

**MINUTES OF THE REGULAR MEETING  
OF THE LADY LAKE TOWN COMMISSION  
LADY LAKE, FLORIDA  
March 3, 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>:** Reverend Daniel Burgess, Lady Lake Wesleyan 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; Mike Burske, Parks & Recreation Director; Chief Chris McKinstry, Police Department; John Pearl, I.T. Director; Jeannine Michaud, Finance Director; 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. PRESENTATION:**

**1. Presentation of Check to the Town of Lady Lake by the Kiwanis Club of Lady Lake (Cleve Tinsley/Mike Burske)**

Mike Burske, Parks and Recreation Director, reported that at a recent fundraiser, he ran into Mr. Tinsely and others of the Kiwanis Club and talked to them about funding for the annual Easter Egg Hunt, and they offered to assist.

Cleve Tinsley of the Kiwanis Club of Lady Lake thanked the Commission for having them and explained that the Kiwanis Club is a global organization of volunteers dedicated to changing the world; one community and one child at a time. He stated the children in Lady Lake constitute the local

Kiwanis Club's priority. He presented a check in the amount of \$1,300.00 to the Town to assist with the annual Easter Egg Hunt, which essentially covers the total overall costs. Mr. Burske, Town Manager Kris Kollgaard, and Mayor Kussard thanked Mr. Tinsley and the Kiwanis Club of Lady Lake for their generous donation on behalf of the Commissioners and the Town.

**H. PROCLAMATION:**

**2. Proclaiming the Month of March 2014 as Irish American Heritage Month (Mayor Kussard/Pat Kennedy of the Villages Hibernians)**

Mayor Ruth Kussard proclaimed the month of March 2013 as Irish American Heritage Month. She introduced Commissioner Hannan to read the proclamation, explaining that he is proud of his Irish heritage and is both an Irish and American citizen. Commissioner Hannan presented the proclamation to Pat Kennedy of the Villages Hibernians.

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

**3. Minutes – February 19, 2014 – Special Commission Meeting**

*Upon a motion by Commissioner Richards and seconded by Commissioner Vincent, the Commission approved Consent Item #I-3 by a vote of 5 to 0.*

**J. OLD BUSINESS:**

**4. Consideration of Purchasing 5.73 +/- Acres Known as the Wildflower Property (Kris Kollgaard)**

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Town Clerk's office. She stated that as directed, the Town Attorney submitted the counter offer to the Wildflower Development Corporation to purchase the 5.73 +/- acres for \$164,500, with closing to be within 45 days. The Town will pay all closing costs, except the taxes due for 2013 and the pro-rata share of taxes for 2014 through the date of the closing. Ms. Kollgaard reported that Mr. Farnsworth from the Wildflower Development Corporation accepted the offer and the contract is attached for the Commission's consideration. She stated the Town would want to have a Phase 1 Environmental Site Assessment (attached proposal from Universal Engineering Sciences for \$1,800), and closing costs and title insurance will be approximately \$1,500, and if a survey is needed, it will be approximately \$2,500. She stated Mr. Farnsworth does have a survey and the Town can utilize that one provided it is an original. Ms. Kollgaard stated the funds are available for this purchase in the Reserves or they can be taken out of Parks and Recreation impact fees; however, she asked that the Commission keep in mind if Parks and Recreation Impact fees are utilized for this purchase, the property is restricted to Parks/Recreation use only.

Commissioner Hannan asked for a consensus on where to take the money from, stating he prefers to take it out of Reserves.

Commissioner Richards stated that it makes sense to take it out of Parks and Recreation, as that was the original idea for the property. He stated that if the Town later decided not to use a portion of it, he believed the Town would be able to reimburse the Parks and Recreation Impact Fee fund from general funds.

Commissioner Holden stated he would prefer to take it out of Reserves at the outset. Commissioner Vincent agreed, as did Mayor Kussard, stating the Town would not be restricting the use of the property for parks.

Ms. Kollgaard stated she would check with the auditor to see if the Town could reimburse the Parks and Recreation Impact Fee fund at a later date as suggested by Commissioner Richards, in case this comes up again.

Mayor Kussard confirmed that there was a consensus of 4 to 1 to fund the purchase of the property out of Reserves versus the Parks and Recreation Impact Fee fund.

*Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved the Contract to Purchase the 5.73 +/- acres Known as the Wildflower Property (AK#1698693) in the Amount of \$164,500.00 Plus Closing Costs, by a vote of 5 to 0.*

*Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved Utilizing Universal Engineering Sciences for the Phase 1 Environmental Site Assessment in the Amount of \$1,800.00, by a vote of 5 to 0.*

**5. Consideration of Approval for the Town Manager to Execute an Affidavit to Allow WRYP ILF, LLC to transfer the property of Lexington Park – Phase II prior to Connection to Town Utilities (Thad Carroll)**

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Town Clerk's office). He stated that on November 4, 2013, a Sewer, Water, and Reuse Agreement was executed between the Town of Lady Lake and WRYP ILF LLC for capacity reservation of ten Sanitary Sewer ERUs, ten Potable Water ERUs, and five Reuse Water ERUs. Mr. Carroll stated that at this time, it is the desire of ownership to transfer the property to a new owner; however, in accordance with Section 6 of the Agreement, the Alienability Restriction, the property is prohibited from being transferred prior to the connection to the Town's Utilities, unless express written consent of the Town of Lady Lake is obtained. He stated that Charles Carver, attorney in representation of WRYP ILF LLC and Lexington Park Phase II, has prepared an Affidavit for signature by the Town Manager to consent to the Developer's selling and transferring of the property. Mr. Carroll stated that as per Section 6 of the agreement, the developer is afforded this option to transfer prior to connection with express written consent by the Town, and given that the agreement was approved by the body of the Town Commission, this consent must be approved by the Town Commission as well. If approved, the property will be able to be transferred, consistent with the desire of the developer at this time; however, the capacity reservations would still be in place for the subsequent owner. The Town has already collected the \$48,170.00 of impact fees as required by the agreement.

Mr. Carroll stated that Barry Mansfield is present to answer any questions.

*Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved the Consideration for the Town Manager to Execute an Affidavit to Allow WRYP ILF, LLC to transfer the property of Lexington Park – Phase II prior to Connection to Town Utilities, by a vote of 5 to 0.*

**K. NEW BUSINESS:**

**6. Consideration to Accept and Sign the Local Agency Program Agreement from FDOT District 5 for the Design of Phase II of the Rolling Acres Sidewalk Project Funded through the Safe Routes to School Grant (Mike Burske)**

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Town Clerk's office). He stated that the Town of Lady Lake was awarded a total of \$274,085.00 for Phase II of the Rolling Acres Sidewalk Project. At this time, F.D.O.T. has appropriated \$36,000.00 for the design of the project. Mr. Burske asked that the Commissioners note that the figure of \$31,484.00 on the Notice to Proceed and the \$36,000.00 on the LAP Agreement are different as F.D.O.T. District 5 raised the design funds to \$36,000.00. He stated the Town will have to submit a Request for Qualifications for a design firm and form a committee of Town employees. Mr. Burske stated that if the negotiated fee comes in at higher than \$36,000.00, the Town may have to fund the balance if F.D.O.T. District 5 decides against funding the difference.

Mr. Burske stated that this agenda item is tied in with the resolution under item L-11.

Commissioner Richards commented that he believed that District 5 would approve an increase in funding if it became necessary and had merit.

*Upon a motion by Commissioner Vincent and seconded by Commissioner Holden, the Commission approved to Accept and Sign the Local Agency Program Agreement from FDOT District 5 for the Design of Phase II of the Rolling Acres Sidewalk Project Funded through the Safe Routes to School Grant, by a vote of 5 to 0.*

Commissioner Hannan asked Mr. Burske if he had any idea when the portion of the sidewalk project on Griffin Road would start up again, as it has been held up by the County in permitting.

Mr. Burske replied that he met with the parties involved and they have ironed out their differences, and it should start up again within ten days.

