an update.

Mayor Kussard reported that she attended both the Christmas Parade, which was great, and Light Up Lady Lake, which was a spectacular display. She thanked Town staff who makes this happen every year, and she wished everyone happy holidays.

Commissioner Hannan commented that he has heard that many Villages have defibrillators in their yards, and that it may be a great idea to have them in the wards, strictly funded by residents.

DRAFT

Ms. Kollgaard stated she believed the AEDs are very expensive, and would be hard to fund.

Chief McKinstry offered from the audience that the AEDs are approximately $1,000.00 each, and the batteries are $300 each.

Commissioner Vincent commented that the Water Oak community tried having the AEDs in their community, but the batteries were a big problem. He stated they relied on an AED, but it did not work because the battery was no good, and the batteries need to be checked on a regular basis.

Commissioner Hannan stated he believed one of the clubs spearheaded this, and that residents paid for them.

N. PUBLIC COMMENTS[iv]

Mayor Kussard asked if anyone in the audience would like to speak on any item. There were no comments.

O. ADJOURN: There being no further discussion, the meeting was adjourned at 7:00 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

DRAFT

---

[i] *Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.*

[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.*

[iii] *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.*

[iv] *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.*

TOWN COMMISSION AGENDA ITEM

G-2

REQUESTED REGULAR COMMISSION MEETING DATE January 5, 2015

SUBJECT: Budget Amendment to move budgeted computers items from Capital to Operating expense.

DEPARTMENT: Finance Department

RECOMMENDED MOTION: Staff recommends approval of BT15-001 to increase General Operating expense and decrease Capital Equipment expense.

SUMMARY: Amendment BT15-001 increases General Operating and decreases Capital Equipment in both the General Fund and the Utility Fund. These computers were budgeted in Capital Equipment because they were over $1000 each. $1000 is the threshold for a Capital/Fixed Assets purchase. Our IT director has found better pricing (less than $1000 each) therefore these computer purchases no longer meet the Capital purchase threshold. This budget amendment moves the budget for the purchases only to General Operating.

FISCAL IMPACT: None

[ ] Personal Budget
[X] Operating Budget
[X] Other Capital Outlay

ATTACHMENTS: [ ] Ordinance [ ] Resolution [X] Budget Resolution

[X] Other (Budget Transaction FT15-001)

[ ] Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD Submitted 12/22/2014 Date 1/5/2015

FINANCE DEPARTMENT JRm Approved as to Budget Requirements Date 12/18/2014

TOWN MANAGER Approved Agenda Item for: Date 1-5-15

COMMISSION ACTION: [ ] Approved as Recommended [ ] Disapproved

[ ] Tabled Indefinitely [ ] Continued to Date Certain

[ ] Approved with Modification

Reviewed by: KW

TOWN OF LADY LAKE
BUDGET TRANSACTION FORM FY2015

TO: Town Manager **DATE:** 12/17/2014

FROM: Finance **TRANS NO :** BT15-001

FUND	ACCOUNT	DEPT	ACCT DESCRIPTION	INCREASE	(DECREASE)
REV					
EXP					
001	1601-516-6410	IT	Equipment		$13,560
001	1601-516-5210	IT	General Operating	$13,560	
401	3301-533-6410	Water	Equipment		$7,987
401	3301-533-5210	Water	General Operating	$7,987	

JUSTIFICATION: Computers were budgeted in Captial Equipment for over $1000 each. IT Director found computers less than $1000 each therefore they are no longer Capital Expenses/Fixed Assets. This BT moves the budget to Operating Expenses.

Required Authorization/Approval

◉ **Town Commission Action Required**
From Fund Balance
Transfer of Budget Between Funds
Transfer of Budget Between Departments - Anything
Within Department - Capital
Increasing total revenue and expenditure bottom-line budget

TOWN COMMISSION ACTION:
☐ Approved
☐ Disapproved **DATE:** _____
Agenda Item #

○ **Town Manager**
Transfer of Budget Within Department
- Operating & Personal Services

○ **Department Heads**
Transfer of Budget Within Operating
- Not Capital or Personal Services
- With Town Manager Approval

John Penil 12-18-14
Department Head Signature and Date

Town Manager Signature and Date

Finance Dept. Action:
☐ **Amendatory Required**
☐ Disapproved
☐ Approved **Finance Director** **Date**

DATA ENTRY ACTION:
Accounting Period: _____
Posted by: _____
Data Entry Date: _____

HR/ Risk Mgmt

TOWN OF LADY LAKE
PROPOSED FY2015 BUDGET
EXPENDITURES BY OBJECT
INFORMATION TECHNOLOGY

Operating Expenditures

Total	Account Number & Description		Quantity	Amount	Sub-Total
-	3110	**Other Professional Svcs**			
-	4000	**Travel & Per Diem**			
2,040	4100	**Telephone, Cell, Pagers**			
		Cell Phone	12	115	1,380
		Share of T-1 Line	12	50	600
		Long Distance	12	5	60
1,040	4610	**Vehicle Repairs**			**1,040**
9,500	4620	**Repairs & Maintenance**			
		Barracuda Backup 490 Annual Maintenance	1	1,996	1,996
		Barracuda Message Archiver 350 Annual Maintenance	1	2,395	2,395
		Cisco 2800 Router Annual Maintenance	1	530	530
		Microsoft Incident Support Pack (5)	1	1,289	1,289
		Netmotion Annual Maintenance $ 2000	1	1,940	1,940
		SonicWall Maintenance $450 $455	3	450	1,350
300	5100	**Office Supplies**			**300**
17,835	5210	**General Operating**			
		Airwatch MDM $1648	1	1,600	1,600
		Barracuda Backup Cloud	1	2,345	2,345
		GIS ESRI Enterprise License Agreement (1/2 split water)	1	12,500	12,500
		Hostmonster Backup Pro 20	1	20	20
		Hostmonster Website Hosting 144	1	120	120
		Misc. Hardware & Peripherals	1	1,250	1,250
3,360	5260	**Gas & Diesel Expense**			**3,360**
175	5410	**Bks, Pub, Subs, Membrshps**			
		FLGISA Dues 200	1	175	175
-	5500	**Training**			
34,250		**Operating Expenditures**			

Capital Outlay

Total	Account Number & Description		Quanity	Amount	Sub-Total
59,163	6410	**Equipment**			
		Adobe Acrobat Software	8	282	2,256
		ArcPad, Trimble Positions & VRS Now	1	1,945	1,945
		Cisco Meraki MX80 Firewall and Splunk SIEM Solution $3124	1	8,995	8,995
		Cisco Router	2	1,180	2,360
< $1000 each		Dell Optiplex 7010 Workstation Computers	8	1,050	8,400
		Dell Latitude e6520 Notebook Computers - move to 5210	7	1,520	10,640
		Dell R720 Server Computers $ 6500.45	1	6,500	6,500
		Microsoft Server Software Agreement (3/3)	1	15,721	15,721
		Microsoft CIS Server License	1	1,029	1,029
		Symantec Verisign SAN Digital Certificate	1	1,317	1,317
59,163		**Total Capital Outlay**			
93,413		**TOTAL EXPENDITURES**			

Not FA
244.99 each
$ 1714.93

move to 5210

7,986.80 +
3,857.95 +
1,714.93 +
003
13,559.68 +

TOWN OF LADY LAKE
PROPOSED FY2015 BUDGET
EXPENDITURES BY OBJECT
WATER UTILITY

Operating Expenditures

Total		Account Number & Description	Quanity	Amount	Sub-Total
4,200	**5250**	**Bank Fees & Service Chrgs**			
		Bank charges Split with Gen. Fund	12	250	3,000
		Add'l Cost of Positive Pay	12	100	1,200
9,500	**5251**	**Convenience Fee Costs**			
		Cost to take credit card payments in Utility billing			9,500
28,000	**5260**	**Gas & Diesel Expense**			**28,000**
		Fuel for Vehicles			
		Diesel Fuel for Generators			
		Diesel Fuel for Equipment			
3,330	**5270**	**Uniform Expense**			
		Weekly Uniform Service for 7 Employees	52	40	2,080
		Safety Boots for 7 Employees	7	150	1,050
		Shirts for Customer Service & Staff Assistant			200
984	**5410**	**Bks, Pub, Subs, Membrshps**			
		American Waterworks Assoc. Membership			270
		Florida Rural Water Assoc. Membership			495
		Sam's Club Membership - Leland			45
		Notary Renewal for Staff Assistant			174
2,000	**5500**	**Training**			
		Backflow Certification			500
		Misc Stafff Training			1,500
411,449	**Operating Expenditures**				

Capital Outlay

Total		Account Number & Description	Quanity	Amount	Sub-Total
19,800	**6410**	**Equipment**			-
		Enclosed Service Trailer $ 5062			6,000
		Trimble Handheld Meter Reading Device $ 5390			5,400
		Dell workstation computer (HW Lifecyle Maint Pgm)	8	1,050	8,400
-	**6420**	**Vehicles** < $1000 each			-
		2014 F250 4x4 Ext Cab Diesel For Pickup			
		Replacement Plan move $7987 to 5210			
19,800	**Total Capital Outlay**				

Total		Account Number & Description	Quanity	Amount	Sub-Total
62,500	**9101**	**Transfer To General Fund**			**62,500**
		Portion of Costs at Public Work Facility			
		Portion of Town Manager, PW Director, GIS/IT Tech			
128,637	**9199**	**Transfer To Reserve**			
		To Build Up Reserve For Future Replacement Costs			**128,637**
191,137	**Total Interfund Transfers & Other Uses**				
622,386	**TOTAL EXPENDITURES**				

PURCHASE REQUISITION

Vendor No:

Town of Lady Lake

Vendor Name:
Dell

Quote: 696715179

Deliver to:
Town Hall

Attn: John Pearl

Product Description (Include Item #)	QTY	Unit Cost (After Discount)	Account Number to Charge	Total Amount
Dell Optiplex 7010 Workstation	8	$998.35	GF 001-1601-516.52-10	$7,986.80
Dell Optiplex 7010 Workstation	8	$998.35	UA 401-3301-533.52-10	$7,986.80
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
			Total Requisition	$15,973.60

Purpose:
Annual hardware lifecycle workstation purchase. Budgeted item.

Requested by: John Pearl Date: 12/3/14

Department Head: C.T. Eagle Date: 12/4/14

Purchasing Mgr: Date: 12/8/14

Finance Dept: Date:

Town Manager: Date: 12/8/14

Entered by:
Date:
P.O. #:

PURCHASE REQUISITION

Vendor No:

Town of Lady Lake

Vendor Name:
Dell

Quotes: 694650052, 694650296

Deliver to:
Town Hall

Attn: John Pearl

Product Description (Include Item #)	QTY	Unit Cost (After Discount)	Account Number to Charge	Total Amount
nspiron 3531 Notebook Computer	5	$244.99	001-1601-516.52-10	$1,224.95
nspiron 3531 Notebook Computer	10	$263.30	001-1601-516.52-10	$2,633.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
			Total Requisition	$3,857.95

Purpose:
Notebook computers needed for Library youth programming. Applying savings from budgeted HWLC notebook purchase.

Requested by: Date:

Department Head: John Pearl Date: 11/22/14

Purchasing Mgr: Date: 12-1-14

Finance Dept: Date:

Town Manager: Date: 12-1-14

Entered by:
Date:
P.O. #:

PURCHASE REQUISITION

Vendor No:

Town of Lady Lake

Vendor Name:
Dell

Quotes: 694650052, 696755765

Deliver to:
Town Hall

Attn: John Pearl

Product Description (Include Item #)	QTY	Unit Cost (After Discount)	Account Number to Charge	Total Amount
nspiron 3531 Notebook Computer	7	$244.99	001-1601-516.52-10	$1,714.93
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
		$0.00		$0.00
			Total Requisition	$1,714.93

Purpose:
Notebook computers needed for Library youth programming. Applying savings from budgeted HWLC notebook purchase.

Requested by: Date:

Department Head: John Pearl Date: 12/3/14

Purchasing Mgr: Date: 12/8/14

Finance Dept: Date:

Town Manager: Date: 12/8/14

Entered by:
Date:
P.O. #:

G-3

TOWN COMMISSION AGENDA ITEM

REQUESTED COMMISSION MEETING DATE: January 5, 2014

SUBJECT: Renewal of Client Services Agreement between the Town of Lady Lake and Attorney Mark L. Van Valkenburgh P.L. for Labor and Employment Legal Services

DEPARTMENT: Human Resources

STAFF RECOMMENDED MOTION: Authorize the Town Manager to sign a one year client services agreement with Mark L. Van Valkenburgh for labor and employment services.

SUMMARY: Mr. Van Valkenburgh currently is and has been working as the Town's legal counsel for labor and employment purposes. The proposed contract for legal services has not changed from the previous year and the $3,500 retainer has been included in the 2014-2015 budget under Town Attorney Professional Services. The agreement is attached for review.

FISCAL IMPACT: $3,500

[ ] **Capital Budget**
[ ] **Operating**
[X] **Other** 001-1401-514-3110

ATTACHMENTS: [ ] **Ordinance** [ ] **Resolution** [ ] **Budget Resolution**

[X] **Other- Mark Van Valkenburgh Client Services Agreement 2014/2015**

DEPARTMENT HEAD	**Submitted**	**Date** 12-15-14
FINANCE DEPARTMENT JRM	**Approved as to Budget Requirements**	**Date** 12/22/14
TOWN MANAGER	**Approved Agenda Item for:** 1-5-15	**Date** 12-30-14

COMMISSION ACTION:

[ ] **Approved as Recommended** [ ] **Disapproved** [ ] **Tabled Indefinitely**

[ ] **Continued to Date Certain** [ ] **Approved with Modification**

CLIENT SERVICES AGREEMENT

This Client Service Agreement effective as of November 1, 2014, between the TOWN OF LADY LAKE (hereinafter referred to as "Client"), and MARK L. VAN VALKENBURGH, P.L. (hereinafter referred to as "Van Valkenburgh").

TERM OF AGREEMENT

This Agreement shall begin on the date noted above and shall remain in force for a period of one year from that date (the "Initial Term"). After the Initial Term, this Agreement shall automatically renew unless one of the parties notifies the other of a desire to terminate thirty days prior to the end of the Initial Term.

