

**MINUTES OF THE REGULAR MEETING  
OF THE LADY LAKE TOWN COMMISSION  
LADY LAKE, FLORIDA  
January 6, 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:** Mayor Ruth Kussard
  
- D. INVOCATION<sup>i</sup>:** Pastor Jim Divine, New Covenant United Methodist Church
  
- 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; Chief Chris McKinstry and Lt. Jason Brough, Police Department; Jeannine Michaud, Finance Director; Cindy Diemer, Senior Code Enforcement Officer; and Nancy Slaton, Deputy Town Clerk

**F. PUBLIC COMMENTS<sup>ii</sup>**

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

**G. CONSENT<sup>iii</sup>:**

Mayor Kussard asked if the Commissioners wanted to pull any consent item for discussion, and Commissioner Hannan asked that the abatement item, #G-3, be pulled for discussion.

- 1. Minutes – December 16, 2013 – Regular Commission Meeting**
  
- 2. Consideration of Contract Renewal of PropertyRoom.com’s Disposition Services Agreement (Chris McKinstry)**

The background summary for this agenda item is on file in the Town Clerk’s office. It states that on July 16, 2012, the Town Commission approved entering into an agreement with PropertyRoom.com to

provide property disposition services to the Town. That contract expires January 30, 2014. PropertyRoom.com has provided effective service to the Town by selling surplus property resulting in net proceeds of \$7,726.00 to the Town. Staff recommends that the Town extend the contract term as outlined on page one of the renewal contract, for a period of one year. This contract has been reviewed and approved by Town Attorney Derek Schroth.

**4. Budget Amendment to Increase Police General Operating Expense and Sales of Surplus (Jeannine Michaud)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Police Department purchased four Glock Model 17 Gen III handguns for \$1,636, and traded in four Glock Model 19 handguns and 11 Trace Lasers for \$1,760, for a total credit of \$124. This amendment will increase the operating budget for purchase of the handguns and increase sales of surplus budget for the trade-in credit. This was approved by the Commission on September 4, 2013. This amendment requires Commission approval because it involves increasing revenue and expenditures, and increases the bottom line budget.

*Upon a motion by Commissioner Richards and seconded by Commissioner Vincent, the Commission approved Consent Items #G-1, G-2 and G-4 by a vote of 5 to 0.*

The following item was taken out of order for discussion:

**3. Abatement Order Recommendation – Case No. 11-3176 – Michael & Cherrie Salay – 907 April Hills Blvd. – Violation of the Town of Lady Lake Code of Ordinances Ch. 7-67 for High Grass (Cindy Diemer)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that Case No.11-3176 represents a violation of Town of Lady Lake Code of Ordinances Ch. 7-67, which was brought before the Special Magistrate on October 24, 2011. The Order of Enforcement was issued and required compliance within ten days or a daily fine of \$100 per day would begin to accrue. The Order also required the payment of an \$87 administrative fee. A compliance date of May 23, 2012 was documented, and the accrued lien for the period of November 3, 2011 to May 23, 2012 totaled \$20,287 including the \$87 administrative fee, representing 202 days at \$100/day.

The initial inspection on August 29, 2011 revealed the violation of high grass and a Courtesy Notice was issued for compliance. A subsequent inspection on September 5, 2011 and non-compliance resulted in a Notice of Violation/Notice of Hearing for October 24, 2011.

In September 2013, a lien search request detailed the liens on the property from the Town and it was advised that if there was an earlier compliance date than the date it was documented by the Town with regard to the code enforcement lien, it should be presented for consideration of the accrual. To date, no evidence has been presented.

The property is also under active foreclosure under Circuit Court Case 2012 CA 001752, and according to Realtor Addie Owens, it is a cooperative foreclosure and she will be representing the property owners in the lien reduction proceedings. The lien was recorded on November 28, 2011 ORB 4097, pgs. 2087-2089.

The Special Magistrate heard the request for a lien reduction on December 18, 2013 and her recommendation to reduce the amount to \$500.00 is attached. The minutes of the Special Magistrate meeting have been provided, documenting the property owner's testimony stating that mailing address

changes resulted in the delay to repair the driveway. The Town Commission reserves the right to approve, deny or modify the recommended Abatement Order.

Commissioner Hannan stated that for the past ten years he has been on the Commission, the Town has not followed the rules of collecting the fines of \$100 per day, and the Special Magistrate makes recommendations for abatements of a fraction of these fines. He stated that the Town may want to come up with a better way to do this, and at this time, he would recommend collecting the full fine of \$20,287 for this case.

Commissioner Richards stated he disagreed with that, but that he would like a better solution than fining \$100.00 per day and perhaps put a limit on the accrual in direct relationship to the violation. He stated perhaps this could be discussed further at the workshop, and that he is currently inclined to vote for the recommended amount of \$500.

Town Manager Kris Kollgaard reminded the Commission that a Commission workshop meeting is scheduled for Monday, January 13, 2014, and this could be added to the agenda. She stated that the fines that accrue for the code enforcement violations are not actually monies that the Town has put out, but are an incentive. Ms. Kollgaard stated this was discussed in the past as well.

Commissioner Holden remarked that banks are not always able to get to work on these foreclosed properties until they are in their name, and perhaps some of the fines for certain violations such as high grass and weeds could be reduced to \$25.00 per day.

Commissioner Vincent agreed and stated that the Special Magistrate's abatement recommendations could be limited to a minimum such as 25% of the total fine accrual.