**7. Consideration of Approval to Begin the Engineering for the Minor Field Fence Project (Mike Burske)**

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Town Clerk's office). He stated that the Commission appropriated \$40,000.00 for a new fence at the Guava Street baseball fields in the 2013-2014 budget. He stated he received a quote from Neel-Schaffer Engineering as staff would like to build the new fence to a more professional specification. The fence will be similar to the Hicks Field Fence, but will have a couple of changes to meet the Little League's safety regulations. Mr. Burske stated the cost of the engineering is \$1,200.00. He stated the design used on Hicks Field has eliminated a lot, if not most, of the issues with foul balls. The fence has also been complimented by visiting teams who were impressed by the design and appearance. Mr. Burske stated the biggest difference in the two designs will be where the pitching practice area is at the Minor Field; the fence will be elevated to meet new safety requirements.

*Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved the Beginning of the Engineering for the Minor Field Fence Project and to Award it to Neel Schaffer Engineering, by a vote of 5 to 0.*

**8. Consideration of an Interlocal Agreement between the Town of Lady Lake and the Lake~Sumter Metropolitan Planning Organization Relating to the Town of Lady Lake Pavement Management Program (C.T. Eagle)**

Public Works Director C.T. Eagle gave the background summary for this agenda item (on file in the Town Clerk's office). He stated that the Lake~Sumter Metropolitan Organization (MPO) has procured

an engineering consultant to assist its member localities with Pavement Management Programs. Mr. Eagle stated the Town's current PMP software and information is hosted in-house, and by joining efforts with the MPO, the Town will be a part of a more regional pavement management and maintenance effort. He stated that combining resources with others could lead to cost savings and larger regional projects, while saving Town funds in software licensing and database information update expenses. Mr. Eagle reported that this is a budgeted item, and the agreement has been reviewed and approved by our Town Attorney. He stated that the MPO Governing Board met and approved this agreement on February 26, 2014.

*Upon a motion by Commissioner Richards and seconded by Commissioner Hannan, the Commission approved the Interlocal Agreement between the Town of Lady Lake and the Lake~Sumter Metropolitan Planning Organization Relating to the Town of Lady Lake Pavement Management Program, by a vote of 5 to 0.*

**9. Consideration of Hilltop Subdivision Preliminary Plat – A 94 Unit Single-Family Residential Subdivision on 44.43 +/-Acres – Located on Griffin Avenue Approximately 5,650 Ft. East of the Intersection at County Road 25 (Thad Carroll)**

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Town Clerk's office). He stated that applicant Milton Jennings, President of Hilltop Manors, Inc., has submitted plans for Preliminary Plat Approval of a subdivision which proposes the construction of 94 single-family residential units on approximately 44.43 acres of vacant property. The property is located on Griffin Avenue approximately 5,650 feet east of the intersection at County Road 25 (Alternate Key Numbers 1238277, 1770483, and 1238111). The Preliminary Plat was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs). Mr. Carroll stated that all of the following reviews were included in the packet:

1. Preliminary Plat Plan Review completed by Public Works dated 12/6/2013 and 01/29/2014 (Satisfied).
2. Fire Review No. 3 for the Preliminary Plat completed by Kerry Barnett dated 01/31/2014 (Satisfied)
3. Review No. 3 for Preliminary Plat completed by Neel-Schaffer Engineering, dated 01/30/2014. (Satisfied)
4. Lake County Public Works Review completed by Ross Pluta dated 12/5/2013 (Satisfied).
5. Lake County School District-School Concurrency Review by Dawn McDonald dated 12/5/2013 (Satisfied).
6. Lake Sumter MPO Traffic Analysis review dated 12/4/2013 (Satisfied).
7. Lady Lake Building Official comments dated January 29, 2014 (Satisfied).

The property Future Land Use designation is Single Family Medium Density (SF-MD). The Zoning designation is Planned Unit Development (PUD) governed by the Memorandum of Agreement adopted under Ordinance No. 2013-02, establishing Residential Single Family up to six dwelling units per acre. Mr. Carroll noted that under the original ordinance, the applicant was allowed a maximum of 141 units, but this evening's proposal is for 94 units.

Mr. Carroll reviewed the preliminary plat drawings. He stated that the Preliminary Plan meets the design requirements of the Town of Lady Lake Land Development Regulations, Chapter 8 – Subdivision and Plats, and adheres to the requirements of the Comprehensive Plan of the Town of Lady Lake. The preliminary plat plans, consisting of five sheets, are drawn on 24"x36" pages and have been certified by Donald A. Griffey, Professional Engineer of Griffey Engineering for Jennings Construction Services Corporation.