SERVICES & PRICING

A. Base Services. Van Valkenburgh shall provide to Client certain human resources consulting and counseling services relating to employer/employee matters as follows:

1. Unlimited telephone and e-mail consultations with Lady Lake's management personnel regarding labor and employment issues unrelated to civil actions in which Van Valkenburgh is representing Client. This shall also include furnishing written or verbal legal opinions on said issues when requested to do so;

2. Prepare for and represent the Town in all unemployment compensation telephonic hearings. If hearings are to be held in person, the Town will be billed only for travel time at a discounted hourly rate of $150.00;

3. Review and respond to all pre-suit demands received from or on behalf of employees and former employees threatening employment related claims;

4. Assist with the review and revision of employee handbooks, Police Department manuals and other personnel related policies and all newly created or modified personnel related forms and job descriptions to insure compliance with federal and Florida laws;

5. Review and revise personnel or employment related documents such as disciplinary write-ups, termination letters and release and waiver agreements as needed;

6. Periodic newsletters or e-mail updates on current employment law matters as are published by Van Valkenburgh.

The Base Services do not include services related to litigation in which Van Valkenburgh has made an appearance or representation at internal or external hearings or grievances with the exception of unemployment hearings as stated above.

TOWN COMMISSION AGENDA ITEM

REQUESTED COMMISSION MEETING DATE: January 5, 2015

SUBJECT: Consideration of Approval to Host the Town's Spring Art-in-the-Park Event on January 31st and February 1st, 2015

DEPARTMENT: Parks & Recreation

STAFF RECOMMENDED MOTION: Approval to Host the Town's Spring Art-in-the-Park Event on January 31st and February 1st, 2015

SUMMARY: The Lady Lake Chamber of Commerce and the Parks and Recreation Department are once again seeking permission to host an arts and crafts show at the Log Cabin/Veterans Park. TNT Events Inc. will coordinate the planning for the event while paying a percentage of the proceeds to the Chamber. Vendors will begin setting up on January 30th around 4 p.m. The crafts will be sold on the January 31st and February 1st. There will be a security trailer on site for both evenings sponsored by T.N.T Events. As always, Parks and Recreation and the Police Department will be assisting with this event.

FISCAL IMPACT: Estimated cost of salaries for employees and police estimated at $2,000.00.

[ ] Capital Budget
[X] Operating
[ ] Other

ATTACHMENTS: [ ] Ordinance [ ] Resolution [ ] Budget Resolution
[ ] Other [ ] Support Documents

DEPARTMENT HEAD MDB	**Submitted** Dec 25.14	**Date** Jan 05, 15
HR	**Approved as to form**	**Date**
FINANCE DEPARTMENT	**Approved as to Budget Requirements**	**Date**
TOWN MANAGER	**Approved Agenda Item for:** 1-5-15	**Date** 12-30-14

4.3

COMMISSION ACTION:

[ ] Approved as Recommended **[ ] Disapproved** **[ ] Tabled Indefinitely**

[ ] Continued to Date Certain **[ ] Approved with Modification**

TOWN COMMISSION AGENDA ITEM

REQUESTED COMMISSION MEETING DATE: January 5, 2015

SUBJECT: Consideration to utilize funds from the sale of surplus property to assist with the purchase of one (1) additional unmarked police vehicle to more closely maintain the PD vehicle rotation plan.

DEPARTMENT: POLICE

STAFF RECOMMENDED MOTION: Approval to use funds from the sale of surplus property to assist with the purchase of one (1) additional unmarked police vehicle to more closely maintain the PD vehicle rotation plan.

SUMMARY: The current five year PD vehicle rotation plan provides for the purchase of four police vehicles and one specialty vehicle each year to maintain the police fleet in a state of operational readiness and to ensure that all vehicles are covered under an extended warranty to manage repair costs more effectively. Due to an unforeseen circumstance this fiscal year, the vehicle rotation replacement was reduced to two (2) fully equipped marked police vehicles at a cost of $77,000. Subsequent to this FY budget approval, a more pressing need to replace unmarked vehicles developed. The cost to replace, and fully equip, two (2) unmarked vehicles is substantially less than for marked units at $59,336, leaving an available remaining budgeted balance of $17,664.

On August 18, 2014, this Commission approved using Gideon Auctioneers for the sale of surplus vehicles. Two auctions this fiscal year, (October 13th and December 9th), has yielded a $14,530 return to the General Fund.

The price point for a fully equipped, unmarked vehicle is $30,016. Given that unmarked vehicles were purchased this year instead of marked units, the budgeted $17,664 is still available in the police budget for use to maintain the vehicle rotation plan as closely as possible.

The Police Department still has a pressing need to replace eight year old vehicles which are out of warranty. I am requesting to use proceeds from the last two auctions, not to exceed a total of $12,500, to enable the PD to purchase one additional unmarked vehicle to replace a full time detective's 2007 Impala this FY. This request is financially neutral to the PD approved budget.

FISCAL IMPACT: $12,500 (not to exceed)

[X] Capital Budget 001-2101-521-6420
[ ] Operating
[ ] Other

ATTACHMENTS: [ ] Ordinance [ ] Resolution [ ] Budget Resolution

[ ] Other
[ ] Support Documents

DEPARTMENT HEAD	Submitted		Date 12/16/2014
HR	Approved as to Form		Date 12-16-14
FINANCE DEPARTMENT	JRM Approved as to Budget Requirements		Date 12/16/2014
TOWN MANAGER	Approved Agenda Item for: 1-5-15		Date 12/17/14

Reviewed

COMMISSION ACTION:

[ ] Approved as Recommended [ ] Disapproved [ ] Tabled Indefinitely

[ ] Continued to Date Certain [ ] Approved with Modification

TOWN COMMISSION AGENDA ITEM

REQUESTED COMMISSION MEETING DATE: **Second/Final Reading - January 5, 2015**

SUBJECT: **Ordinance No. 2014-11 – A Request for Voluntary Contraction (Deannexation) of the Town Boundary by Deannexing 3.18 Acres More or Less of Real Property, Generally Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place (Alternate Key 1279160).**

DEPARTMENT: **Growth Management**

RECOMMENDED MOTIONS:

Staff Recommends Approval of Ordinance 2014-11, a request for Voluntary Contraction (Deannexation) of 3.18 Acres More or Less of Real Property, Generally Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place

---

SUMMARY

Applicants, Richard and Christine Stine, owners of property addressed as 224 Moore Place, have filed a request to voluntarily deannex their property from the Town of Lady Lake, which includes 3.18 ± acres of property. The nearest Town residence on the south side via Lake Griffin Road is .66 miles away; the nearest residence Lake Griffin Road on the north side is .44 miles, and from Lake Griffin Road via Dulgar Road/Moore Place is .25 miles. The applicants have provided a letter of justification, dated November 20, 2014, outlining their reasons for the request to deannex (see attached).

The Town annexed a portion of the subject property by Ordinance # 84-18-(120) on December 3, 1984 and the remainder by Ordinance 90-28 on November 5, 1990. In 1990, the previous owners of this property requested to be annexed in because one of the owners was in poor health and was concerned about ambulance response. The property was sold to the Stines in 2003 and they had requested at that time that the property be deannexed in 2004 because they were paying Town taxes; however, receiving no Town services. The Town denied the request in 2004 in fear that they would be setting precedent for subsequent deannexation requests; additionally, there were plans to extend water and sewer service as this was expected to be an area of large growth for the Town of Lady Lake. Another concern at the time they had made their prior request to deannex was that there would have to be a referendum vote to deannex the property. It has since been determined by the Town Attorney, Derek Schroth that no referendum vote is required as there is only one person in the area instead of the 15% of qualified voters required to request that it go on a referendum.

This property fails to meet the following criteria of Florida Statute 171.043 and is therefore eligible for municipal contraction. Reasons as to how the property fails to meet the standard are noted in bold text:

2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries; **The subject parcel has two residents and the property is 3.18 acres, this density does not achieve two persons per acre.**

(b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; **The subject property and the adjacent properties are equal, and in a majority of instances greater than, one acre in size.**

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size. **In accordance with the definition below, the subject property and adjacent properties are not used intensively to qualify under this definition.**

F.S. 131.031 (10) "Urban purposes" means that land is used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels of land retained in their natural state or kept free of development as dedicated greenbelt areas.

(3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; **There are no municipal services of water and sewer lines to the east, unincorporated lands, of the property, nor are there areas developed for urban purposes anticipated to be developed.**

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2). **Urban purposes are not in existence along 60% of the external boundary. There are no abutting adjacent properties to the subject property; currently, adjacency is only being met via a water body.**

Regarding services provided to the Stine property, water and sewer is not currently serving the property; should these utilities ever be extended along Lake Griffin Road the lines would not be within the 200 feet required by the Land Development Regulations to connect. Also, the Stines are getting no police services from the Town as the Lady Lake officers do not patrol near their property. Additionally, code enforcement officers have been confused in the past, under the belief that the subject property was unincorporated. Upon evaluation of the aforementioned facts and circumstances, staff is in agreement with the applicants that the property exhibits characteristics that are consistent with unincorporated areas.

The Future Land Use and Zoning of the property and adjacent properties are as follows:

Future Land Use

Subject Property	Lady Lake – Rural High Density 1 dwelling unit per acre
Future Land Use of Adjacent Properties	
West	Lady Lake – Single Family Low Density, up to 3 du/acre
East	Lake County – Urban Low
North	Lake County – Urban Low
South	Lake County – Urban Low

Zoning

Subject Property	Agriculture Residential AG-1
Zoning of Adjacent Properties	
West	Lady Lake – Residential 3 du/ac (RS-3)
East	Lake County – Rural Residential (R-1)
North	Lake County – Rural Residential (R-1)
South	Lake County – Rural Residential (R-1)

At the November 17, 2014 **Town Commission** meeting, after discussion, it was the consensus of the Commissioners that they would be in favor of this de-annexation.

On November 26, 2014, Town Attorney, Derek Schroth, approved Ordinance 2014-11 to form as prepared.

The Technical Review Committee (TRC) reviewed the application for deannexation and Ordinance 2014-11 via independent, there were no comments received. It was determined that the application was complete and ready for transmittal to the P&Z Board.

At the December 8, 2014 meeting, the **Planning and Zoning Board** voted 5-0 to forward Ordinance 2014-11 to the Town Commission with the recommendation of approval.

At the December 15, 2014 meeting, the **Town Commission** voted 5-0 to approve Ordinance 2014-11 upon First Reading.

FISCAL IMPACT: $ Tax revenue is $679.00

[ ] Capital Budget
[ ] Operating
[ ] Other

ATTACHMENTS: [X] Ordinance [ ] Resolution [ ] Budget Resolution

[ ] Other -

[ ] Support Documents/Contracts Available for Review in Manager's Office

---

12-29-14

DEPARTMENT HEAD		**Submitted** 12/24/14	**Date**
FINANCE DEPARTMENT	JRM	**Approved as to Budget Requirements** 12/24/2014	**Date**
TOWN ATTORNEY		**Approved as to Form and Legality**	**Date**
TOWN MANAGER	KD	**Approved Agenda Item for:** 1-5-15	**Date** 12-30-14

BOARD ACTION: [ ] Approved as Recommended [ ] Disapproved

[ ] Tabled Indefinitely [ ] Continued to Date Certain

[ ] Approved with Modification

ORDINANCE NO. 2014-11

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LADY LAKE , FLORIDA, FOR THE VOLUNTARY CONTRACTION (DEANNEXATION) OF THE TOWN BOUNDARY BY DEANNEXING 3.18 ACRES MORE OR LESS OF REAL PROPERTY, GENERALLY LOCATED SOUTH OF LAKE GRIFFIN ROAD AND EAST OF DULGAR ROAD, MORE PARTICULARLY AND LEGALLY DESCRIBED IN EXHIBIT A, ATTACHED HERETO AND FULLY INCORPORATED HEREIN BY THIS REFERENCE; PROVIDING FOR REDEFINITION OF TOWN BOUNDARY TO CONTRACT THE SUBJECT PROPERTY FROM THE TOWN OF LADY LAKE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 171, *Florida Statutes*, provides the exclusive method of municipal annexation or contraction in order to ensure sound urban development and efficient provision of urban services; and

WHEREAS, Richard and Christine Stine, own property identified by Lake County Tax Parcel ID Number: 06-18-24-039200022660 (approximately 3.18 acres), hereafter the "Subject Property", such property described in Exhibit A, attached hereto and incorporated herein by this reference, contiguous to the corporate limits of the Town of Lady Lake; and

WHEREAS, the Town of Lady Lake annexed the Subject Property by Ordinance No. 84-18-(120) on December 3, 1984 and also by Ordinance 90-28 on November 5, 1990; and

WHEREAS, the Town wishes to deannex the Subject Property as illustrated in Exhibit A, consistent with Chapter 171.052, F.S. Criteria for Contraction of Municipal Boundaries; and

WHEREAS, the Subject Property is not developed for urban purposes; and

WHEREAS, the Subject Property does not lie between the Town and an area to be served by the Town water or sewer service; and

WHEREAS, the Subject Property is not adjacent on at least 60 percent of the combined external boundaries to the municipal boundary and areas developed for urban purposes; and

WHEREAS, the Subject Property is better served by Lake County for zoning and land development regulation; and

WHEREAS, the contraction of the Subject Property will not result in a portion of the Town becoming noncontiguous with the rest of the municipality; and

WHEREAS, in the best interest of the public health, safety, and welfare of the citizens of the Town of Lady Lake, the Town Commission of the Town of Lady Lake desires to contract the Subject Property from the municipal boundaries of the Town of Lady Lake; and

WHEREAS, upon adoption of this Ordinance, the municipal boundary lines of the Town of Lady Lake referenced in Town of Lady Lake Charter, Article II, Section 2.01, shall be redefined to exclude the subject real property.

NOW, THEREFORE, THE TOWN COMMISSION OF THE TOWN OF LADY LAKE, FLORIDA HEREBY ORDAINS, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are fully incorporated herein by this reference.

Section 2. Contraction of Subject Properties. The Subject Property and adjacent as illustrated in Exhibit A shall be and is hereby de-annexed from the Town of Lady Lake, Florida. The Subject Property shall be excluded from the existing boundaries of the Town of Lady Lake, Florida, from the effective date of this ordinance.

Section 3. Town Boundaries Redefined; Town of Lady Lake Charter Amended. Pursuant to Section 166.031(3), *Florida Statutes*, and Section 171.091, *Florida Statutes*, the Town of Lady Lake Charter is hereby amended to redefine the corporate boundaries of the Town of Lady Lake to exclude the Subject Property described in Exhibit A of this Ordinance. The Town Clerk shall file the revised Town of Lady Lake Charter, Article II, Section 2.01, with the Department of State within thirty (30) days from the effective date of this Ordinance. The Town Clerk shall also file this Ordinance with the Clerk of the Circuit Court of Lake County, the County Manager of Lake County, and the Department of State within seven (7) days of the effective date.