Ms. Kollgaard stated that the Commission cannot tell the Special Magistrate what to recommend, but the Commission makes the final decision on the amount.

Commissioner Richards stated that he does not want to arbitrarily pick a figure; it must be related to something.

Senior Code Enforcement Officer Cindy Diemer stated that every situation is different. She stated there are some violations that do not create much of a negative impact. Ms. Diemer stated that in this particular case, the grass had been mowed at some point, but staff was not informed of the date and could not factor that in for reducing the figure. She stated that staff feels the abatement recommendation of \$500 is reasonable in this case. Ms. Diemer stated the daily fine amounts are an incentive to encourage people to come into compliance, and many cases do come into compliance and do not go before the Special Magistrate. She stated that perhaps staff could find examples of what other counties and cities are trying and what they look at for ratios in these cases and bring it to the workshop.

Ms. Kollgaard stated that the Town's main goal is to get compliance and to insure that the Town is getting the time and money staff has put into the case paid back so the taxpayers are not paying for it.

Commissioner Vincent stated he does not believe fines should be negotiable. He asked the Town Attorney if traffic fines are negotiable and if there is any difference between them and code enforcement fines.

Town Attorney Derek Schroth stated there is a difference; code enforcement fines are governed by Florida Statute 161, which is a different statutory criteria than traffic citations. He stated the Special

Magistrate has total discretion to set the fine, but the Commission has the discretion to accept or reject the recommendation.

*Commissioner Hannan made a motion that the full fine of \$20,287.00 stand for Case No. 11-3176. This motion died for lack of a second.*

***Upon a motion by Commissioner Holden and seconded by Commissioner Richards, the Commission approved Consent Item #G-3, the Special Magistrate's Abatement Recommendation of \$500.00 on Case No. 11-3176, by a vote of 4 to 1 (Hannan).***

Ms. Kollgaard confirmed that it was the consensus of the Commission that code enforcement fines and abatements would be further discussed at the January 13, 2014 workshop meeting.

## **H. OLD BUSINESS:**

### **I. NEW BUSINESS:**

#### **5. Consideration of the Reallocation of Existing Resources within the Police Department to More Efficiently Discharge Police Services and Creating A New Job Description Titled Evidence/Property Custodian (Chris McKinstry)**

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk's office). He stated that as the Police Department continues the Commission for Florida Law Enforcement Accreditation process, needs assessments are being conducted within the organization to identify strategic priorities and to pursue continual improvement of activities within the agency with the intent to provide quality services in accordance with recognized and accepted standards.

Chief McKinstry stated the effective exercise of law enforcement responsibility in the investigation of crime and the prosecution of offenders requires that information be obtained through the application of scientific knowledge and methods. He stated the Commission for Florida Accreditation includes standards addressing procedures for the proper identification, collection and preservation of evidence that comes under the agency's control.

Chief McKinstry stated that evidence and property control are specialty functions which require continuous monitoring and evaluation to establish and maintain standards that represent current professional law enforcement practices; to increase effectiveness and efficiency in the delivery of law enforcement services; adherence to established standards that address and reduce liability for the agency and its members; and to operate within established standards that make an agency and its personnel accountable to the constituency we serve.

Chief McKinstry stated that he is recommending that one of the Department's current budgeted part-time Community Service Aide positions be reclassified to a newly created part-time Evidence and Property Custodian position. He pointed out that the second budgeted part-time Community Service Aide position can be reclassified to a part-time Staff Assistant position to provide administrative support within the Police Department where needed.

Chief McKinstry stated that secondly, the Police Department enjoys an excellent relationship with the Villages Elementary School and provides traffic direction and security to the school on a daily basis. School officials, teachers, parents and students have all expressed appreciation in the consistent method in which we have provided this service. In order to maintain the continuity in service, Chief McKinstry stated that he proposes that the two part-time Community Service Aide positions be combined into one

full-time position, and that it is currently budgeted and available since the resignation of the Department's full-time Victim Advocate/Staff Assistant. He stated these position reallocation/reclassification requests are not for new, unfunded positions, but are requests to realign existing budgeted positions within the Police Department that will better serve the residents and result in a reduction in salary and benefit expenses to the Town of over \$6.00 an hour, or over \$12,000 a year.

Commissioner Richards asked who would supply the Victim Advocate's functions.

Chief McKinstry replied that the police officers currently conduct that function to residents if they call in with inquiries for victim advocate sources. He stated that a police chaplain and Sheriff's Office victim advocate chaplain are available as well.

Town Manager Kris Kollgaard informed the Commissioners for the record that the Town's Victim Advocate position was split into two functions about a year ago to include Staff Assistant duties as there was not enough work for the Victim Advocate.

*Upon a motion by Commissioner Hannan and seconded by Commissioner Vincent, the Commission approved the Reallocation of Existing Resources within the Police Department to More Efficiently Discharge Police Services and Creating A New Job Description Titled Evidence/Property Custodian, by a vote of 5 to 0.*

**6. Consideration of the Contract with Makhholm Law Group for the Purpose of Conducting Legal Review of Police Policy/Procedure (Chris McKinstry)**

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk's office). He stated that as the Police Department continues with the accreditation process, several new policies must be reviewed for legal sufficiency. He stated the Makhholm Law Group specializes in police policy review and they are affiliated with and referred by Public Risk Management (PRM). Chief McKinstry stated this service is not covered under the Town's existing policy.