Mr. Carroll noted that comments on this application are as follows:

- 1) The Hilltop subdivision proposes not to connect to Town's Sewer, Water, and Reuse; therefore, Utility Plans will be submitted in the subsequent Improvement Plan application.
- 2) In accordance with the provisions of Chapter 8, Section 8-6).e).1, the applicant shall submit copies of all jurisdictional agency approved permits and/or Exemption Letters (when applicable), including:
  - Lake County Right-of-Way Utilization Permit
  - DEP Water Well Permits
  - St. John's River Water Management District ER Permit
  - Florida Fish & Wildlife Permit to relocate Gopher tortoises off-site
  - Drafts of protective covenants
- 3) The applicant will be required to submit the Covenants and Articles of Home Owner's Association for the subdivision.
- 4) In accordance with the provisions of Chapter 8, Section 8-5).f).1), the Hilltop Subdivision will be providing 6.9 percent for activity-based recreation areas (of the required 25 percent Open Space). The breakdown for Active Recreation Area is as follows:
  - a. Pool/Cabana 4,704 S.F.
  - b. Dog Park/Tot-Lot 9,000 S.F.
  - c. Exercise Path 26,407 S.F.

Mr. Carroll noted that Preliminary Plat Approval does not permit the construction of any improvements. Improvement Plans have to be approved and all permits from other agencies with jurisdiction must be completed before a development order may be issued. He stated that grading, water retention and diversion of any water as a result of grading will be addressed during the improvement plans process. Lastly, a final subdivision plat application must be approved by the Town Commission before building permits can be submitted for individual homes.

Photos of the property and its location were shown.

Mr. Carroll reported that the application was received on August 22, 2013. He stated that the Technical Review Committee reviewed this plat application at their regular meeting on Tuesday, February 4, 2014, and the committee recommended that this preliminary plat was complete and ready for transmittal to the Planning and Zoning Board by a vote of 5-0. On February 10, 2014, the Planning and Zoning Board reviewed the preliminary plat application at their regular meeting, recommending approval to forward to the Town Commission by a vote of 3-0.

Mr. Carroll stated that Don Griffey and Michael Orem are present if there are any questions.

Commissioner Hannan commented that the homeowners will most likely be able to have golf carts, and he expressed his concern that there be proper signage so that golf carts did not leave the development onto Griffin Road, unless they are street legal.

Mr. Carroll stated they would have to comply with the low speed vehicle laws, and the Town normally adopts an ordinance or resolution to designate a community as a golf cart community.

Mr. Griffey stated the development will allow golf carts, but limit them to be internal in the development, and there will be proper signage. He stated there will be a pool and a cabana that will be accessible by golf cart.

Commissioner Holden stated he is concerned about the lack of a left turn lane for westbound traffic, although he noted that there is a right turn lane for eastbound requested by the County.

Mr. Griffey stated that is all the County is requiring as a result of the traffic study that was completed. He stated that due to the nature of the site, and the fact that the entrance/exit is on the top of a hill, they will have a single entrance/exit instead of a double one.

Commissioner Holden stated it would be cheaper to add the left turn lane now during construction rather than in the future, and he is concerned about safety.

Commissioner Richards commented that road impact fees will pay for improvements if there is more development out that way in the future.

Commissioner Holden asked if the parks and recreation areas would be on the right side of the entrance road.

Mr. Griffey replied that they will be on both sides; a dog park and tot lot will be on the right side with a cabana and pool on the left side.

Commissioner Vincent stated that the dog park is shown as being less than 50 feet from the back door of a Water Oak resident, whereas it is more than 200 feet from a Hilltop resident's lot. He stated that it is too close to Water Oak and is unacceptable where it is located now. He asked that it be moved further away from Water Oak and closer to the entrance road; at least an equal distance from both Water Oak lots and Hilltop residents' lots.

Michael Orem, representing the developer, stated the dog park idea came about from visiting other Central Florida developments, and is a place for residents to allow their dogs to run loose in a well-sodded and fenced area. He stated they will not be running around at all hours of the night or running loose without their owners.

Commissioner Hannan stated he concurred with Commissioner Vincent in that there is a lot of space closer to the entrance road that could be utilized, and that the dog park is currently very close to Water Oak residents where Commissioner Vincent lives.