Section 4. Repeal of Prior Inconsistent Ordinances and Resolutions. All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed to the extent of the conflict.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption by the Town Commission of the Town of Lady Lake, Florida, and pursuant to the Town Charter.

PASSED AND ORDAINED this _____ day of _____, 2015, in the regular session of the Town Commission of the Town of Lady Lake, Lake County, Florida, upon the Second/Final Reading.

TOWN OF LADY LAKE, FLORIDA

_____
Ruth Kussard, Mayor

ATTEST:

_____
Kristen Kollgaard, Town Clerk

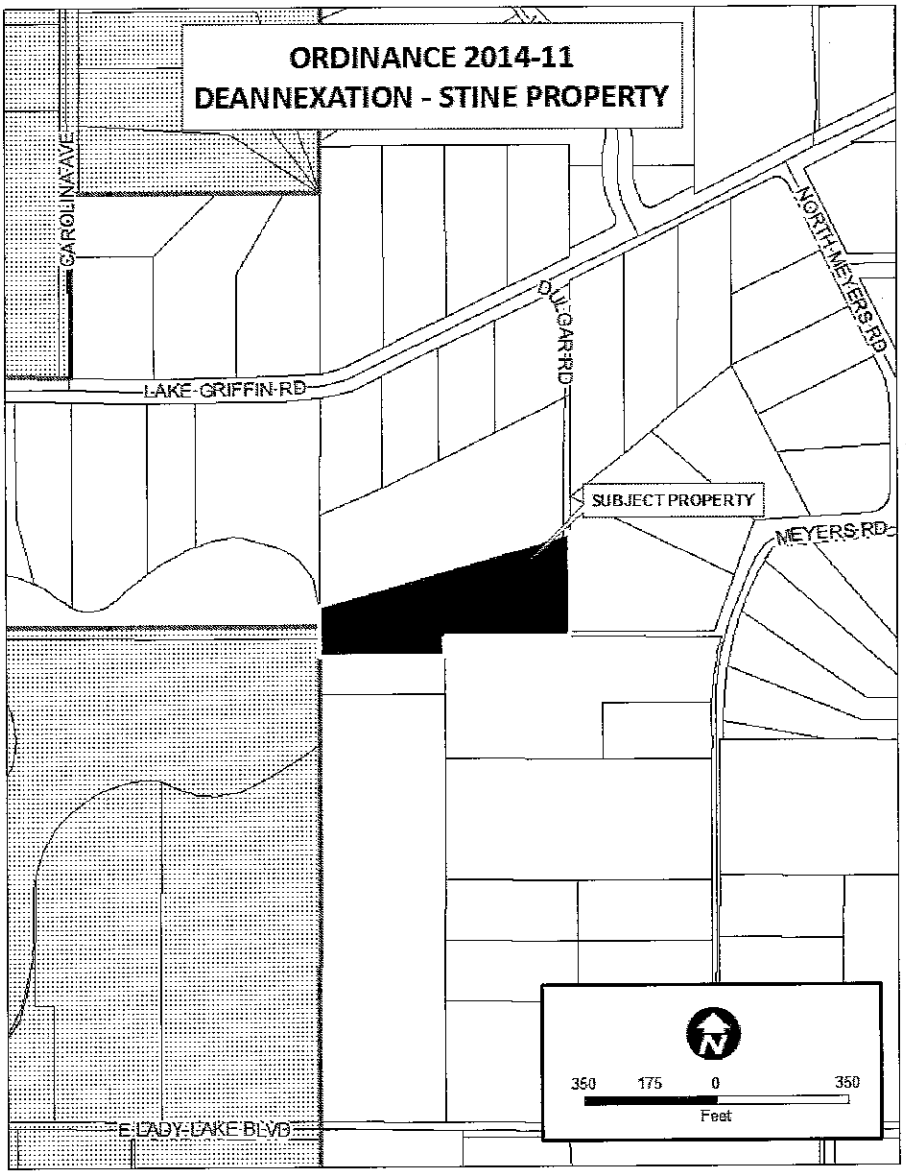
APPROVED AS TO FORM:

_____
Derek Schroth, Town Attorney

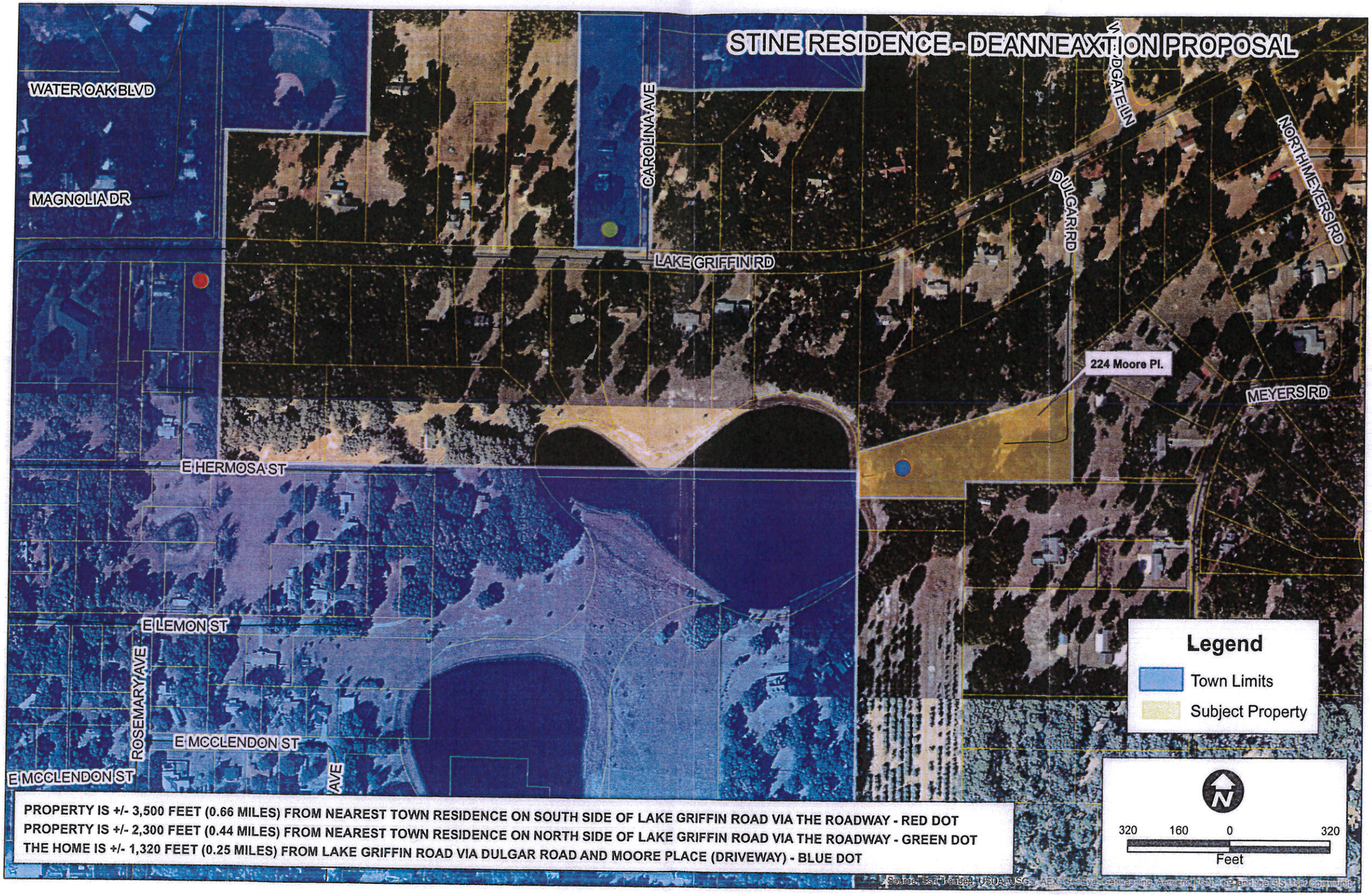
EXHIBIT "A"

LEGAL DESCRIPTION: Section 16, Township 18 South, Range 24 East

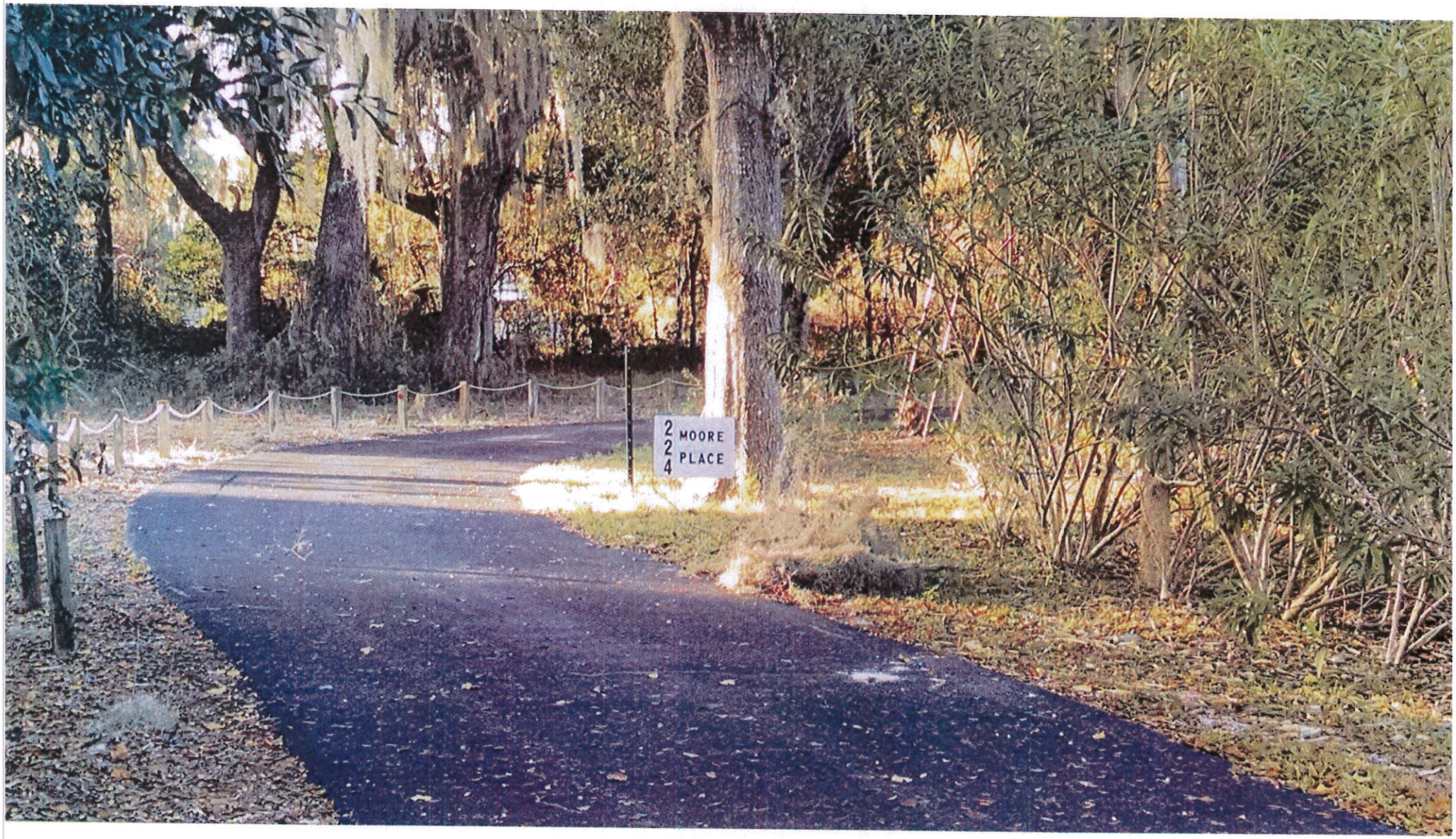
BEG AT SE COR OF W 1/2 OF NW 1/4 OF SE 1/4, RUN N 00DEG 03MIN W 282 FT, S 73DEG 28MIN 46SEC W TO W LINE OF NW 1/4 OF SE 1/4 & PT A, RETURN TO POB, RUN W ALONG SAID S LINE OF NW 1/4 OF SE 1/4 TO E LINE OF W 1/4 OF NW 1/4 OF SE 1/4, S 50 FT, W TO W LINE OF NW 1/4 OF SE 1/4, N TO PT A ORB 2324 PG 2050



ORDINANCE 2014-11
DEANNEXATION - STINE PROPERTY


STINE RESIDENCE - DEANNEAXTION PROPOSAL
WATER OAK BLVD
MAGNOLIA DR
CAROLINA AVE
LAKE GRIFFIN RD
DULGAR RD
NORTH MEYERS RD
MEYERS RD
224 Moore Pl.
E HERMOSA ST
E LEMON ST
ROSEMARY AVE
E MCCLENDON ST
E MCCLENDON ST
Legend
Town Limits
Subject Property
320 160 0 320
Feet
PROPERTY IS +/- 3,500 FEET (0.66 MILES) FROM NEAREST TOWN RESIDENCE ON SOUTH SIDE OF LAKE GRIFFIN ROAD VIA THE ROADWAY - RED DOT
PROPERTY IS +/- 2,300 FEET (0.44 MILES) FROM NEAREST TOWN RESIDENCE ON NORTH SIDE OF LAKE GRIFFIN ROAD VIA THE ROADWAY - GREEN DOT
THE HOME IS +/- 1,320 FEET (0.25 MILES) FROM LAKE GRIFFIN ROAD VIA DULGAR ROAD AND MOORE PLACE (DRIVEWAY) - BLUE DOT

PRIVA
DRIV
NO
EXIT


224
MOORE
PLACE

November 20, 2014

The Town of Lady Lake
Attn: Kristen Kollaard, CMC

The following are reasons for our request for de-annexation from the Town of Lady Lake:

FOR THE PAST 11 YEARS WE HAVE PAID TAXES TO THE TOWN OF LADY LAKE WITHOUT RECEIVING THE SERVICES THAT OTHER TOWN RESIDENTS RECEIVE.

A DISCUSSION COULD BE MADE THAT THE ORIGINAL ANNEXATION INTO THE TOWN OF LADY LAKE WAS FAULTY. A REAL ESTATE LAWYER SAID OUR PROPERTY IS NOT CONTIGUOUS WITH ANY OTHER TOWN PROPERTY.
PROPERTY LINE AT LAKE RUNS PARALLEL, NOT PIE SHAPED. HE CALLED IT A FLAG POLE ANNEXATION. OTHERS CALL IT A SATELLITE ANNEXATION.