Commissioner Hannan asked if there should be a "not to exceed figure" as the agreement is open ended.

Chief McKinstry stated that language to that effect could be added to the agreement, and if it was exceeded, it could be brought back to the Commission.

Town Manager Kris Kollgaard stated that language could be added to the agreement, but it was her understanding that once the cost of the legal review reached \$3,000, if there was still more to do, they would have to ask the Town if they wanted to add more money to it.

Town Attorney Derek Schroth stated that one sentence could be added to the agreement to state that any fees over and above the \$3,000.00 retainer will need additional written approval.

Commissioner Richards stated that was his concern about the agreement as well, and he asked why this is necessary.

Chief McKinstry stated that the policies change over time, and are basically a living document. He stated they need to be continually updated to make sure everything is on solid ground.

*Upon a motion by Commissioner Richards and seconded by Commissioner Vincent, the Commission approved the Contract with Makhholm Law Group for the Purpose of Conducting Legal Review of Police Policy/Procedure, limited to a cap of \$3,000.00 for the retainer fee, by a vote of 5 to 0.*

**7. Consideration of Village Airport Van Campus-Major Site Plan 10/13-001 – A Development Consisting of Three Phases with Three Buildings, Including 4,300 Sq. Ft. of Shop Space, 10,300 Sq. Ft. of Office Space, and 3,600 Sq. Ft. of Owner’s/Caretaker Residence for a Transportation Service Business and Ancillary Uses – Located at 121 W. Hermosa Street (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 applicant, Andrew T. Logan with Logan Civil Engineering, on behalf of Hermosa Street LLC, property owner, has submitted a site plan for the construction of a development consisting of three phases with three buildings. It includes 4,300 sq. ft. of shop space, 10,300 sq. ft. of office space, and up to 3,600 sq. ft. of owner’s/caretaker residence, for a total of 18,200 sq. ft. of commercial development with an 18,000 Liquefied Petroleum Gas (LPG) Tank for a Transportation Service Business and ancillary uses, located on a 4.21 acre parcel at 121 W. Hermosa Street (Alternate Keys 1279518, 2747021 & 2561858). To initiate fleet-fueling operations for this Transportation Service business, the applicant proposes the temporary set up of a 1,000 gallon LPG tank, which will be removed and replaced with the permanent 18,000 gallon LPG tank at a later date. The site plan was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs), including parking, setbacks, landscaping, engineering, environmental protection and commercial design standards.

Mr. Carroll review the items listed in the Memorandum of Agreement for this property. The property is zoned “CP” Planned Commercial, which permits development and construction of the proposed facility and is in accordance with the Memorandum of Agreement of Ordinance No. 2013-11 adopted for this property. He reviewed the site plan, landscaping plans and bubble plan for the project. The Future Land Use Map designation for the site is RET (Commercial General-Retail Sales & Services). The requested use is consistent with the directives of the Comprehensive Plan and adopted Land Development Regulations.

Site Engineering plans have been submitted by Andrew T. Logan, Professional Engineer with Logan Civil Engineering. Landscaping Plans have been submitted by L.R. Huffstetler III, Landscape Architect with LPG Urban & Regional Planners, Inc. Structural plans have been submitted by David G. Kittridge, Professional Engineer. Pursuant to the granting of the waivers, the applicant has complied with all requirements of the Land Development Regulations (LDRs) for site plans, including Chapter 7-Site Plan Development Regulations, Chapter 10–Landscaping & Tree Protection, Chapter 14-Water, Reuse Water, and Sewer Standard Specifications, and Chapter 20-Commercial Design Standards of the LDRs. Reviews were completed for the Town of Lady Lake by Town staff, Neel-Schaffer Engineering, and Kerry Barnett for compliance with the Florida Fire Prevention Code. Lake-Sumter MPO conducted review of the Traffic Analysis submitted for this project. The following items were included in the packet:

- a. Town Engineer comments for the site plan dated December 12, 2013 (Satisfied).
- b. Fire Review comments dated December 7, 2013 (Satisfied).
- c. Waste Management comments dated October 15, 2013 (Satisfied).
- d. Lady Lake Building Official comments dated October 22, 2013. (Satisfied).
- e. Lake Sumter MPO Traffic Analysis review dated October 28, 2013 (Satisfied).
- f. Lady Lake Public Works Comments dated December 6, 2013 (Satisfied).
- g. St. John’s River Water Management District Permit No. IND-069-135913-1 dated November 14, 2013 (Satisfied).
- h. Florida Department of Environmental Protection Wastewater Collection/Transmission System Permit No. 0322602-001dated November 27, 2013 (Satisfied).

- i. Florida Department of Environmental Protection Water Main Extensions Permit No. 0080514-078-DSGP dated November 19, 2013 (Satisfied).
- j. Florida Department of Agriculture and Consumer Services-LPG Tank approval for 1000-gal tank dated November 21, 2013 (Satisfied).

Mr. Carroll reviewed the proposed waivers as follows:

*I) Commercial Design Standards*

The project exhibits features in accordance with the Frame Vernacular design, one of the four preferred architectural style designs as per Chapter 20 - Commercial Design Standards. Waiver: Not all architectural elements are exhibited on the exterior of the building.

Chapter 20, Section 20-3C.4).C) - Building façades shall not exceed 20 horizontal feet and 10 vertical feet without a minimum of three architectural elements. The applicant's justification is included in the packet.