Mr. Orem stated that they were trying to save a lot of the existing trees in the area closer to the entrance road for a park. He stated that he will convey the Commissioners' concerns to the owner regarding the dog park.

Commissioner Vincent asked for clarification regarding a proposed three foot wall along the eastside of the development near Water Oak that was discussed at the February 10, 2014 Planning and Zoning meeting.

Mr. Griffey stated they discussed a retaining wall.

Commissioner Vincent expressed concern about the grading and water drainage into Water Oaks from the development.

Mr. Griffey explained that the grading plan for these lots will have every lot draining internal to the development's retention ponds, which will eliminate the current problem Water Oak is experiencing with the westerly run-off from the Hilltop property. He stated that along with the grading, a retaining wall will be installed on the western boundary and it will be shown on the improvement plan, and will act somewhat as a buffer wall. He explained that extensive grading will be done to pull down the hill in the center of the property and the dirt will be spread around to the low side perimeter to allow it to drain internally.

Commissioner Vincent asked where the two wells on the property would be located. He stated that Water Oak has three wells that will be within 3,000 feet of Hilltop's wells.

Mr. Griffey replied that they would be alongside the northern roadway toward the cabana and that it is the maintenance road to the well site. He stated that they will be submitting for a consumptive use permit for the two six inch wells this week, along with the environmental resource permit, and will be turning in the construction plans to the Town if this preliminary plat is approved.

Commissioner Holden asked how many gallons per resident the developer is requesting to draw on the St. John's consumptive use permit.

Mr. Griffey stated that they typically go for the standard ERU, which is 325 gallons per day, although another group takes care of that.

Commissioner Holden asked if the developer will be forming a state chartered homeowners association once they are well underway with the construction of the homes, and as such, will be maintaining their own parks.

Mr. Griffey replied that there will be a homeowners association and draft documents have been submitted to the Town, and they understand they will maintain their own parks.

Commissioner Hannan clarified that the developer will have the homeowners association for a certain period until the homeowners actually take over once it is close to build out. He also clarified that Commissioner Vincent's use of the word "we" did not include the other Commissioners.

Mr. Griffey stated the homeowners will take over the association once they own the majority of the lots.

Mr. Carroll explained that this will come back to the Commissioners for Final Plat where they can review the HOA documents and any adjustments of the location of the parks, and the engineer and attorney will review it. He stated that this process is to move the project forward to the next step where there may be modifications at that time.

Commissioner Vincent stated he was using "we" to include the Water Oak homeowners. He also asked if the roads in the development will be maintained by the developer.

Mr. Carroll stated that the plat states that the streets will go to the Town of Lady Lake, but will have to comply with Town's design standards, and they will be inspected by Public Works to be sure they are constructed to the Town's desire before they are dedicated to the Town.



*Upon a motion by Commissioner Richards and seconded by Commissioner Hannan, the Commission approved the Hilltop Subdivision Preliminary Plat – A 94 Unit Single-Family Residential Subdivision on 44.43 +/-Acres – Located on Griffin Avenue Approximately 5,650 Ft. East of the Intersection at County Road 25, by a vote of 4 to 1 (Vincent).*

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

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Town Clerk's office). He stated that during the January 6, 2014 Commission meeting, approval was given to enter into an agreement with the Makhholm Law Group to review new police procedures for legal sufficiency. Chief McKinstry stated this service is not covered under the Town's existing policy with PRM. He stated that the Commission imposed an initial financial limit not to exceed \$3,000.00 without requiring re-approval, and that initial expenditure has now been exhausted. Chief McKinstry stated the total expense for review of all police procedures is not anticipated to exceed \$8,000.00 total, and approval to spend an additional \$5,000.00 is requested to complete this task.

Commissioner Richards asked why the original estimated cost of \$3,000.00 for this review was so far off.

Town Manager Kris Kollgaard explained that the staff initially thought that much of this was covered under the Town's existing contract with PRM, but once PRM looked at it, they advised that the review of police procedures was separate.

*Upon a motion by Commissioner Holden and seconded by Commissioner Richards, the Commission approved Continuing the Contract with Makhholm Law Group for the Purpose of Conducting Legal Review of Police Procedure, by a vote of 5 to 0.*

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

**11. Resolution No. 2014-106 – First/Final Reading – In Support of the Safe Routes to School Project (Mike Burske)**

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

Commissioner Richards commented that this resolution is part of the boilerplate for Phase II of the FDOT District 5 Sidewalk Construction Project.

*Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved Resolution No. 2014-106 – First/Final Reading – In Support of the Safe Routes to School Project, 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>

**12. Ordinance No. 2014-03 – First Reading – Minor Amendment to The Tri-County Villages Development of Regional Impact, Adopting an Eighth Amendment to the Amended Development**

## **Order to Add a 94 Bed Assisted Living Facility to the DRI and Remove 7,550 Sq. Ft. of Commercial Entitlements (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 Town Clerk's office). He stated that the applicant, Villages of Lake-Sumter, Inc., has submitted an application for a minor amendment to the Tri-County Villages of Lake Development of Regional Impact development order. The DRI Development Order must be amended to add 94 ALF beds since Assisted Living Facility is currently not permitted in the DRI. The Villages proposes a reduction of 7,550 sq. ft. of commercial currently entitled on this site to ensure there is no increase in impacts from the change.

Mr. Carroll reviewed the map which showed the proposed location; the ALF campus is to be located in the Spanish Springs area, within the Town Center Commercial (TCC) area inside of Avenida Central and U.S. Highway 27/441. He stated that while the entitlement for the use will permit this use to be placed anywhere within the TCC, it is anticipated that the development will be built on the vacant property on the corner of Avenida Central and Alvarez Avenue. The campus will consist, more specifically, of approximately 94 ALF beds containing ALF and Memory Care beds with accessory uses such as a dining room, a cafeteria and other amenities. The proposed ALF campus is compatible with the surrounding area. The Town Center Commercial category in the DRI is being amended to permit the ALF use by amending the Phase Allocation table to identify ALF as a permitted use in the Town Center Commercial category. The Town of Lady Lake Comprehensive Plan and the Zoning Designation of the property already permits the use of Assisted Living Facilities.

In accordance with Florida Statute 380.06(19)(e)2, a local government can approve the amendment based on their local approval process. However, courtesy copies of the proposed amendment have been provided, under separate cover, to the East Central Florida Regional Planning Council (ECFRPC), Withlacoochee Regional Planning Council (WRPC) and the Florida Department of Economic Opportunity (DEO). The statute does require that a copy of the adopted amendment be submitted to the ECFRPC, WRPC and DEO pursuant to Section 380.06(19)(e)2., F.S.

Traffic: The addition of 94 ALF beds while decreasing 7,550 square feet of commercial results in no increase in projected external vehicle traffic; this is demonstrated in the attached transportation analysis provided by Kimley-Horn. The analysis determines that according to the 9<sup>th</sup> edition of the ITE Trip Generation Manual, the 94 ALF beds would generate 28 pm peak hour trips and 284 trips per day. To ensure the project is trip-neutral, meaning no additional external trips are generated, the traffic analysis concludes that a reduction of 7,550 sq. ft. of commercial is needed.

Open Space: The amendment would also not reduce conservation lands or open space in the DRI. All of the subject property is designated as Town Center Commercial on the DRI Master Plan and none of the subject property is classified as Open Space or Conservation within the DRI. There are lands designated as Open Space and Conservation within the DRI but those lands are not impacted by this change.

Other Impacts: This amendment will have no impact to the Town's Water and Sewer Utilities, as these Town services are not provided to the Villages properties. In addition, no impacts to schools, parks and recreation, or library services will occur as a result of approval of the proposed amendment.

Based upon the evaluation of the justification as provided above, this amendment meets the criteria in s.380.06(19)(e)2.k. because the amendment 1) does not generate an increase in external vehicle trips,

and 2) the amendment does not reduce any approved open space or conservation areas in the DRI. The applicant has provided the Department's (DEO) determination letter with the application.

Mr. Carroll reported that the application was received on January 2, 2014. He stated that notices to inform the surrounding property owners (14) within 150' of the subject property of the proposed amendment were mailed by certified mail return receipt on January 28, 2014, and eight inquiries have been received by staff. Mr. Carroll stated that most of the questions focused on site plan issues, which are premature. The property was posted on Tuesday, January 28, 2014. Town Attorney Derek Schroth reviewed and approved Ordinance No. 2014-03 to form on January 31, 2014.