WE ALWAYS FELT WE WERE ISOLATED FROM LADY LAKE. WE ARE SURROUNDED BY COUNTY PROPERTIES.

OUR LOCATION IS 3/4 OF A MILE BEYOND THE TOWN LIMITS ON LAKE GRIFFIN ROAD. WE ARE BEYOND THE PATROL LIMITS FOR LADY LAKE POLICE. IN 11 YEARS WE HAVE NEVER SEEN A LADY LAKE POLICE PATROL NEAR OUR ROAD.

WE PROVIDE OUR OWN WATER AND SEWAGE DISPOSAL.
OUR UNDERSTANDING IS THAT LADY LAKE HAS NO PLANS TO EXTEND WATER/ SEWAGE LINE IN OUR DIRECTION. OUR RESIDENCE IS 1,275 FEET FROM THE INTERSECTION OF LAKE GRIFFIN ROAD AND MOORE PLACE.

TRASH PICK-UP: EXTENSIVE DAMAGE TO OUR CONCRETE AND ASPHALT DRIVE. WE MOVED THE PICK UP AWAY FROM THE HOUSE BUT THEN WE HAD DAMAGE TO LIVE OAK TREES FROM THE TRUCK BACKING UP. WE RESOLVED THE PROBLEM BY PERSONALLY TRANSPORTING OUR TRASH 1/4 MILE TO LAKE GRIFFIN ROAD FOR PICK UP. THE COUNTY HAS BEEN PICKING UP OUR TRASH SINCE 2004.

REQUESTS FOR LADY LAKE ANIMAL CONTROL SERVICE WAS CHALLENGED, (WILD PIG DIGGING UP BACK YARD). WE WERE TOLD WE ARE NOT IN CITY LIMITS AND SHOULD CALL THE COUNTY.

Christine Stine
Richard Stine

Richard and Christine Stine
224 Moore Place
Lady Lake, FL 32159

TOWN OF LADY LAKE
~~ANNEXATION~~ APPLICATION
DeAnnexation

Alternate Key Number 1279160

1. Owner's Name: Richard & Christine Stine

   Mailing Address: 224 Moore Place Lady Lake, FL 32159

   Email Address:

   Telephone #: (352) 753-2909

2. Applicant's Name: Richard & Christine Stine

   Mailing Address: 224 Moore Place Lady Lake, FL 32159

   Email Address:

   Telephone #: (352) 753-2909

3. Applicant is: Owner X Agent ___ Purchaser ___ Lessee ___ Optionee ___

4. Property Address/Location: See attached Property Record Card

5. Legal Description of Property to be ~~annexed~~ DeAnnexed: See attached Property Record Card

6. The property is located in the vicinity of the following streets:

   Lake Griffin Road and Dulgar Road/Moore Place

7. Area of the property: _____ Square feet 3.18 Acres

8. Utilities: Central Water_____ Central Sewer_____ Well X Septic Tank X

9. Existing County zoning of property: N/A

10. Requested zoning of property: Lake County TBD

11. Number, square footage and present use of the existing structures on the property:
    Three Structures - Shed, Home, and Detached Garage (See PRC for SqFt)

12. Proposed use of the property: Residential

13. Has any land use application been filed within the last year in connection with this property? ___Yes X No. If yes, briefly describe the nature of the request and the date this was done:

14. Attach a list of the owner's names and mailing addresses for all property lying within a one hundred fifty (150) foot radius surrounding the property legally described in this application.

Applications shall include a legal description of the property, proof of ownership, and authorization from the owner if represented by an agent or contract purchaser.

I certify that the statements in this application are true to the best of my knowledge.

See AFFIDAVITS

Signature of Applicant

PLEASE SUBMIT THE APPLICATION, ACCOMPANIED BY THE APPROPRIATE REVIEW FEES AND **EIGHT (8)** COPIES OF ALL APPLICABLE INFORMATION DOCUMENTATION AS REQUIRED BY THE LADY LAKE LAND DEVELOPMENT REGULATIONS, ADOPTED AUGUST 15, 1994 TO THE GROWTH MANAGEMENT DEPARTMENT. ADDITIONAL COPIES OF APPLICATION AND PLANS WILL BE REQUIRED PRIOR TO CONSIDERATION AT THE PLANNING AND ZONING BOARD AND TOWN COMMISSION MEETINGS.

Office Use:

Date Application Received: 11/26/14 Received by: T. Carroll

Annexation and Rezoning Fees Paid: POSTAGE

NOTE

All applications shall be signed by the owner of the property, or some person duly authorized by the owner to sign. This authority authorizing a person other than the owner to sign must be attached.

APPLICANT'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE

Before me, the undersigned authority personally appeared Richard Stine, who being by me first duly sworn on oath, deposes and says:

(1) That he affirms and certifies that he understands and will comply with all ordinances, regulations, and provisions of the Town of Lady Lake, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his knowledge and belief, and further, that this application and attachments shall become part of the Official Records of the Town of Lady Lake, Florida, and are not returnable.

(2) That the submittal requirements for the application have been completed and attached hereto as part of this application.

(3) That the applicant desires ~~Annexation~~ (S) DeAnnexation with a _____ zoning classification to allow: _____

(4) That the sign cards will be posted two (2) weeks prior to the Planning and Zoning Board hearing and will remain posted until final determination by the Town Commission after which time the sign cards are to be removed.

(5) That the applicant acknowledges the obligation to enter into an agreement acceptable to the Town for the extension of municipal water and sewer services as a condition of the annexation.

Richard Stine
Affiant (Applicant's Signature)

The foregoing instrument was acknowledged before me this 2 day of December, 20 14, by Richard Stine, who is personally known to me or who has produced FL DL as identification and who did (did not) take an oath.

Notary Public

Christie Louise Goenaigh
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF146804
Expires 8/9/2018

OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE

Before me, the undersigned authority personally appeared Richard Stine, who being by me first duly sworn on oath, deposes and says:

(1) That he is the fee-simple owner of the property legally described on page one of this application. RS

(2) That he desires approval for ~~annexation~~ Deannexation with _____ zoning classification to allow _____

(3) That he has appointed _____ to act as agent in his behalf to accomplish the above. The Owner is required to complete the APPLICANT'S AFFIDAVIT of this application if no agent is appointed to act in his stead.

Richard Stine
Affiant (Owner's Signature)

The foregoing instrument was acknowledged before me this 2 day of December 20 14, by Richard Stine, who is personally known to me or who has produced FLDL as identification and who did (~~did not~~) take an oath.

Notary Public

Christie Louise Gosneigh
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF146804
Expires 8/9/2018

NOTE

All applications shall be signed by the owner of the property, or some person duly authorized by the owner to sign. This authority authorizing a person other than the owner to sign must be attached.

WATER, RECLAIMED WATER AND WASTEWATER CONNECTION MATRIX FOR A NEW DEVELOPMENT					
Type of Development*		Inside of Existing Utilities Service Area		Outside of Existing Utilities Service Area But within the 2010 Service Area	
		Connect	*Not Connect*	*Connect*	*Not Connect*
Industrial*** Establishment:	Within ¼ mile of system	X		X	
	More than ¼ mile from system	X		X	

Notes:

X = The development is required to connect as a condition for acquiring the building permit.

A = Site is located in rural residential area.

B = These single-family residential units and developments can obtain a permit from the Town of Lady Lake to operate on a private system with an agreement to connect to the regional system when available. All properties affected per these requirements will be required to have language placed in their deeds disclosing that the property owner must make future connections to the Town's regional system when utilities become available. System availability occurs when a line and/or lift station exist in a public easement or right-of-way and plant has sufficient capacity. Permits shall be conditioned upon demonstration of compliance with applicable federal, state, and local permit requirements. The final determination for the type of commercial establishment which can obtain a permit shall be at the discretion of the Town.

*When determining distance from system, the route to the parcel or subdivision shall have accessibility through a public easement or public right-of-way.

**Upon review of supporting documentation and engineering studies as to why the required connection to Town Utility(ies) is not practical, financially or beneficially to the Town or surrounding properties, Town Manager, or his designee, may grant a waiver to the connection matrix.

***The Town has the option to allow a small industrial development to be on a septic tank or private treatment plant if it meets requirements, constructs dry lines and agrees to connect to the Town system when available. System availability occurs when a line and/or lift station exist in a public easement or right-of-way and plant has sufficient capacity.

****A site zoned agricultural or has agricultural uses may be exempt from connecting to central services. Proposals shall be reviewed by Public Works and Growth Management with final determination made by the Town Manager.

(Ord. No. 2010-10, § 1(Exh. A), 6-7-2010)

APPENDIX "B"

WATER AND SEWER CONNECTION MATRIX

WATER, RECLAIMED WATER AND WASTEWATER CONNECTION MATRIX FOR A NEW DEVELOPMENT					
Type of Development*		**Inside of Existing Utilities Service Area**		**Outside of Existing Utilities Service Area But within the 2010 Service Area**	
		Connect	*Not Connect*	*Connect*	*Not Connect*
Single-family:	Within 200' of system	X		X****	
	More than 200' from system		A, B		A, B
Subdivisions:	Within ¼ mile of system:				
	More than 25 units	X		X	
	Less than 25 units	X			B
	More than ¼ mile from system:		B		B
	More than 25 units		B		B
	Less than 25 units				
PUD:	Within ¼ mile of system	X		X	
	More than ¼ mile from system	X		X	
Institutional** Commercial Establishment:	Within ¼ mile of system:				
	Greater than 10,000 sq. ft. or 1,250 gpd	X		X	
	Less than 10,000 sq. ft. or 1,250 gpd	X			B
	More than ¼ mile from system:				
	Greater than 10,000 sq. ft. or 1,250 gpd		B		B
	Less than 10,000 sq. ft. or 1,250 gpd		B		B

Kris Kollgaard

From: Derek Schroth [dschroth@bowenschroth.com]
Sent: Tuesday, October 28, 2014 4:33 PM
To: Kris Kollgaard
Subject: Dennannexation

Good Afternoon Kris:

Below is the statute. Essentially, the owners need to request the annexation through a "petition." The Town then has to determine whether to propose an ordinance deannexing. Based on what you told me, I think the owners meet the criteria under Section 171.043 Florida Statutes. However, staff will need to do a report under 171.051 (2). Thank you.

Derek

171.051 Contraction procedures.—Any municipality may initiate the contraction of municipal boundaries in the following manner:
(1) The governing body shall by ordinance propose the contraction of municipal boundaries, as described in the ordinance, and provide an effective date for the contraction.

(2) A petition of 15 percent of the qualified voters in an area desiring to be excluded from the municipal boundaries, filed with the clerk of the municipal governing body, may propose such an ordinance. The municipality to which such petition is directed shall immediately undertake a study of the feasibility of such proposal and shall, within 6 months, either initiate proceedings under subsection (1) or reject the petition, specifically stating the facts upon which the rejection is based.

(3) After introduction, the contraction ordinance shall be noticed at least once per week for 2 consecutive weeks in a newspaper of general circulation in the municipality, such notice to describe the area to be excluded. Such description shall include a statement of findings to show that the area to be excluded fails to meet the criteria of s. 171.043, set the time and place of the meeting at which the ordinance will be considered, and advise that all parties affected may be heard.

(4) If, at the meeting held for such purpose, a petition is filed and signed by at least 15 percent of the qualified voters resident in the area proposed for contraction requesting a referendum on the question, the governing body shall, upon verification, paid for by the municipality, of the sufficiency of the petition, and before passing such ordinance, submit the question of contraction to a vote of the qualified voters of the area proposed for contraction, or the governing body may vote not to contract the municipal boundaries.

(5) The governing body may also call for a referendum on the question of contraction on its own volition and in the absence of a petition requesting a referendum.

(6) The referendum, if required, shall be held at the next regularly scheduled election, or, if approved by a majority of the municipal governing body, at a special election held prior to such election, but no sooner than 30 days after verification of the petition or passage of the resolution or ordinance calling for the referendum.

(7) The municipal governing body shall establish the date of election and publish notice of the referendum election at least once a week for the 2 consecutive weeks immediately prior to the election in a newspaper of general circulation in the area proposed to be excluded or in the municipality. Such notice shall give the time and places for the election and a general description of the area to be excluded, which shall be in the form of a map clearly showing the area proposed to be excluded.

(8) Ballots or mechanical voting devices shall offer the choices "For deannexation" and "Against deannexation," in that order.

(9) A majority vote "For deannexation" shall cause the area proposed for exclusion to be so excluded upon the effective date set in the contraction ordinance.

(10) A majority vote "Against deannexation" shall prevent any part of the area proposed for exclusion from being the subject of a contraction ordinance for a period of 2 years from the date of the referendum election.

History.—s. 1, ch. 74-190; s. 17, ch. 90-279.

171.052 Criteria for contraction of municipal boundaries.—
(1) Only those areas which do not meet the criteria for annexation in s. 171.043 may be proposed for exclusion by municipal governing bodies. If the area proposed to be excluded does not meet the criteria of s. 171.043, but such exclusion would result in a portion of the municipality becoming noncontiguous with the rest of the municipality, then such exclusion shall not be allowed.

(2) The ordinance shall make provision for apportionment of any prior existing debt and property.

History.—s. 1, ch. 74-190.

Sincerely,

DEREK A. SCHROTH
BOWEN & SCHROTH, P.A.
600 Jennings Ave.
Eustis, Florida 32726
Telephone: (352) 589-1414
Facsimile: (352) 589-1726
Florida Bar No. 0352070
Web Site: www.bowenschroth.com

Florida Bar Board Certified in City, County and Local Government Law.

This email may contain privileged and confidential information. If you are not the intended recipient, any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you have received this communication in error, please contact the sender by reply email and destroy all copies of the original message. IF THIS COMMUNICATION PERTAINS TO SETTLEMENT OF ANY DISPUTE, IT IS A CONFIDENTIAL SETTLEMENT STATEMENT, INADMISSIBLE IN COURT.
Please note if this communication pertains to the City of Eustis or the Town of Lady Lake and its operations: Under Florida law (Florida Statute 668.6076) e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Kris Kollgaard

From: Derek Schroth [dschroth@bowenschroth.com]
Sent: Wednesday, November 12, 2014 1:38 PM
To: Kris Kollgaard
Subject: RE: Dennannexation

Good Afternoon Kris:

A referendum is not required unless there is a petition for a referendum filed by 15 of the voters effected. See AGO 2004-24: http://www.myfloridalegal.com/ago.nsf/Opinions/9B858EC27D9C4E7585256E890052B23E

Only those voters in area to be deannexed have to sign the petition to deannex.