Town Staff's Position: In favor to grant waiver in that the applicant has attempted to adhere to the Frame Vernacular Architectural Design Style to the best extent practicable on a building that will be primarily used as a shop.

*II) Landscaping and Tree Protection*

The applicant is pursuing the following waiver(s) to the Landscaping Requirements:

a) Waiver to LDRs - Chapter 10, Section 10-3, b).B).1) for North Landscaping Buffer Class "A":

Minimum landscaping requirement (Buffer Class Requirement-Table 10-1): Class "A": 10' Min w/ 2 canopy tree, 3 understory trees and a continuous hedge.

Tree Requirement: 11 canopy, 17 understory, 182 shrubs

Existing canopy trees: 8 oak trees

Proposal: To waive 3 canopy trees and 14 understory trees.

The applicant's justification is included in the packet.

Town Staff's Position: In favor to grant waiver in that the applicant has been able to demonstrate the existence of mature canopy trees on-site and off-site. Additionally, canopy trees shall not be spaced closer than 30 feet on center. Installing the required landscape buffer will cause overcrowding and prevent mature tree canopy growth.

b) Waiver to LDRs - Chapter 10, Section 10-3, b).B).1) for East Landscaping Buffer Class "A":

Tree Requirement: 15 canopy, 23 understory, 239 shrubs

Existing canopy trees: 3 oak trees

Proposal: To waive 10 canopy trees and 33 shrubs

The applicant's justification is included in the packet.

Town Staff's Position: In favor to grant waiver in that the applicant has been able to demonstrate the existence of mature canopy trees on-site and off-site. Additionally, canopy trees shall not be spaced

closer than 30 feet on center. Installing the required landscape buffer will cause overcrowding and prevent mature tree canopy growth.

c) Waiver to LDRs - Chapter 10, Section 10-3, b).B).2) for South Landscaping Buffer Class "B":

Minimum landscaping requirement (Buffer Class Requirement-Table 10-1): Class "B": 20' Min w/4 canopy trees, 3 understory trees, and a continuous hedge or approved fence or wall.

Tree Requirement: 5 canopy, 4 understory, 29 shrubs

Existing canopy trees: 1 oak tree

Proposal: To waive 4 canopy trees

The applicant's justification is included in the packet.

Town Staff's Position: In favor to grant waiver to applicant in that there is extensive on-site canopy trees. Additionally there is existent overhead electrical utility on site, which would be affected by new planted canopy trees.

d) Waiver to LDRs - Chapter 10, Section 10-3, b).B).1) for West Landscaping Buffer Class "A":

Tree Requirement: 13 canopy, 19 understory, 212 shrubs

Existing canopy trees: 2 oak trees

Proposal: To waive 6 canopy trees

The applicant's justification is included in the packet.

Town Staff's Position: In favor to grant waiver in that the applicant has been able to demonstrate the existence of mature canopy trees on-site and off-site. Additionally, canopy trees shall not be spaced closer than 30 feet on center. Installing the required landscape buffer will cause overcrowding and prevent mature tree canopy growth.

Photos of the property showing the buffers on all sides of the property were shown, along with renderings of the proposed decorative fencing and elevations of the buildings.

Note: A Water, Sewer and Reuse agreement will be executed between the property owner and the Town to reserve utility capacity subsequent and contingent upon approval of the site plan.

Mr. Carroll reported the application was received on Thursday, October 10, 2013. He stated the Technical Review Committee reviewed the application at its regular meeting on November 19, 2013, and then again on December 17, 2013, with a vote 5-0 to move forward to Town Commission. The Special Conceptual Workshop Meeting of the Town Commission reviewed this application at their regular meeting on November 19, 2013 at 3:00 p.m., and it was the consensus of the Commission to move forward with this project pending recommendations from the Tree & Beautification Advisory Committee. The Tree & Beautification Committee reviewed this application at their special meeting on December 3, 2013 at 5:30 p.m., with a 3-0 consensus vote for approval. He noted that the Planning and Zoning Board does not review Site Plan applications.

Mr. Carroll stated that Tim Hoban and Dan McCarthy, Jr. are both present if there are any questions.

*Upon a motion by Commissioner Hannan and seconded by Commissioner Richards, the Commission approved Major Site Plan 10/13-001 for the Village Airport Van Campus, to include the waivers as noted above, by a vote of 5 to 0.*

**8. Consideration of Sewer and Water Utility Agreement for Village Airport Van Campus-MJSP 10/13-001– Located at 121 W. Hermosa Street (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, Hermosa Street, LLC, is the fee simple owner of approximately 4.21 +/- acres of real property situated in Lady Lake, Lake County, Florida. Mr. Carroll stated that the Developer has requested connection to Town water facilities and sewer facilities (Utility), and that the Town of Lady Lake allocates and reserves sufficient capacity in these facilities to serve and sustain the operation of seven equivalent residential units (ERUs), or 1,750 gallons per day for sewer and water. He stated that reuse is not available at this located. Mr. Carroll stated the fee amounts to \$32,697.00, and payment will secure those capacities and the system is sufficient to support that demand at this time.