Mr. Carroll reported that the Technical Review Committee reviewed the application for Ordinance No. 2014-03 at its regular meeting on Tuesday, February 4, 2014, recommending approval to forward to the Planning and Zoning Board with a 5-0 vote. At the February 10, 2014 meeting, the Planning and Zoning Board voted 3-0 to forward Ordinance No. 2014-03 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider Ordinance No. 2014-03 for second and final reading on Monday, March 17, 2014.

Mr. Carroll stated that Martin Dzuro and Darrin Taylor are present to answer any questions.

Commissioner Hannan stated he read a couple of letters that came in and understands their concern, but noted that if this zoning is not changed, it will remain commercial and there could be many businesses that could be worse than the proposed ALF. He stated he hoped the residents understood that.

Commissioner Richards stated that he looked for this property and finally found it behind the Winn-Dixie. He also agreed that an ALF would probably be better than commercial in this area.

Commissioner Holden asked the total acreage for this parcel, and was told it is 2.54 acres. He stated he has no problems with this project.

Mayor Kussard stated she understands the concerns of the residents of Vista Sonoma wanting to know what will be going in so close by. She explained that this is just the first phase in the process to amend the development of regional impact to remove 7,550 sq. ft. of commercial entitlements and add entitlements for a 94 bed assisted living facility. Mayor Kussard stated that many of the questions asked at the Planning and Zoning meeting pertained to the site plan which will be coming up at a later date. She invited the public to comment on this, but asked everyone to stay on the present subject, which is to amend the DRI to allow the ALF.

- Mr. Irwin King introduced himself as the President of the Vista Sonoma Homeowners Association, and stated their concern is that they do not know what it will be or what it will look like. He asked when in the process they would find out this information and when they would have an opportunity to comment on it.

Mayor Kussard replied they would find out this information at site plan.

Mr. Carroll reported that he received emails from Mr. King, and he has requested that he be emailed regarding any application information for projects occurring around his development. He stated that staff could certainly forward him an email once the application is received to keep him informed.

Commissioner Richards commented that the proposed development would meet the Lady Lake commercial design standards, which mirrors The Villages commercial standards, so it should be tasteful and look similar to other buildings in the Square.

Mr. Carroll confirmed that, and stated any waivers to the design standards that may be sought will have to come before the Commission for approval.

- Matthew Luck of 1005 Avenida Sonoma stated that they must have some idea of how they will build the 94 bed facility, how many square feet it will have, and how many floors it will have.

Mayor Kussard explained all of that information would be provided at the site plan stage, and that this is just the first phase of the process. She stated the Commission is only considering approval of the amendment from the commercial entitlement to the assisted living facility entitlement at this meeting.

*Upon a motion by Commissioner Richards and seconded by Commissioner Hannan, the Commission approved Ordinance No. 2014-03 – First Reading – Minor Amendment to The Tri-County Villages Development of Regional Impact, Adopting an Eighth Amendment to the Amended Development Order to Add a 94 Bed Assisted Living Facility to the DRI and Remove 7,550 Sq. Ft. of Commercial Entitlements, 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>

#### **M. TOWN MANAGER’S REPORT:**

Town Manager Kris Kollgaard reported that the Lake-Sumter MPO and Lake County are currently drafting a plan regarding bus stops and shelters. They would like to work with the Town on a 50/50 matching plan on the best shelters and stops in the area.

Ms. Kollgaard stated she was doing some research and came across some interesting facts in the old minute books. She stated that when there was a vote held in 1925 regarding incorporation of the town, there were only 50 voters, and 42 were present at the library to vote. Of those 42, five chose not to vote and the voting results were 33 in favor of incorporation and five against. Ms. Kollgaard also reported that the Mayor presided over court trials at that time. She read an excerpt: *“The Mayor or Acting Mayor of said town shall be allowed the sum of \$2.50 for conducting a trial, docketing, and keeping the docket of each trial, swearing of the witnesses, and all other things and matters performed by said official.”*

Commissioner Hannan stated he loved the factoids and hoped Ms. Kollgaard provided more at each meeting.

Ms. Kollgaard commented that the town still has an ordinance in effect on properly tying up a horse.