Sincerely,

DEREK A. SCHROTH
BOWEN & SCHROTH, P.A.
600 Jennings Ave.
Eustis, Florida 32726
Telephone: (352) 589-1414
Facsimile: (352) 589-1726
Florida Bar No. 0352070
Web Site: www.bowenschroth.com

From: Kris Kollgaard [mailto:kkollgaard@ladylake.org]
Sent: Wednesday, November 12, 2014 1:26 PM
To: Derek Schroth
Subject: RE: Dennannexation
Importance: High

Hi Derek,

Just a couple of questions on this. At the 2004 meeting Leslie stated that the Town would have to put the deannexation on a referendum and take it to the voters (see page 8 2nd paragraph of the attached minutes). In looking at the statute 171.051(6) it states The referendum, if required.... My question is would we have to have a referendum on this?

Also I have attached a map and I just want to check to see if signatures for the petition would have to be obtained from the homes along the southwest side of the Lake Hermosa, since they are qualified voters of the Town.

Thanks Derek

Kristen Kollgaard
Town Manager/Town Clerk
Town of Lady Lake
409 Fennell Blvd.
Lady Lake FL 32159
PH: (352) 751-1545
FAX: (352) 751-1510
kkollgaard@ladylake.org

Effective Oct 7, 2013 the Town Hall hours of operation will be Mon - Thurs, 7:30am - 6:00 pm

Please Note: Under Florida law (Fla. Stat. 668.6076 - effec. 07-01-06), e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Derek Schroth [mailto:dschroth@bowenschroth.com]
Sent: Tuesday, October 28, 2014 4:33 PM
To: Kris Kollgaard
Subject: Dennannexation

Good Afternoon Kris:

Below is the statute. Essentially, the owners need to request the annexation through a "petition." The Town then has to determine whether to propose an ordinance deannexing. Based on what you told me, I think the owners meet the criteria under Section 171.043 Florida Statutes. However, staff will need to do a report under 171.051 (2). Thank you.

Derek

171.051 Contraction procedures.—Any municipality may initiate the contraction of municipal boundaries in the following manner:
(1) The governing body shall by ordinance propose the contraction of municipal boundaries, as described in the ordinance, and provide an effective date for the contraction.

(2) A petition of 15 percent of the qualified voters in an area desiring to be excluded from the municipal boundaries, filed with the clerk of the municipal governing body, may propose such an ordinance. The municipality to which such petition is directed shall immediately undertake a study of the feasibility of such proposal and shall, within 6 months, either initiate proceedings under subsection (1) or reject the petition, specifically stating the facts upon which the rejection is based.

(3) After introduction, the contraction ordinance shall be noticed at least once per week for 2 consecutive weeks in a newspaper of general circulation in the municipality, such notice to describe the area to be excluded. Such description shall include a statement of findings to show that the area to be excluded fails to meet the criteria of s. 171.043, set the time and place of the meeting at which the ordinance will be considered, and advise that all parties affected may be heard.

(4) If, at the meeting held for such purpose, a petition is filed and signed by at least 15 percent of the qualified voters resident in the area proposed for contraction requesting a referendum on the question, the governing body shall, upon verification, paid for by the municipality, of the sufficiency of the petition, and before passing such ordinance, submit the question of contraction to a vote of the qualified voters of the area proposed for contraction, or the governing body may vote not to contract the municipal boundaries.

(5) The governing body may also call for a referendum on the question of contraction on its own volition and in the absence of a petition requesting a referendum.

(6) The referendum, if required, shall be held at the next regularly scheduled election, or, if approved by a majority of the municipal governing body, at a special election held prior to such election, but no sooner than 30 days after verification of the petition or passage of the resolution or ordinance calling for the referendum.

(7) The municipal governing body shall establish the date of election and publish notice of the referendum election at least once a week for the 2 consecutive weeks immediately prior to the election in a newspaper of general circulation in the area proposed to be excluded or in the municipality. Such notice shall give the time and places for the election and a general description of the area to be excluded, which shall be in the form of a map clearly showing the area proposed to be excluded.

(8) Ballots or mechanical voting devices shall offer the choices "For deannexation" and "Against deannexation," in that order.

(9) A majority vote "For deannexation" shall cause the area proposed for exclusion to be so excluded upon the effective date set in the contraction ordinance.

(10) A majority vote "Against deannexation" shall prevent any part of the area proposed for exclusion from being the subject of a contraction ordinance for a period of 2 years from the date of the referendum election.

History.—s. 1, ch. 74-190; s. 17, ch. 90-279.

171.052 Criteria for contraction of municipal boundaries.—
(1) Only those areas which do not meet the criteria for annexation in s. 171.043 may be proposed for exclusion by municipal governing bodies. If the area proposed to be excluded does not meet the criteria of s. 171.043, but such exclusion would result in a portion of the municipality becoming noncontiguous with the rest of the municipality, then such exclusion shall not be allowed.

(2) The ordinance shall make provision for apportionment of any prior existing debt and property.

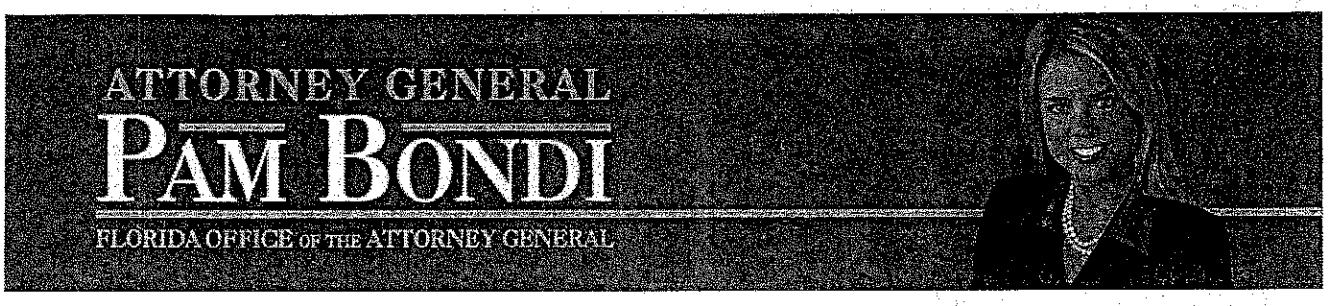
History.—s. 1, ch. 74-190.

Sincerely,

DEREK A. SCHROTH
BOWEN & SCHROTH, P.A.
600 Jennings Ave.
Eustis, Florida 32726
Telephone: (352) 589-1414
Facsimile: (352) 589-1726
Florida Bar No. 0352070
Web Site: www.bowenschroth.com

Florida Bar Board Certified in City, County and Local Government Law.

This email may contain privileged and confidential information. If you are not the intended recipient, any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you have received this communication in error, please contact the sender by reply email and destroy all copies of the original message. IF THIS COMMUNICATION PERTAINS TO SETTLEMENT OF ANY DISPUTE, IT IS A CONFIDENTIAL SETTLEMENT STATEMENT, INADMISSIBLE IN COURT.
Please note if this communication pertains to the City of Eustis or the Town of Lady Lake and its operations: Under Florida law (Florida Statute 668.6076) e-mail addresses are public records. If you do not want your e-mail address released in



Advisory Legal Opinion - AGO 2004-24

Print Version

Number: AGO 2004-24
Date: April 30, 2004
Subject: Annexation/contraction, additional requirements

Mr. Charles J. Cino
Flagler Beach City Attorney
Post Office Box 70
Flagler Beach, Florida 32136

RE: MUNICIPALITIES-BOUNDARIES-ANNEXATION-CONTRACTION-REFERENDUM -authority of municipality to impose additional requirements for annexation of municipal boundaries; authority to call referendum on issue of contraction. ss. 171.044, 171.051, Ch. 171, Fla. Stat.

Dear Mr. Cino:

On behalf of the Flagler Beach City Commission, you ask substantially the following questions:

1. May a municipality by city charter amend the procedures for annexing property prescribed by Chapter 171, Florida Statutes?

2. When may the city commission, on its own volition, call for a referendum on the question of contraction?

Question One

Article VIII, section 2(c), Florida Constitution, provides in pertinent part that "[m]unicipal annexation of unincorporated territory . . . and exercise of extra-territorial powers by municipalities shall be as provided by general or special law." Thus any annexation must be effected either directly by the Legislature by special law or by a municipality in accordance with the authorization and procedures provided by a general law.[1] Section 166.021, Florida Statutes, reflects this mandate. The statute in subsection (3)(a) sets forth the home rule powers of municipalities and recognizes the authority of municipalities to enact legislation on any subject matter upon which the Legislature may act except "[t]he subjects of *annexation*, merger, and exercise of extraterritorial power, *which require general or special law pursuant to s. 2(c), Art. VIII of the State Constitution*." (e.s.)

The provisions of general law governing municipal annexation are set forth in Chapter 171, Florida Statutes, the Municipal Annexation or Contraction Act, which was enacted "to set forth procedures for adjusting the boundaries of municipalities through annexations or contractions of corporate limits and to set forth criteria for determining when annexations or contractions may take place so as to . . . [e]stablish uniform legislative standards throughout the state for the adjustment of municipal boundaries."[2] To accomplish this purpose, the act provides general law standards and procedures for adjusting the boundaries of Florida municipalities and acts as a preemption to the state regarding legislation in this area.[3]

The courts and this office have stated that the power to extend municipal boundaries must be exercised in strict accordance with the statutes conferring such authority. For example, in *SCA Services of Florida, Inc. v. City of Tallahassee*[4] the court construed sections 171.021 and 171.022, Florida Statutes, in concluding that "it is apparent that the legislature intended to provide a clearly defined and *exclusive* method by which an annexation could be accomplished." (e.s.)

In Attorney General Opinion 77-133 this office stated that a municipality is precluded, absent express general or special law authorization, from enacting any annexation procedures contrary to Chapter 171, Florida Statutes, regardless of whether such procedures would be less stringent or more stringent than those provided in Chapter 171. Subsequently in Attorney General 81-22 this office concluded that the municipality could annex unincorporated property only in accordance with the procedures provided in Chapter 171. Thus, this office stated that a city charter could not require an ordinance providing for the voluntary annexation of property to be submitted to a referendum on such annexation when section 171.044, Florida Statutes, providing for voluntary annexations, does not require such an approving referendum.[5]

In light of the above, I am of the opinion that a municipality may not by city charter amend the procedures for annexing property prescribed by Chapter 171, Florida Statutes. Thus, a municipality may not require an ordinance providing for a voluntary annexation to be submitted for referendum when the statute providing for voluntary annexation does not provide for such a referendum.[6]

Question Two

As discussed in Question One, Chapter 171, Florida Statutes, was enacted "to set forth procedures for adjusting the boundaries of municipalities through annexations or contractions of corporate limits and to set forth criteria for determining when annexations or contractions may take place so as to: . . . [e]stablish uniform legislative standards throughout the state for the adjustment of municipal boundaries."[7] The act provides general law standards and procedures for adjusting the boundaries of Florida municipalities and acts as a preemption to the state of such legislation. Pursuant to the act, only those areas that do not meet the

criteria for annexation set forth in section 171.043, Florida Statutes, may be proposed for exclusion by municipal governing bodies.[8]

The procedures for contracting municipal boundaries are set forth in section 171.051, Florida Statutes. Pursuant to the statute, the governing body of a municipality may propose a contraction of the city's boundaries by ordinance and provide an effective date for the contraction.[9] A method is also established for qualified voters in the area desiring to be excluded from the municipality to initiate a petition for contraction.[10] A contraction ordinance must be published after its introduction to provide notice to interested persons. The notice must describe the area to be excluded and must appear in a newspaper of general circulation in the municipality at least once per week for two consecutive weeks. The description included in the notice must include a statement of findings to show that the area to be excluded fails to meet the criteria of section 171.043, Florida Statutes. In addition, the notice must include the time and place of the meeting at which the contraction ordinance will be considered and advise all parties affected that they may be heard.[11]

Section 171.051(4), Florida Statutes, provides certain procedures to be utilized at a meeting held for the purpose of considering a contraction ordinance. Under that section, if a petition is filed and signed by at least 15 percent of the qualified voters residing in the area proposed for contraction requesting a referendum on the question, the governing body of the city shall, upon verification of the sufficiency of the petition, and *before passing such an ordinance*, submit the question of contraction to a vote of the qualified voters of the area proposed for contraction. Subsection (5) of the statute provides that the governing body "may also call for a referendum on the question of contraction on its own volition *and* in the absence of a petition requesting a referendum."

Section 171.051, Florida Statutes, therefore, prescribes the procedures to be utilized in contracting a municipality's boundaries. It provides for the governing body of the municipality to directly propose an ordinance providing for contraction or to do so in response to a petition filed by 15 percent of the voters in the area desiring to be excluded. After notice of the proposed ordinance is published, the statute requires that a hearing on the proposed ordinance be held, at which time a petition may be filed by voters within the area to be contracted requesting a referendum on the issue. In the absence of such a petition being filed, the governing body of the municipality may, on its own volition, decide to call a referendum on the issue.

Thus, the statute contemplates that the governing body, after a proposed ordinance has been noticed and a hearing conducted without the affected voters petitioning for a referendum, may on its own volition hold a referendum on the issue of contraction.

Sincerely,

Charlie Crist
Attorney General

CC/tjw

---

[1] *But see* Art. VIII, s. 11(1)(c), (5) and (6), Fla. Const., giving Dade County jurisdiction over its municipal annexations.

[2] Section 171.021(2), Fla. Stat.

[3] *See* s. 171.022(2), Fla. Stat., stating that the provisions of any special act or municipal charter relating to the adjusting of municipal boundaries in effect on October 1, 1974 (the effective date of Ch. 171, Fla. Stat), are repealed except as provided in Ch. 171. *And see* s. 171.0413(4), Fla. Stat., declaring the annexation procedure set forth in s. 171.0413 to be a uniform method for the adoption of an ordinance of annexation by the governing body of any municipality "[e]xcept as otherwise provided in this law." This office has construed the foregoing proviso as referring to s. 171.044, Fla. Stat., which provides for an alternative procedure for voluntary annexation without a referendum. *See* Op. Att'y Gen. Fla. 81-22 (1981), and *Capella v. City of Gainesville*, 377 So. 2d 658 (Fla.1979), and s. 171.0413(4), Fla. Stat., which repeals all existing provisions of special laws which establish municipal annexation procedures except that any provisions of special laws which prohibit annexation of territory that is separated from the annexing municipality by a body of water or watercourse shall not be repealed.