The proposed facility will be developed in three phases with three buildings, including 4,300 sq. ft. of shop space, 10,300 sq. ft. of office space, and up to 3,600 sq. ft. of owner's/caretaker residence, for a total of 18,200 sq. ft. of commercial development, including an LPG Tank up to 18,000 gallons for a Transportation Service Business. At this time, the applicant would like to proceed with Phase I, which includes erecting a 5,000 sq. ft. Shop Building located in the middle of the lot. The Site Plan application for this facility is being considered concurrently at this meeting.

The Developer has agreed to connect to certain water distribution and sanitary sewer collection facilities that will benefit Development and to the use of the Water and Sewer facilities on the terms and conditions hereinafter set forth in the attached Agreement, as provided by the Town of Lady Lake. Mr. Carroll stated this is a standard agreement and it was reviewed by Town Attorney Derek Schroth on Thursday, December 12, 2013, and was determined to be correct in form for consideration and approval by the Town Commission.

*Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved the Sewer and Water Utility Agreement for Village Airport Van Campus-MJSP 10/13-001 by a vote of 5 to 0.*

**9. Consideration of McDonald's Restaurant-Major Site Plan 10/13-002 – A 4,388 Sq. Ft. Restaurant with Drive-Thru Facility – Located at 452 N. Hwy 27/441 in Lady Lake Crossing Plaza (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 applicant, Braulio Grajales with High Point Engineering, on behalf of SRK Lady Lake 43 Associates LLC, property owner, has submitted a site plan for the construction of a development consisting of a 4,388 sq. ft. restaurant with a drive-thru facility on a 1.19-acre parcel located within the Lady Lake Crossing Plaza at 452 N. Hwy 27/441 (Alternate Key 3872774). Mr. Carroll stated the property is currently vacant and staff recommends approval of the site plan as presented. The site plan was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs) including parking, setbacks, landscaping, engineering, environmental protection and commercial design standards.

The property is zoned "PUD" Planned Unit Development, which permits development and construction of the proposed facility and is in accordance with the Memorandum of Agreement of Ordinance 2006-04

adopted for this property. The Future Land Use Map designation for the site is RET (Commercial General-Retail Sales & Services). The requested use is consistent with the directives of the Comprehensive Plan and adopted Land Development Regulations.

Mr. Carroll reviewed the site plans submitted by Braulio Grajales, Professional Engineer with High Point Engineering Inc., as well as the landscaping plans. The Landscaping and irrigation plans have been certified by Lisa Kramer Silva, Landscape Architect with High Point Engineering, Inc. Pursuant to the granting of the waivers, the applicant has complied with all requirements of the Land Development Regulations (LDRs) for site plans, including Chapter 7-Site Plan Development Regulations, Chapter 10–Landscaping & Tree Protection, Chapter 14-Water, Reuse Water, and Sewer Standard Specifications, and Chapter 20-Commercial Design Standards of the LDRs. Reviews were completed for the Town of Lady Lake by Town staff, Neel-Schaffer Engineering, and Kerry Barnett for compliance with the Florida Fire Prevention Code. The following items were included in the packet:

- a) Town Engineer comments for the site plan dated December 11, 2013 (Satisfied).
- b) Fire Review comments dated December 7, 2013 (Satisfied).
- c) Waste Management comments dated October 22, 2013 (Satisfied).
- d) Lady Lake Building Official comments dated October 22, 2013 (Satisfied).
- e) Lady Lake Public Works comments dated December 6, 2013 (Satisfied).
- f) Lake-Sumter MPO comments dated November 8, 2013 (Satisfied).
- g) Florida Dept. of Transportation comments dated October 22, 2013 (Satisfied).

It is anticipated that the applicant will receive the St. John’s River Water Management District Modification permit soon; however, in accordance with Florida Statute 166.033, Paragraph 4, this permit may not be a requirement for development approval. The applicant, however, shall provide all required state permits prior to commencing construction.

Mr. Carroll reviewed the proposed waivers as follows:

*III) Commercial Design Standards*

- Chapter 20, Section 20-3C.)3).A). which requires new buildings to adopt one of four architectural styles.

Town Staff’s Position: In favor to grant waiver since the applicant is proposing a mix of styles; combining modern style with the Mediterranean style of the Lady Lake Crossing. Consistency with adjacent architecture on a case-by-case basis has been allowed for other outparcel projects along this corridor in the past (i.e. Longhorn Restaurant, Insight Credit Union, etc.). The applicant’s justification is included in the packet.

*IV) Landscaping and Tree Protection*

- As per adopted PUD Memorandum of Agreement, landscaping buffer shall be Landscaping Buffer Class “A” around all property boundaries: north, south, east, and west.

The applicant is pursuing the following waiver(s) to the Landscaping Requirements:

Chapter 10, Section 10-3, a). 2). which requires 160 caliper inches per acre of trees to be retained or replaced on site. The tree caliper inches required at the site is 190.4 caliper inches and 167 caliper inches have been provided. Waiver: 20.4 tree caliper inches. The applicant’s justification is included in the packet.

Town Staff's Position: In favor to grant waiver in that based on the project size and the lot size, the applicant has attempted to accommodate all required landscaping to the best extent practicable.

Chapter 10, Section 3.c).2). – Landscaping Island requirements - At the end of single parking rows, a landscaping area shall be provided with the following minimum: 200 sq. ft. with one acceptable canopy tree or three acceptable understory trees or palms, five acceptable shrubs, and ground cover or grass. The applicant proposes to waive at least one understory tree for each landscaping island. The applicant's justification is included in the packet.