#### **N. MAYOR/COMMISSIONER’S REPORT:**

Commissioner Hannan gave kudos to the Mayor for throwing out the first ball at the Little League opening ceremonies. He stated it was well covered on The Villages News.

Commissioner Hannan also brought up that dozens of trees have either been cut down or hat-racked in Lady Lake and The Villages in the last few years, some without permits, or without permission from The Villages deed compliance board which is the Architectural Review Board (ARC), of which he is a

member. He stated that the Town's Code Enforcement is reactive and responds to complaints, but would like to see the Town be more proactive by hiring another part-time or contracted person to go out and give notices to those offenders. He asked the other Commissioners for their thoughts on this.

Ms. Kollgaard asked if he was looking for a weekend person to be hired, and Commissioner Hannan replied that he was not, but would like someone to work during the week.

Mayor Kussard clarified that they would be going after the residents, not the tree trimmers.

Ms. Kollgaard suggested that more education might be the key, such as sending out the booklet that the Town currently has. She stated that there is such a large area that even another part-time person would not make much of a dent in the violations.

Commissioner Hannan stated that any dent would be worth it, and suggested hiring or contracting someone for a trial period of three to six months to give out citations.

Commissioner Richards agreed that it is a problem and that he has informed the tree trimmers that soliciting is not allowed. He suggested trying to change the law to make the tree trimmers responsible.

Town Attorney Derek Schroth stated the earlier discussions on this subject were regarding the licensing of the tree trimmers and the fact that many of them travel from other areas to work in this area, and this was found to be overly burdensome and too much regulation, constitutionally. He stated that they would be unable to go after and fine those who do not have their business located here because they are not in the Town's jurisdiction, but suggested that a fine structure could be imposed on local businesses.

Commissioner Hannan stated that homeowners are being conned and have come before the Board saying that the tree trimmers say what was done is allowed.

Commissioner Richards stated that it would be nice if they could be found guilty of committing fraud if they are saying something that is not true or something they are not knowledgeable about and getting the homeowners fined as a result. He suggested talking about this more at a workshop, but stated he is not in favor of adding a position at this time. He also suggested talking to the local arborists and getting their suggestions on what the Town should do.

Ms. Kollgaard stated that the Town's only recourse at this time is the homeowner.

Mr. Schroth stated the Town could require permitting for partial tree removal, but there would be difficulty in drafting the description, and it would be up to the Code Enforcement officer and/or permitting official to decide if it meets the guidance provided, which is sometimes not clear or is a matter of opinion.

Commissioner Richards stated he would like to see something done, as the Town's citizens are set upon.

Commissioner Holden agreed the Commission should move forward with it.

Mayor Kussard stated that homeowners need education on what they can and cannot do, and sometimes just follow their neighbor's lead. She stated an article in the paper may be helpful in explaining what is needed.

Ms. Kollgaard stated that staff will do some research and bring back ideas.

Commissioner Vincent suggested putting notices in the water bills that are sent out.

Ms. Kollgaard stated it is a good idea, but Lady Lake does not service The Villages.

Commissioner Richards suggested asking the POA to put something in their paper. He also informed the Mayor that she was doing a great job as Mayor, and that he had seen the pictures where she had been at Harbor Chase. He commented that she was “the lady in Lady Lake”.

**O. PUBLIC COMMENTS<sup>iv</sup>**

- Dan Bard of Mira Mesa stated he would be happy to put announcements regarding the tree trimming on the bulletin boards in The Villages. He stated he would forward them to Janet Tutt if Ms. Kollgaard could email something to him. Mr. Bard stated he would also give the announcement to the POA and to the Village Voice.

The Town Manager and Commissioners thanked Mr. Bard for his assistance in this matter.

- Kathy Neasham, General Manager of Water Oak, voiced her agreement with Commissioner Vincent that the dog park proposed at the Hilltop Subdivision should be moved further away from the Water Oak residents.
- Eddie Qualls of 706 E. Norman Street in Lady Lake introduced himself as the Vice President of the Homeowners Association in Water Oak. He also expressed his concern about the location of the dog park in Hilltop, and asked if they would consider repositioning the dog park further from the homes in Water Oak.

**P. ADJOURN**

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

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Kristen Kollgaard, Town Clerk

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Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

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<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.