[4] 418 So. 2d 1148, 1150 (Fla. 1st DCA 1982). *And see McGeary v. Dade County*, 342 So. 2d 549 (Fla. 3d DCA 1977).

[5] *Compare* s. 171.0413(2), Fla. Stat., providing for involuntary annexations and requiring that following final adoption of the ordinance of annexation by the governing body of the annexing municipality, the ordinance shall be submitted to a vote of the registered voters of the area to be annexed. The governing body of the annexing municipality may also choose to submit the ordinance of annexation to a separate vote of the registered electors of the annexing municipality.

[6] As noted *supra*, s. 177.044, Fla. Stat., providing for voluntary annexation does not require an approving referendum. The provisions of s. 177.044(4), Fla. Stat., are supplemental to any other procedures provided by general or special law except that the section does not apply to municipalities in counties with charters which provide an exclusive method of municipal annexation. Flagler County, however, is not a charter county and you have not advised this office of any special law relating to Flagler Beach addressing annexation.

[7] Section 171.021, Fla. Stat. *And see* s. 171.022(1), Fla. Stat., stating that "[i]t is further the purpose of this act to provide viable and usable general law standards and procedures for adjusting the

boundaries of municipalities in this state."

[8] Section 171.052(1), Fla. Stat. *And see* s.171.043, Fla. Stat., prescribing the character of property to be annexed and requiring such things as contiguity to the municipality's boundaries, compactness, and that part or all of the area be developed for urban purposes. Thus, property which fits the requirements of s. 171.043 may not be excluded from a municipality.

[9] Section 171.051(1), Fla. Stat. *And see* s. 171.031(2), Fla. Stat., defining "Contraction" as "the reversion of real property within municipal boundaries to an unincorporated status."

[10] Section 171.051(2), Fla. Stat., provides that a petition of 15 percent of the qualified voters in an area desiring to be excluded from the municipal boundaries, filed with the municipal clerk, may propose such an ordinance. The municipality is required to immediately undertake a feasibility study of the proposal and within 6 months either initiate proceedings under section 171.051(1) or reject the petition, specifying the reasons for such rejection.

[11] Section 171.051(3), Fla. Stat.

Florida Toll Free Numbers:
- Fraud Hotline 1-866-966-7226
- Lemon Law 1-800-321-5366

Municipal Complex, 409 Fennell Boulevard, Lady Lake, Florida 32159 USA

352-751-1500 FAX 352-751-1510 www.ladylake.org

November 24, 2014

RE: Deannexation Ordinance 2014-11 – Stine Property – 224 Moore Place

Dear Property Owner:

This is to notify you that applications have been filed with the Town of Lady Lake, by Richard and Christine Stine, to de-annex property located on Moore Place, approximately 750 feet south of the intersection of Lake Griffin Road. The de-annexation application involves 3.18 +/- acres of property from incorporated Town of Lady Lake back into unincorporated Lake County. The property is an occupied residence at the present time, and is eligible for de-annexation as it is consistent with the criteria as per Florida Statute Chapter 171.052.

Public hearing dates on the petition are scheduled as follows:

PLANNING AND ZONING BOARD - Monday, December 8, 2014 at 5:30 p.m.
TOWN COMMISSION MEETING - Monday, December 15, 2014 at 6:00 p.m.
TOWN COMMISSION MEETING- Monday, January 5, 2015 at 6:00 p.m.

You are invited to attend these public hearings to be held in the Town Hall Commission Chambers, 409 Fennell Boulevard, Lady Lake, Florida. The petitions may be inspected at Town Hall during regular business hours (7:30 a.m. to 6 p.m., Monday - Thursday) in the Growth Management Department. Any person wishing to appeal a decision of this public body should ensure themselves that a verbatim record of the proceedings is made. If you have any questions regarding this matter, please call me at (352) 751-1521 or via email at tcarroll@ladylake.org.

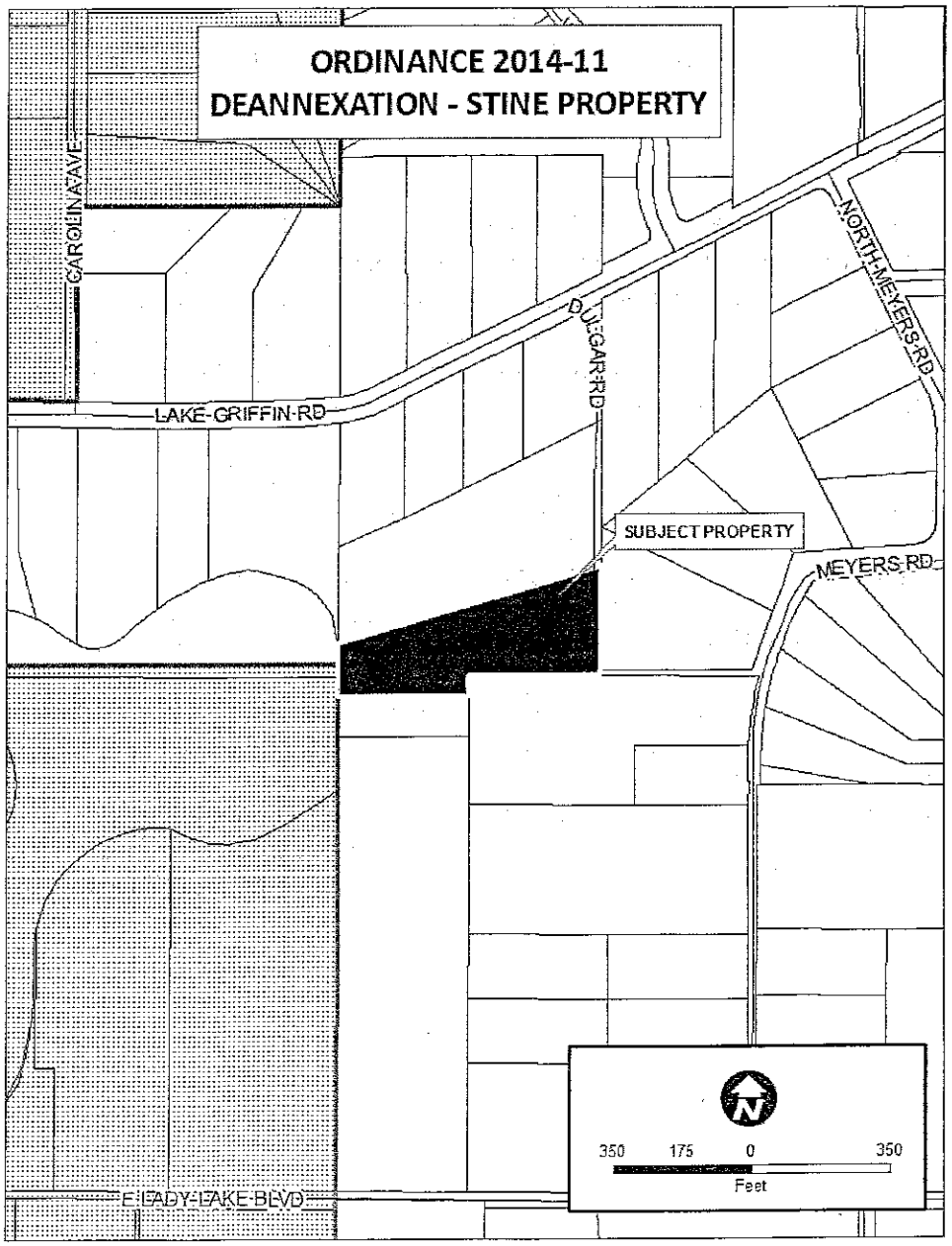
Sincerely,

Thad Carroll, AICP
Growth Management Director

Legal Description:

Section 16, Township 18 South, Range 24 East

BEG AT SE COR OF W 1/2 OF NW 1/4 OF SE 1/4, RUN N 00DEG | 03MIN W 282 FT, S 73DEG 28MIN 46SEC W TO W LINE OF NW 1/4 OF| SE 1/4 & PT A, RETURN TO POB, RUN W ALONG SAID S LINE OF NW | 1/4 OF SE 1/4 TO E LINE OF W 1/4 OF NW 1/4 OF SE 1/4, S 50 | FT, W TO W LINE OF NW 1/4 OF SE 1/4, N TO PT A | ORB 2324 PG 2050 |



150' Property Owners List

FULLER SUSAN LUCILLE
39305 MEYERS RD
LADY LAKE,FL 32159

LA PALME FRANCOISE & JACQUES
6128 SW 35TH CT
MIRAMAR,FL 33023

ST CLARE MERVYN L & CHERRY
39215 MEYERS RD
LADY LAKE,FL 32159

STATE OF FLORIDA
3900 COMMONWEALTH BLVD
TALLAHASSEE,FL 32399

BURTON JOHN E & PEGGY A
156 E HERMOSA ST
LADY LAKE, FL 32159

BEVILL HUBERT G TRUSTEE
PO BOX 428
LADY LAKE,FL 32158

SCHUMACHER EARL W & ANN
2444 LAKE GRIFFIN RD
LADY LAKE,FL 32159

HANSON THOMAS C JR TRUSTEE
PO BOX 1057
LADY LAKE,FL 32158

SLIGH GARY L & JULIE S
267 E LADY LAKE BLVD
LADY LAKE, FL 32159

STINE RICHARD & CHRISTINE
224 MOORE PL
LADY LAKE,FL 32159

DULGAR MARILYN LEE TRUSTEE
P O BOX 507
LADY LAKE,FL 32158

STATE OF FLORIDA
3900 COMMONWEALTH BLVD
TALLAHASSEE,FL 32399

KEY MELODY T
403 CAMBIO CT
LADY LAKE, FL 32159

~~to approve Ordinance No. 2014-08 by a vote of 5-0. He stated that Martin Dzuro is present if there are any questions.~~

~~Mayor Kussard asked if there were any questions from the Commissioners or the audience, and hearing none, asked for a vote.~~

~~***Upon a motion by Commissioner Vincent and a second by Commissioner Richards, the Commission approved Ordinance No. 2014-08 – Second/Final Reading – Central Florida Lodging, LLC – Minor Amendment to the Tri-County Villages Development of Regional Impact (DRI), Adopting a Ninth Amendment to the Amended Development Order, by the following roll call vote:***~~

~~***HOLDEN***~~	~~***YES***~~
~~***VINCENT***~~	~~***YES***~~
~~***HANNAN***~~	~~***YES***~~
~~***RICHARDS***~~	~~***YES***~~
~~***KUSSARD***~~	~~***YES***~~

~~**N. TOWN MANAGER'S REPORT:**~~

9. Discussion Regarding De-Annexation Request for the Property Located at 224 Moore Place (Kris Kollgaard)

Town Manager Kris Kollgaard reported that Richard and Christine Stine, property owners of 224 Moore Place, have spoken with staff regarding the possibility of de-annexing their property from the Town of Lady Lake. Mr. Carroll passed out a map showing the location of the property in relation to the Town limits.

Ms. Kollgaard gave some background on this, stating that in 1990, the previous owners of this property requested to be annexed in because one of the owners was in poor health and was concerned about ambulance response. The Town annexed the property in 1990 using the only contiguous property which was Lake Hermosa. She stated that the property was sold to the Stines years later and they requested that the property be de-annexed in 2004 because they were paying Town taxes but receiving no Town services. The Town denied the request in 2004 because they were afraid they would be setting precedent, and there were plans to extend water and sewer plants at that time and this was expected to be a large growth area. Another concern at that time was that there would have to be a referendum vote to de-annex the property.

Ms. Kollgaard stated that staff recently met with the Stines at their property. She reviewed the map; stating the nearest Town residence on the south side via Lake Griffin Road is .66 miles away; the nearest residence Lake Griffin Road on the north side is .44 miles, and from Lake Griffin Road via Dulgar Road and via Moore Place is .25 miles.

Ms. Kollgaard stated she has spoken with the Town Attorney and no referendum vote is required as there is only one person in the area instead of the 15% of qualified voters required to request that it go on a referendum. She stated the Stines would have to fill out an application and the Town would have to go through the ordinance process with the Planning and Zoning Board reviewing it and two public hearings and an advertisement. Two properties across the lake would have to be noticed.

Ms. Kollgaard stated that water and sewer would not be an issue because the Stines would still not be within the 200 feet required by the LDRs to connect even if the Town expanded out there. She

DRAFT

stated they are getting no services from the Town and Lady Lake officers do not patrol there, also they would respond if they were called. Ms. Kollgaard stated that even code enforcement officers have been confused in the past, thinking this is county property. She stated she is not normally in favor of de-annexation, but because this property is so far out, she is in this case. She stated she would like to get the Commission's consensus on whether they would like to move forward with this prior to the Stines starting the whole ordinance process. Ms. Kollgaard stated the Stines are present tonight if there are any questions.

Commissioner Hannan asked what this de-annexation would cost the Town.

Ms. Kollgaard replied that the Town would lose the tax revenue which is $679.00 for this year, and the charge for the advertisement for the ordinance would be passed on to the Stines.

After discussion, it was the consensus of the Commissioners that they would be in favor of this de-annexation.

O. ~~MAYOR/COMMISSIONER'S REPORT:~~

~~Commissioner Richards commented that he attended the Taste of Lady Lake, and although there were no large crowds at any given time, people were coming and going and it appeared well attended.~~

~~Commissioner Vincent, Mayor Kussard, and Ms. Kollgaard commented that they attended at different times and enjoyed it, and observed that everyone else seemed to be enjoying it as well.~~

~~Commissioner Holden stated he heard nice comments about the event.~~

~~P. PUBLIC COMMENTS~~[iv]

~~Mayor Kussard asked if anyone in the audience would like to speak on any item. There were no comments.~~

~~Q. ADJOURN:~~ ~~There being no further discussion, the meeting was adjourned at 6:39 p.m.~~

~~Kristen Kollgaard, Town Clerk~~ ~~Ruth Kussard, Mayor~~

~~Minutes transcribed by Nancy Slaton, Deputy Town Clerk~~

[i] *Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.*

[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.*

[iii] *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.*

[iv] *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.*

DRAFT

TECHNICAL REVIEW COMMITTEE COMMENTS
FIRST/FINAL REVIEW 12/1/14

Project: **Ordinance 2014-11**
Proposal: **Voluntary Contraction (Deannexation) of the Town Boundary – 3.18 acres**

Description:

Applicants, Richard and Christine Stine, owners of property addressed as 224 Moore Place, have filed a request to voluntarily deannex their property from the Town of Lady Lake, which includes 3.18 ± acres of property. The nearest Town residence on the south side via Lake Griffin Road is .66 miles away; the nearest residence Lake Griffin Road on the north side is .44 miles, and from Lake Griffin Road via Dulgar Road/Moore Place is .25 miles. Please find attachments for your review.