Town Staff's Position: In favor to grant waiver in that based on the project size and the lot size, the applicant has attempted to accommodate all required landscaping to the best extent practicable.

Chapter 10, Section 10-3).g). – To waive the requirement that a landscape area be provided around the base of all buildings oriented toward public right-of-ways or public parking areas. The proposed building addition does not exhibit the required four ft. wide minimum landscape area around its base on the elevation facing Hwy 27/441 & Fennell Blvd. The applicant's justification is included in the packet.

Towns Staff's Position: In favor to grant waiver in that landscaping around the base of the proposed building would not be conducive due to high-traffic volume as a result of the restaurant use and drive-thru facilities.

Note: Under per the provisions of PUD Memorandum of Agreement Ordinance No. 2006-04 for Lady Lake Crossing, the Town Manager has the authority to approve certain waivers listed on the Site Plan Cover Sheet.

Mr. Carroll reported the application was received on Friday, October 21, 2013. He stated the Technical Review Committee reviewed the application at its regular meeting on November 19, 2013, and then again on December 17, 2013, with a vote of 5-0 to move forward to Town Commission. The Special Conceptual Workshop Meeting of the Town Commission reviewed this application at their regular meeting on November 19, 2013, at 3:00 p.m., and it was the consensus of the Commission to move forward with this project pending recommendations from the Tree & Beautification Advisory Committee. The Tree & Beautification Committee reviewed this application at their special meeting on December 3, 2013 at 5:30 p.m., with a 3-0 consensus vote for approval. Mr. Carroll noted that the Planning and Zoning Board does not review Site Plan applications. He stated Mr. Grajales is present if there are any questions regarding the site plan or waivers.

*Upon a motion by Commissioner Holden and seconded by Commissioner Richards, the Commission approved Major Site Plan 10/13-002 for the McDonald's Restaurant, to include the waivers as noted above, by a vote of 5 to 0.*

**10. Consideration of Sewer, Water, and Reuse Utility Agreement for Tree Tops Storage Facility Phase 1-MJSP 10/13-003 – Located at 175 S. Rolling Acres Road (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, Tree Tops Golf Inc., is the fee simple owner of approximately 12.65 +/- acres of real property situated in Lady Lake, Lake County, Florida. Mr. Carroll stated the Developer has requested connection to Town water facilities, sewer facilities (Utility), and reuse distribution facility ("Reuse Facilities"), and that the Town of Lady Lake allocates and reserves sufficient capacity in these facilities to serve and sustain the operation of six equivalent residential units (ERUs) or 1,500 gallons per day for sewer and water, and six equivalent residential units (ERUs) or

1,644 gallons per day for reuse to be consumed by a proposed multi-tenant complex. Mr. Carroll reported the total of these fees amount to \$29,778.00 and will secure the capacities in the Town's systems, and these capacities are currently available in each utility.

The proposed facility is expected to be developed in three phases with 32 buildings, including 110,289 sq. ft. of Mini Storage Building area for Phase 1. The Tree Tops Storage Facility project received site plan approval by the Lady Lake Town Commission on December 16, 2013, and the development order was subsequently issued on December 17, 2013.

The Developer has agreed to connect to certain water distribution, sanitary sewer collection facilities and reuse distribution that will benefit 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 the Town of Lady Lake. This agreement was reviewed by Town Attorney Derek Schroth on Thursday, December 12, 2013, and was determined to be correct in form for consideration and approval by the Town Commission.

Mr. Carroll stated the applicant, Mike Girard, and Mr. Springstead, Project Engineer, are present if there are any questions.

*Upon a motion by Commissioner Richards and seconded by Commissioner Vincent, the Commission approved the Sewer and Water Utility Agreement for Tree Tops Storage Facility Phase 1-MJSP 10/13-003, by a vote of 5 to 0.*

**11. Consideration of Modifications to the Orange Blossom Hills Golf Maintenance Facility – Located at 1025 Lindsey Lane Court (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 this project is a minor modification and they do not typically come before the Town Commission for approval as they can be approved administratively by the Town Manager. Mr. Carroll stated, however, that there have been changes since the December 2, 2013 Commission meeting where a variance for removal of a 36" historic tree for this project came before the Commission for approval.

Mr. Carroll reported that on September 19, 2013, the Village Center Community Development District, property owner and applicant, submitted a Minor Modification to the Site Plan for the Orange Blossom Hills-Golf Maintenance Facility as per Town of Lady Lake Land Development Regulations, Chapter 7, Section 11.a., to be able to relocate several improvements, including water service, as well as incorporate technical changes to construction details for the site.

The Minor Modification submittal proposed the removal and replacement of the existing 6,160 sq. ft. golf maintenance building due to the current building's condition. In the process, it was established that a 36" historic live oak tree needed to be removed in order to accommodate the construction of the replacement building, as it was found that the base of the tree was located just 19" from the foundation of the building, and that removing the old building slab and pouring a new one will damage existing roots and make the tree unstable.

Mr. Carroll stated that on December 2, 2013, the Town Commission granted a variance for the Historic Tree removal under Resolution No. 2013-109, and during the variance presentation, the Town Commission was provided with information regarding existing buffers and existing trees to remain on-site. He stated that it was originally proposed that two oak trees would be removed as part of the site changes. However, after the variance was approved, the latest revised site plan modification dated

December 23, 2013 was submitted which proposes reducing the proposed golf maintenance building from 6,160 sq. ft. to 5,298 sq. ft. and the erection of a new 600 sq. ft. integrated pest management building.