Following submittal of any required revisions and responses, correspondence will be forwarded indicating the proposal's status, either: (1) requiring additional revision or documentations; or (2) ready for approval. Site plans are subject to public hearing, as well as plats, annexation requests, zoning requests, and comprehensive plan requests. When applicable, you will receive written notification that the item is scheduled for review by the Planning and Zoning Board or Town Commission. For additional information, contact Thad Carroll at (352) 751-1521.

GROWTH MANAGEMENT

Questions may be directed to Wendy Then, at wthen@ladylake.org

1. Ordinance was prepared by Growth Management, no comments concerning the Ordinance as prepared.

POLICE

Questions may be directed to Chief Chris McKinstry at cmckinstry@ladylake.org

1. PD has no comments

FIRE

1. Review non-applicable for this ordinance, no construction or design is occurring.

BUILDING

Questions may be directed to Dallas Foss, Building Official at dfoss@usanova.com.

1. No comment at this time by the Building Official, no construction or design is occurring.

PUBLIC WORKS

Questions may be directed to Butch Goodman, Utilities Supervisor at bgoodman@ladylakepw.org

1. No comments at this time.

LAKE-SUMTER MPO

1. Review non-applicable for this ordinance.

PLANNING & ZONING BOARD AGENDA ITEM

REQUESTED BOARD MEETING DATE: December 8, 2014

SUBJECT: **Ordinance No. 2014-11 – A Request for Voluntary Contraction (Deannexation) of the Town Boundary by Deannexing 3.18 Acres More or Less of Real Property, Generally Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place (Alternate Key 1279160).**

DEPARTMENT: **Growth Management**

RECOMMENDED MOTIONS:

1. **Motion to forward Ordinance 2014-11 to the Town Commission with the Recommendation of Approval.**

2. **Motion to forward Ordinance 2014-11 to the Town Commission with the Recommendation of Denial.**

Staff is in support of Motion Number 1.

SUMMARY

Applicants, Richard and Christine Stine, owners of property addressed as 224 Moore Place, have filed a request to voluntarily deannex their property from the Town of Lady Lake, which includes 3.18 ± acres of property. The nearest Town residence on the south side via Lake Griffin Road is .66 miles away; the nearest residence Lake Griffin Road on the north side is .44 miles, and from Lake Griffin Road via Dulgar Road/Moore Place is .25 miles. The applicants have provided a letter of justification, dated November 20, 2014, outlining their reasons for the request to deannex (see attached).

The Town annexed a portion of the subject property by Ordinance # 84-18-(120) on December 3, 1984 and the remainder by Ordinance 90-28 on November 5, 1990. In 1990, the previous owners of this property requested to be annexed in because one of the owners was in poor health and was concerned about ambulance response. The property was sold to the Stines in 2003 and they had requested at that time that the property be deannexed in 2004 because they were paying Town taxes but receiving no Town services. The Town denied the request in 2004 in fear that they would be setting precedent for subsequent deannexation requests; additionally, there were plans to extend water and sewer service as this was expected to be an area of large growth for the Town of Lady Lake. Another concern at the time they had made their prior request to deannex was that there would have to be a referendum vote to deannex the property. It has since been determined by the Town Attorney, Derek Schroth, that no referendum vote is required as there is only one person in the area instead of the 15% of qualified voters required to request that it go on a referendum.

This property fails to meet the following criteria of Florida Statute 171.043 and is therefore eligible for municipal contraction. Reasons as to how the property fails to meet the standard are noted in bold text:

2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries; The **subject parcel has two residents and the property is 3.18 acres, this density does not achieve two persons per acre.**

(b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; **The subject property and the adjacent properties are equal, and in a majority of instances greater than, one acre in size.**

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size. **In accordance with the definition below, the subject property and adjacent properties are not used intensively to qualify under this definition.**

F.S. 131.031 (10) "Urban purposes" means that land is used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels of land retained in their natural state or kept free of development as dedicated greenbelt areas.

(3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; **There are no municipal services of water and sewer lines to the east, unincorporated lands, of the property, nor are there areas developed for urban purposes anticipated to be developed.**

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2). **Urban purposes are not in existence along 60% of the external boundary. There are no abutting adjacent properties to the subject property; currently, adjacency is only being met via a water body.**

Regarding services provided to the Stine property, water and sewer is not currently serving the property; should these utilities ever be extended along Lake Griffin Road the lines would not be within the 200 feet required by the Land Development Regulations to connect. Also, the Stines are getting no police services from the Town as the Lady Lake officers do not patrol near their property. Additionally, code enforcement officers have been confused in the past, under the belief that the subject property was unincorporated. Upon evaluation of the aforementioned facts and circumstances, staff is in agreement with the applicants that the property exhibits characteristics that are consistent with unincorporated areas.

The Future Land Use and Zoning of the property and adjacent properties are as follows:

Future Land Use

Subject Property	Lady Lake – Rural High Density 1 dwelling unit per acre
Future Land Use of Adjacent Properties	
West	Lady Lake – Single Family Low Density, up to 3 du/acre
East	Lake County – Urban Low
North	Lake County – Urban Low
South	Lake County – Urban Low

Zoning

Subject Property	Agriculture Residential AG-1
Zoning of Adjacent Properties	
West	Lady Lake – Residential 3 du/ac (RS-3)
East	Lake County – Rural Residential (R-1)
North	Lake County – Rural Residential (R-1)
South	Lake County – Rural Residential (R-1)

At the November 17, 2014 **Town Commission** meeting, after discussion, it was the consensus of the Commissioners that they would be in favor of this de-annexation.

The Technical Review Committee (TRC) reviewed the application for deannexation and Ordinance 2014-11 via independent, there were no comments received. It was determined that the application was complete and ready for transmittal to the P&Z Board.

The **Town Commission** is scheduled to consider Ordinance 2014-11 at First Reading on Monday, December 15, 2014. Second and Final Reading of the ordinance is scheduled for Monday, January 5, 2014.

FISCAL IMPACT: $ Tax revenue is $679.00

[ ] Capital Budget
[ ] Operating
[ ] Other

ATTACHMENTS: [X] Ordinance [ ] Resolution [ ] Budget Resolution

[ ] Other -

[ ] Support Documents/Contracts Available for Review in Manager's Office

---

DEPARTMENT HEAD		Submitted 12/2/14	Date
FINANCE DEPARTMENT	12-2-14	Approved as to Budget Requirements	Date
TOWN ATTORNEY		Approved as to Form and Legality	Date
TOWN MANAGER		Approved Agenda Item for: 12/15	Date 12/2/14

BOARD ACTION: [✓] Approved as Recommended [ ] Disapproved
MONTELEONE/PIERSON 5-0

[ ] Tabled Indefinitely [ ] Continued to Date Certain

[ ] Approved with Modification

CC: THAD - G.M. ✓

~~MINUTES OF THE TOWN OF LADY LAKE~~
~~REGULAR PLANNING AND ZONING BOARD MEETING~~
~~LADY LAKE, FLORIDA~~

~~December 8, 2014~~
~~5:30 p.m.~~

~~The Planning and Zoning Board Meeting was held in the Town Hall Commission Chambers, 409 Fennell Blvd., Lady Lake, Florida.~~

~~CALL TO ORDER:~~ ~~John Gauder, Chairperson~~

~~PLEDGE OF ALLEGIANCE:~~ ~~John Gauder, Chairperson~~

~~ROLL CALL~~ ~~Gil Pierson, Member~~
~~Mike McKenzie, Member~~
~~Alfred Monteleone, Member~~
~~William Sigurdson, Vice Chairperson/Member (arrived at 5:39 p.m.)~~
~~John Gauder, Chairperson~~

~~STAFF MEMBERS PRESENT:~~ ~~Attorney Todd Mazenko, BRS Legal; Thad Carroll, Growth Management Director; Wendy Then, Town Planner; Kris Kollgaard, Town Manager; and Julia Wolfe, Staff Assistant to Town Clerk~~

~~Also Present:~~ ~~Commissioner Paul Hannan~~

~~OPEN FORUM:~~

~~Chairperson Gauder asked if anyone in the audience had any comments or questions. There were no comments or questions.~~

~~NEW BUSINESS:~~

~~1. Approval of Minutes~~ ~~November 10, 2014 Regular Meeting~~

~~Upon a motion by Member Monteleone and a second by Member McKenzie, the Planning and Zoning Board approved the minutes of the Planning and Zoning Board Meeting of November 10, 2014 as presented by a vote of 4-0.~~

2. Ordinance No. 2014-11 – A Request for Voluntary Contraction (De-Annexation) of the Town Boundary by De-Annexing +/- 3.18 Acres of Real Property – Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place (Wendy Then)

Thad Carroll, Growth Management Director, presented the background summary for this agenda item (on file in the Clerk's Office). He stated the applicants, Richard and Christine Stine, owners of property addressed as 224 Moore Place, have filed a request to voluntarily deannex their property from the Town of Lady Lake, which includes 3.18 ± acres of property. He stated the nearest Town residence on the south side via Lake Griffin Road is .66 miles away; the nearest residence Lake Griffin Road on the north side is .44 miles, and from Lake Griffin Road

DRAFT

via Dulgar Road/Moore Place is .25 miles. The applicants have provided a letter of justification, dated November 20, 2014, outlining their reasons for the request to deannex (see attached).

Aerial views of the property and photos of the property and postings were shown.

The Town annexed a portion of the subject property by Ordinance No. 84-18-(120) on December 3, 1984, and the remainder by Ordinance No. 90-28 on November 5, 1990. In 1990, the previous owners of this property requested to be annexed in because one of the owners was in poor health and was concerned about ambulance response. The property was sold to the Stine's in 2003, and they requested that the property be deannexed in 2004 because they were paying Town taxes but receiving no Town services. The Town denied the request in 2004 fearing that they would be setting precedent for subsequent deannexation requests; additionally, there were plans to extend water and sewer service as this was expected to be an area of large growth for the Town of Lady Lake. Another concern at the time they had made their prior request to deannex was that there would have to be a referendum vote to deannex the property. It has since been determined by Town Attorney Derek Schroth that no referendum vote is required as there is only one person in the area instead of the 15% of qualified voters required to request that it go on a referendum.

This property fails to meet the following criteria of Florida Statute 171.043 and is therefore eligible for municipal contraction (reasons as to how the property fails to meet the standard are noted in bold text):

2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries. **The subject parcel has two residents and the property is 3.18 acres, this density does not achieve two persons per acre.**

(b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are one acre or less in size. **The subject property and the adjacent properties are equal, and in a majority of instances greater than, one acre in size.**

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts five acres or less in size. **In accordance with the definition below, the subject property and adjacent properties are not used intensively to qualify under this definition.**

F.S. 131.031 (10) "Urban purposes" means that land is used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels of land retained in their natural state or kept free of development as dedicated greenbelt areas.

(3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area. **There are no municipal services of water and sewer lines to the east, unincorporated lands, of the property, nor are there areas developed for urban purposes anticipated to be developed.**

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2). **Urban purposes are not in existence along 60% of the external boundary. There are no abutting adjacent properties to the subject property; currently, adjacency is only being met via a water body.**

Mr. Carroll stated that there are currently no water and sewer services being provided to the Stine's property; should these utilities ever be extended along Lake Griffin Road, the lines would not be within the 200 feet required by the Land Development Regulations to connect. Also, the Stine's are getting no police services from the Town as the Lady Lake officers do not patrol near their property. Additionally, code enforcement officers have been confused in the past, under the belief that the subject property was unincorporated. Upon evaluation of the aforementioned facts and circumstances, staff is in agreement with the applicants that the property exhibits characteristics that are consistent with unincorporated areas.

The Future Land Use and Zoning of the property and adjacent properties are as follows:

Future Land Use

Subject Property	Lady Lake – Rural High Density, 1 dwelling unit per acre
Future Land Use of Adjacent Properties	
West	Lady Lake – Single Family Low Density, up to 3 du/acre
East	Lake County – Urban Low
North	Lake County – Urban Low
South	Lake County – Urban Low

Zoning

Subject Property	Agriculture Residential AG-1
Zoning of Adjacent Properties	
West	Lady Lake – Residential 3 du/ac (RS-3)
East	Lake County – Rural Residential (R-1)
North	Lake County – Rural Residential (R-1)
South	Lake County – Rural Residential (R-1)

Mr. Carroll reported that notices to inform the surrounding property owners (12) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, December 1, 2014 and the property was also posted this same date. He stated that of the 12 notices sent out, eight return receipts were received back, and there have been no phone calls or written communication in favor or opposition, and only one inquiry by phone. He stated that staff recommends approval.

Mr. Carroll stated that at the November 17, 2014 Town Commission meeting, after discussion, it was the consensus of the Commissioners that they would be in favor of this deannexation. The Technical Review Committee (TRC) reviewed the application independently for deannexation and Ordinance No. 2014-11, and no comments were received. It was determined that the application was complete and ready for transmittal to the Planning and Zoning Board. The Town Commission is scheduled to consider Ordinance No. 2014-11 at first reading on Monday, December 15, 2014, and the second/final reading of the ordinance is scheduled for Monday, January 5, 2014.

Member McKenzie asked what effect the deannexation would have on the properties adjacent to the Stine's.

Mr. Carroll replied non-contiguous annexation is provided for under the Interlocal Service Boundary Agreement. He stated water and sewer has to be provided and certain parameters need to be met, and if they are to be annexed non-contiguously in the future, there are means for people beyond them to annex if they want to. Mr. Carroll stated there is nothing in the area between where their property is up to Lake Griffin that shows any indication of annexation toward the east.

Chairperson Gauder asked the property owner if he wished to speak on this matter.

Richard Stine stated he had no other comments, but would be glad to answer any questions the Board may have.

Chairperson Gauder asked if there was anyone in the audience who wished to speak on this matter. There was no one.