Mr. Carroll stated that these changes as submitted will require the removal of additional trees, totaling 14 oak trees (including the historic tree), as well as five palm trees. Views of the property were shown with the current landscaping. He stated that with the new proposal, the overall proposed footprint of the new golf maintenance building will be reduced, but additional trees will have to be removed. Mr. Carroll also stated that just prior to the meeting, Jeff Head of Farner, Barley, and Randy Wilkerson of the VCCDD, approached him and stated they are in a position to replace all the canopy trees on a tree by tree basis, along with 12 understory trees, to satisfy the Class "A" landscaping buffer requirements under the Town's code.

The latest site plan modification engineering plans have been drawn and certified by Jeffrey Allen Head, Professional Engineer with Farner Barley and Associates, Inc., and the building elevation has been provided by KP Studio Architect P.A., dated December 4, 2013.

The proposed improvements include the following:

- Remove existing maintenance building and propose new 5,298 sq. ft. building
- Construct a 10'x15.37' concrete slab to relocate above ground fuel storage tank
- Relocation of a 30'x36' concrete for slab golf equipment wash down
- Construct a new 10'x10' dumpster pad
- Construct a new 20'x30' Integrated Pest Management Building
- Construct 15'x25' concrete slab with broom finish along the northeast side of the building
- Construct pre-treatment pond
- Construct 25 LF of connecting cart path
- Construct 119 LF of 2" water service
- Re-construct 21'x76' golf soil bins
- Removal of 23 trees:
  - Four chinaberry trees (undesirable trees)
  - Five palms
  - Fourteen (14) oak trees (including the historic tree)
- Provision of 15 parking spaces:
  - Fourteen regular parking spaces
  - One Florida ADA Accessible parking space

Mr. Carroll stated that at this time, Town staff is providing the Town Commission with an update of the latest proposal since what was presented at the December 2, 2013 Town Commission meeting regarding the required tree removal has changed in scope for the Orange Blossom Hills Golf Maintenance Building Project. He verified that the Town Manager would issue the letter on the Minor Modification based on the Town Commission's recommendation.

Commissioner Hannan stated he has no doubt The Villages construction project will be done right, but expressed concern that there will still be a buffer and trees separating this property from the residential homes nearby.

Mr. Carroll replied that the hedge will remain as a buffer, but all the oak trees on the northern boundary will be removed, which is different from what was shown at the December 2<sup>nd</sup> meeting. He stated that the applicant has agreed to replace the trees on a tree by tree basis.

Randy Wilkerson, Construction Manager for The Villages, introduced himself and stated that they are amenable to replacing the trees.

Commissioner Hannan asked if the new trees will be fully grown.

Mr. Carroll stated the Town's requirement is a 4" minimum width and 4 ½' height, so the new trees may be significantly smaller, but the intent is to reuse and relocate any of the existing trees where possible.

Commissioner Richards stated he does not see any verbiage in writing regarding replacement of the trees, and the metal building is very plain. He stated the Town holds applicants to Commercial Design Standards and tree caliper inches; and asked what makes this project a Minor Modification when a building is being taken down and replaced.

Mr. Carroll explained that the Town has criteria and since the applicant is not planning a 10% or more expansion; it does not require any regulatory permits, and no significant changes are being made to the footprint or intent of the building. He also stated that this is a government/quasi-service facility and is not subject to the Town's Commercial Design Standards. He stated this was brought before the Commission because the landscaping changes are significant.

Commissioner Richards commented that the Town had to adhere to the Commercial Design Standards and pay all the permitting when the new library was constructed.

Town Manager Kris Kollgaard stated that it was the Town Commission's choice to follow the standards; it was not required.

Commissioner Richards stated he is not comfortable with all the changes in the footprint of the buildings and the tree caliper inches, etc., that happened so quickly between December 2<sup>nd</sup> and December 23<sup>rd</sup>.

Town Attorney Derek Schroth asked that the Commissioners address the time period for when the trees will be replanted, and perhaps draw up an agreement to set definitive terms.

Commissioner Holden asked if the replacement trees will be Water Oaks or Live Oaks as it makes a difference in the speed of the growth.

Mr. Wilkerson stated he is not sure, but thinks they are Water Oaks. He stated there are several issues with the current building such as age, complying with handicap issues, and it is in bad disrepair.

Mayor Kussard commented that she visited the site and since it is not a building visited by the public, it should not be held to architectural standards.

There was further discussion regarding concerns over the last minutes changes in the building footprints and landscaping issues and perhaps tabling this issue for further discussion at the next Commission meeting or workshop meeting. After discussion, it was the consensus of the Commission that a Memorandum of Agreement would be drawn up so the applicant could move forward with the project.

Mr. Schroth asked for the time frame for replacing the trees, and other particulars such as the number and type of trees to be replaced to include in the MOA.

Mr. Wilkerson stated the construction timeframe is 120 days.

Mr. Carroll stated that a landscape inspection is typically done prior to the issuance of a Certificate of Completion/Occupancy, and as such, the verbiage could state that the Town reserves the right to withhold the CO until all adequate landscaping has been installed as per the submitted plan.

Mr. Wilkerson stated all trees will be replaced and explained the second building is to separate pest control chemicals from the personnel in the maintenance building for safety concerns, and the use of the buildings is industrial with minimal visibility from the outside, but the building will have multiple colors to jazz it up.

Commissioner Richards asked why the three trees on the Lindsay Lane side are being removed when there is no construction in that area. He asked what will block the view of the residents on Lindsay Lane when these trees are removed, other than the hedge.

Mr. Wilkerson replied that staff asked them to remove these trees as they are Chinaberry trees and are considered a nuisance.

Mr. Carroll confirmed the Chinaberry trees are an invasive species and are not required to be replaced. He stated the replacement on a tree per trees basis does not include them; only the oaks and the palms, but that language could be added in the MOA requiring them to be replaced if the Commission so chooses.

The Commissioners agreed they should be replaced with something else, and Commissioner Holden mentioned that Leland Cypress might work well there.

Mr. Schroth asked Mr. Carroll for his suggestion of what should be planted to block visibility.

Mr. Carroll suggested that one or two understory trees could be planted there, but also insure that the Pittosporum or Viburnum hedge that exists behind these tree be planted at a minimum height of 30' and allowed to mature within a couple of years, and that it be maintained at a height of six feet.

Mr. Schroth asked what the requirement would be for minimum size of the replacement trees.

Mr. Carroll replied that normally it is four caliper inches and 4 ½' tall, but these will be at least 15' tall.

Commissioner Richards asked why this MOA could not hold the applicant to the standard buffer requirements.

Mr. Carroll replied the replacement canopy and understory trees along the northern boundary would meet the Town's Class "A" buffer. He stated it may be easier to just state in the MOA that the applicant must meet the Class "A" buffer along all boundaries.

Mr. Schroth asked if there was a distinction between what has been discussed and the standard Class "A" buffer, as it may not include replacement of the trees.

Mr. Carroll read the definition of the Class "A" buffer as follows: Ten feet minimum width with two canopy trees, three understory trees, and a continuous hedge. He suggested utilizing the replacement trees first to establish the Class "A" landscaping buffer as required by code, then any trees removed in excess of the code must also be replaced somewhere else on the property.

The Commissioner agreed that language to this effect in the MOA would be acceptable and that they would approve the execution of such by the Town Manager.

*Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved the Modifications to the Orange Blossom Hills Golf Maintenance Facility Located at 1025 Lindsey Lane Court with the Contingency that the Town Manager has executed a Memorandum of Agreement stating the Applicant will meet Class "A" Landscape Buffer Standards prior to the issuance of a Certificate of Occupancy, by a vote of 5 to 0.*

**J. TOWN ATTORNEY'S REPORT:**

**12. Ordinance No. 2014-01 – First Reading – Regarding Reduction of Supplemental Educational Impact Fees (Kris Kollgaard)**

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

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Clerk's office). She stated that she reported to the Commissioners at the December 16<sup>th</sup> meeting that Lake County is re-imposing the school impact fee at a 25% reduction this year after having suspended it last year. Ms. Kollgaard stated that this ordinance is in response to the Commissioners being in favor of following suit with the county. The ordinance shows that residential construction impact fees will be reduced to \$750.00 per dwelling unit, and \$450.00 per multi-family dwelling, instead of the standard \$3,000.00 and \$1,800.00.

Mayor Kussard asked if there was any public comment on this ordinance, and seeing none, asked for a motion.

*Upon a motion by Commissioner Richards and seconded by Commissioner Vincent, the Commission approved Ordinance No. 2014-01 – First Reading – An Ordinance Regarding a 25% Reduction of Supplemental Educational Impact Fees by the Town of Lady Lake, by the following roll call vote:*

<i>HOLDEN</i>	<i>YES</i>
<i>VINCENT</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

**K. TOWN MANAGER'S REPORT:**

Town Manager Kris Kollgaard reminded everyone that there is a Commission workshop meeting scheduled for Monday, January 13, 2014, and an agenda will be distributed on Wednesday, January 8, 2014. She asked if anyone had any direction or thought as to what they would like staff to look into for this year, and if so, it could be discussed at the workshop meeting.

Commissioner Holden asked that the possibility of allowing non-Lady Lake residents to sit on the Town's volunteer boards be added to the agenda for discussion as there is a shortage of volunteers.

Commissioners Hannan and Richards stated they thought this was already allowed on the Library Board.

Mayor Kussard confirmed that one member of the Library Board is allowed to be a Lake County resident instead of a Lady Lake resident as per the code, and Town Attorney Derek Schroth confirmed this is per code.

Ms. Kollgaard stated each board has its own ordinance outlining requirements per code. She stated staff could look into what other cities and counties are doing, and it was agreed this would be put on the workshop meeting agenda for further discussion.

**L. MAYOR/COMMISSIONER’S REPORT:**

**M. PUBLIC COMMENTS<sup>iv</sup>:**

- Joe Quinn of 633 Rainbow Blvd. stated that he believes that the code enforcement fines should fit the circumstances and that the Special Magistrate should have guidelines to follow so as to know what the Commission expects. He stated no fine should be so ridiculous as to cause litigation, and repeat offender status should be considered.

Town Manager Kris Kollgaard stated that repeat offender status is already in the code.

**N. ADJOURN**

There being no further discussion, the meeting was adjourned at 7:18 p.m.

---

Kristen Kollgaard, Town Clerk

---

Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

---

<sup>i</sup> 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.

<sup>ii</sup> 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.

<sup>iii</sup> 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.

<sup>iv</sup> 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.