Upon a motion by Member Monteleone, and a second by Member Pierson, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2014-11 to the Town Commission for consideration by the following roll call vote:

MCKENZIE	*YES*
MONTELEONE	*YES*
PIERSON	*YES*
SIGURDSON	*YES*
GAUDER	*YES*

~~**3. Resolution No. 2014-102 – A Resolution Granting a Variance to Authorize the Removal of Two Historic Trees in Accordance with Chapter 10, Section 10-4).F)., of the Town of Lady Lake Land Development Regulations, on Property Owned by Brian W. Warwick, Janet R. Varnell, and Ellen R. Robards – Located at 316 La Grande Blvd., within the Plaza Professional Center (Wendy Then)**~~

~~Thad Carroll, Growth Management Director, presented the background summary for this agenda item (on file in the Clerk's Office). He stated that applicant Fran Dann Akin, on behalf of property owners Brian W. Warwick, Janet R. Varnell, and Ellen Robards, submitted an application on February 3, 2014 for a variance in accordance with Chapter 10, Section 10-4).f). of the Land Development Regulations (LDRs) which states that on all properties, the removal of~~

TOWN COMMISSION AGENDA ITEM

REQUESTED COMMISSION MEETING DATE: December 15, 2014

SUBJECT: **Ordinance No. 2014-11 – A Request for Voluntary Contraction (Deannexation) of the Town Boundary by Deannexing 3.18 Acres More or Less of Real Property, Generally Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place (Alternate Key 1279160).**

DEPARTMENT: **Growth Management**

RECOMMENDED MOTIONS:

Staff Recommends Approval of Ordinance 2014-11, a request for Voluntary Contraction (Deannexation) of 3.18 Acres More or Less of Real Property, Generally Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place

---

SUMMARY

Applicants, Richard and Christine Stine, owners of property addressed as 224 Moore Place, have filed a request to voluntarily deannex their property from the Town of Lady Lake, which includes 3.18 ± acres of property. The nearest Town residence on the south side via Lake Griffin Road is .66 miles away; the nearest residence Lake Griffin Road on the north side is .44 miles, and from Lake Griffin Road via Dulgar Road/Moore Place is .25 miles. The applicants have provided a letter of justification, dated November 20, 2014, outlining their reasons for the request to deannex (see attached).

The Town annexed a portion of the subject property by Ordinance # 84-18-(120) on December 3, 1984 and the remainder by Ordinance 90-28 on November 5, 1990. In 1990, the previous owners of this property requested to be annexed in because one of the owners was in poor health and was concerned about ambulance response. The property was sold to the Stines in 2003 and they had requested at that time that the property be deannexed in 2004 because they were paying Town taxes but receiving no Town services. The Town denied the request in 2004 in fear that they would be setting precedent for subsequent deannexation requests; additionally, there were plans to extend water and sewer service as this was expected to be an area of large growth for the Town of Lady Lake. Another concern at the time they had made their prior request to deannex was that there would have to be a referendum vote to deannex the property. It has since been determined by the Town Attorney, Derek Schroth, that no referendum vote is required as there is only one person in the area instead of the 15% of qualified voters required to request that it go on a referendum.

This property fails to meet the following criteria of Florida Statute 171.043 and is therefore eligible for municipal contraction. Reasons as to how the property fails to meet the standard are noted in bold text:

2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries; **The subject parcel has two residents and the property is 3.18 acres, this density does not achieve two persons per acre.**

(b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; **The subject property and the adjacent properties are equal, and in a majority of instances greater than, one acre in size.**

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size. **In accordance with the definition below, the subject property and adjacent properties are not used intensively to qualify under this definition.**

F.S. 131.031 (10) "Urban purposes" means that land is used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels of land retained in their natural state or kept free of development as dedicated greenbelt areas.

(3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; **There are no municipal services of water and sewer lines to the east, unincorporated lands, of the property, nor are there areas developed for urban purposes anticipated to be developed.**

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2). **Urban purposes are not in existence along 60% of the external boundary. There are no abutting adjacent properties to the subject property; currently, adjacency is only being met via a water body.**

Regarding services provided to the Stine property, water and sewer is not currently serving the property; should these utilities ever be extended along Lake Griffin Road the lines would not be within the 200 feet required by the Land Development Regulations to connect. Also, the Stines are getting no police services from the Town as the Lady Lake officers do not patrol near their property. Additionally, code enforcement officers have been confused in the past, under the belief that the subject property was unincorporated. Upon evaluation of the aforementioned facts and circumstances, staff is in agreement with the applicants that the property exhibits characteristics that are consistent with unincorporated areas.

The Future Land Use and Zoning of the property and adjacent properties are as follows:

Future Land Use

Subject Property	Lady Lake – Rural High Density 1 dwelling unit per acre
Future Land Use of Adjacent Properties	
West	Lady Lake – Single Family Low Density, up to 3 du/acre
East	Lake County – Urban Low
North	Lake County – Urban Low
South	Lake County – Urban Low

Zoning

Subject Property	Agriculture Residential AG-1
Zoning of Adjacent Properties	
West	Lady Lake – Residential 3 du/ac (RS-3)
East	Lake County – Rural Residential (R-1)
North	Lake County – Rural Residential (R-1)
South	Lake County – Rural Residential (R-1)

At the November 17, 2014 **Town Commission** meeting, after discussion, it was the consensus of the Commissioners that they would be in favor of this de-annexation.

On November 26, 2014, Town Attorney, Derek Schroth, approved Ordinance 2014-11 to form as prepared.

The Technical Review Committee (TRC) reviewed the application for deannexation and Ordinance 2014-11 via independent, there were no comments received. It was determined that the application was complete and ready for transmittal to the P&Z Board.

At the December 8, 2014 meeting, the **Planning and Zoning Board** voted 5-0 to forward Ordinance 2014-11 to the Town Commission with the recommendation of approval.

The **Town Commission** is scheduled to consider Ordinance 2014-11 for Second and Final Reading on Monday, January 5, 2014.

FISCAL IMPACT: $ Tax revenue is $679.00

[ ] Capital Budget
[ ] Operating
[ ] Other

ATTACHMENTS: [X] Ordinance [ ] Resolution [ ] Budget Resolution

[ ] Other -

[ ] Support Documents/Contracts Available for Review in Manager's Office

---

DEPARTMENT HEAD [signature] Submitted 12/9/14 Date

FINANCE DEPARTMENT JRM Approved as to Budget Requirements 12/9/14 Date

DB 12-9-2014 TOWN ATTORNEY Approved as to Form and Legality Date

TOWN MANAGER [signature] Approved Agenda Item for: 12/15 Date 12/10/14

BOARD ACTION: [✓] Approved as Recommended [ ] Disapproved
HAN/HOL 5-0

[ ] Tabled Indefinitely [ ] Continued to Date Certain

[ ] Approved with Modification

cc: THAD - G.M.
FIN.

~~D) Category D (Non-Mandatory, Concurrency) – Per the Community Planning Act of 2011, the Public School Facilities Element is no longer mandatory. The Town of Lady Lake has opted to retain and update this optional element and require concurrency per its existing interlocal agreement with the Lake County School District.~~

~~Staff recommends approval of Ordinance No. 2014-10 as presented to the Town Commission for their motion to adopt as presented or amend. This ordinance serves to update the Capital Improvements Schedule as required under F.S. 163.3177(3)(b). The attached "Exhibit A" reflects the proposed improvements for the Five Year Planning Period of 2014/15 to 2018/19. Also attached is Ordinance No. 2013-15 to document the prior 5-year Capital Improvement Schedule of 2013/14 – 2017/18, which is being replaced by this ordinance.~~

~~The members of the Technical Review Committee individually reviewed the application for Ordinance No. 2014-10 and provided all comments by Tuesday, November 4, 2014. The TRC report was included in the packet. At the November 10, 2014 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2014-10 to the Town Commission with the recommendation of approval.~~

~~Mr. Carroll stated that he and Public Works Director C.T. Eagle are available to answer any questions. He stated that this is the second and final reading, and upon approval, it will be submitted to the state and will update the Town's five year plan.~~

~~Mayor Kussard asked if there were any questions from the audience, and hearing none, asked for a motion.~~

~~***Upon a motion by Commissioner Holden and a second by Commissioner Hannan, the Commission approved Ordinance No. 2014-10 – Second/Final Reading – An Ordinance Adopting Corrections, Updates, and Modifications to the Capital Improvements Schedule of the Town of Lady Lake Comprehensive Plan, by the following roll call vote:***~~

~~***HOLDEN***~~	~~***YES***~~
~~***VINCENT***~~	~~***YES***~~
~~***HANNAN***~~	~~***YES***~~
~~***RICHARDS***~~	~~***YES***~~
~~***KUSSARD***~~	~~***YES***~~

6. Ordinance No. 2014-11 – First Reading – A Request for Voluntary Contraction (Deannexation) of the Town Boundary by Deannexing +/- 3.18 Acres of Real Property – Generally Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place (Thad Carroll)

Derek Schroth, Town Attorney, 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 applicants, Richard and Christine Stine, owners of property addressed as 224 Moore Place, have filed a request to voluntarily deannex their property from the Town of Lady Lake, which includes 3.18 ± acres of property. He stated the present and proposed use of the property is a single family residence. Mr. Carroll stated staff recommends approval of this ordinance.

Aerial views of the property were shown, as well as photos of the property.

Mr. Carroll stated that the nearest Town residence on the south side via Lake Griffin Road is .66 miles away; the nearest residence Lake Griffin Road on the north side is .44 miles, and from Lake Griffin Road via Dulgar Road/Moore Place is .25 miles. He stated the applicants have provided a letter of justification, dated November 20, 2014, outlining their reasons for the request to deannex (see attached).

The Town annexed a portion of the subject property by Ordinance No. 84-18-(120) on December 3, 1984 and the remainder by Ordinance No. 90-28 on November 5, 1990. In 1990, the previous owners of this property requested to be annexed in because one of the owners was in poor health and was concerned about ambulance response. The property was sold to the Stine's in 2003, and they requested that the property be deannexed in 2004 because they were paying Town taxes but receiving no Town services. The Town denied the request in 2004 fearing that they would be setting precedent for subsequent deannexation requests; additionally, there were plans to extend water and sewer service as this was expected to be an area of large growth for the Town of Lady Lake. Another concern at the time they had made their prior request to deannex was that there would have to be a referendum vote to deannex the property. It has since been determined by Town Attorney Derek Schroth that no referendum vote is required as there is only one person in the area instead of the 15% of qualified voters required to request that it go on a referendum.

This property fails to meet the following criteria of Florida Statute 171.043 and is therefore eligible for municipal contraction. Reasons as to how the property fails to meet the standard are noted in bold text:

2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries. **The subject parcel has two residents and the property is 3.18 acres, this density does not achieve two persons per acre.**

(b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are one acre or less in size. **The subject property and the adjacent properties are equal, and in a majority of instances, are greater than one acre in size.**

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts five acres or less in size. **In accordance with the definition below, the subject property and adjacent properties are not used extensively to qualify under this definition.**

F.S. 131.031 (10) "Urban purposes" means that land is used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels of land retained in their natural state or kept free of development as dedicated greenbelt areas.

(3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area. **There are no municipal services of water and sewer lines to the east, unincorporated lands of the property, nor are there areas developed for urban purposes anticipated to be developed.**

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2). Urban purposes are not in existence along 60% of the external boundary. **There are no abutting adjacent properties to the subject property; currently, adjacency is only being met via a water body.**

The Town is not currently servicing the Stine's property for water and sewer, and should these utilities ever be extended along Lake Griffin Road, the lines would not be within the 200 feet required by the Land Development Regulations to connect. Also, the Stine's are getting no police services from the Town as the Lady Lake officers do not patrol near their property. Additionally, code enforcement officers have been confused in the past, under the belief that the subject property was unincorporated. Upon evaluation of the aforementioned facts and circumstances, staff is in agreement with the applicants that the property exhibits characteristics that are consistent with unincorporated areas.

The Future Land Use and Zoning of the property and adjacent properties are as follows:

Future Land Use

Subject Property	Lady Lake – Rural High Density - 1 dwelling unit per acre
Future Land Use of Adjacent Properties	
West	Lady Lake – Single Family Low Density, up to 3 du/acre
East	Lake County – Urban Low
North	Lake County – Urban Low
South	Lake County – Urban Low

Zoning

Subject Property	Agriculture Residential AG-1
Zoning of Adjacent Properties	
West	Lady Lake – Residential 3 du/ac (RS-3)
East	Lake County – Rural Residential (R-1)
North	Lake County – Rural Residential (R-1)
South	Lake County – Rural Residential (R-1)

It was the consensus of the Town Commission after discussion at the November 17, 2014 meeting that they would be in favor of this deannexation. On November 26, 2014, Town Attorney Derek Schroth approved Ordinance No. 2014-11 as to form as prepared.

Mr. Carroll stated that the application was received on Thursday, November 20, 2014. Notices to inform the surrounding property owners (12) within 150' of the property of the proposed ordinance were mailed by certified mail return receipt on Monday, December 1, 2014 and the property was posted this same date. To date, one phone inquiry was received regarding the application.

Mr. Carroll reported that the Technical Review Committee (TRC) reviewed the application for deannexation and Ordinance No. 2014-11 individually and there were no comments received. It was determined that the application was complete and ready for transmittal to the Planning and Zoning Board. At the December 8, 2014 meeting of the Planning and Zoning Board, they voted 5-0 to forward Ordinance No. 2014-11 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider Ordinance No. 2014-11 for second and final reading on Monday, January 5, 2014.

Mr. Carroll stated the Stine's are present if there are any questions.

Mayor Kussard asked if there were any questions from the Commissioners or the audience, and hearing none, asked for a motion.

Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved Ordinance No. 2014-11 – First Reading – A Request for Voluntary Contraction (Deannexation) of the Town Boundary by Deannexing +/- 3.18 Acres of Real Property – Generally Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place by the following roll call vote:

HOLDEN	***YES***
VINCENT	***YES***
HANNAN	***YES***
RICHARDS	***YES***
KUSSARD	***YES***

~~**7. Resolution No. 2014-102 – First/Final Reading – Plaza Professional Center – A Resolution Granting a Variance to Authorize the Removal of Two Historic Trees in Accordance with Chapter 10, Section 10-4).F)., of the Town of Lady Lake Land Development Regulations, on Property Owned by Brian W. Warwick, Janet R. Varnell, and Ellen R. Robards – Located at 316 La Grande Blvd., within the Plaza Professional Center (Thad Carroll)**~~

~~Derek Schroth, Town Attorney, 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 on February 3, 2014, Fran Dann Akin, on behalf of property owners Brian W. Warwick, Janet R. Varnell, and Ellen Robards, submitted an application for a variance in accordance with Chapter 10, Section 10-4).f). of the Land Development Regulations (LDRs) which states that on all properties, the removal of historic trees shall require a variance from the Planning and Zoning Board and then the Town Commission. He stated staff recommends approval of this resolution to accommodate a new office building at the Plaza Professional Center.~~