

**MINUTES OF THE REGULAR MEETING  
OF THE LADY LAKE TOWN COMMISSION  
LADY LAKE, FLORIDA  
March 17, 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>:** Dr. Paul Harsh, First Baptist Church of Lady Lake
  
- 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, Police Department; John Pearl, I.T. Director; Jeannine Michaud, Finance Director; Tia O’Neal, Human Resource 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.

- Joe Quinn of 633 Rainbow Blvd. stated that he would like to revisit the issue of dogs being allowed at the Paradise Drive Park. He stated that people are still not picking up after their pets and The Villages and the ARC are not doing anything about it. Mr. Quinn suggested that the Town may need to consider an ordinance to deal with it.

Town Manager Kris Kollgaard stated this would need to be referred to the attorney as the dog park is owned by The Villages.

Town Attorney Derek Schroth stated that if the park is within the Town limits, the Town can regulate within the park.

Commissioner Richards commented that the Town has dog ordinances. He stated he does not like the idea of drawing up an ordinance for regulating someone else’s property.

Mr. Schroth responded that the Town can regulate within the Town limits, but cannot prohibit dogs on someone else's property.

Commissioner Hannan asked Mr. Schroth if he was aware of any other towns that regulated this type of problem.

Mr. Schroth replied that the County has some regulations regarding picking up animal waste, and that regulations have to be reasonable and have to address an issue of health, safety and welfare, and animal waste falls under that category.

Commissioner Holden stated that then the Town would have to deal with the enforcement aspect.

Ms. Kollgaard stated that if the Commissioners approved, she would contact Ms. Tutt of The Villages and discuss this to see what they could come up with. The Commissioners agreed this was a good idea.

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

**1. Minutes – March 3, 2014 – Regular Commission Meeting**

**2. Budget Amendments to Establish CDBG Drainage Budget in FY 2014, and Utilize Excess Reserve Funds in Utilities to Purchase Bypass Pump (Jeannine Michaud)**

The background summary for this agenda item (on file in the Clerk's Office) states that Amendment BT14-010 appropriates a FY 2014 budget for the CDBG grant. This amendment will increase the expense line item for Small Cities Grant Expense funded by CDBG Grant revenue. The Town Commission approved the award of the construction contract at the February 19, 2014 Commission meeting. Additionally in the FY 2014 budget, potential purchases from reserves were identified and the bypass pump was one of those items identified in the Utility Fund. Current pumps cannot be used for the high pressure lift stations. At the end of FY 2013, \$2,109,382 was in Utility Unrestricted Reserves.

**3. 2014 Concurrency Management Report (Thad Carroll)**

The background summary for this agenda item (on file in the Clerk's Office) states that Concurrency is a finding that the public facilities and services necessary to support a proposed development are available, or will be made available, concurrent with the impacts of the development. No final development order shall be granted for a proposed development until there is a finding that all public facilities and services included in the Concurrency Chapter of the Land Development Regulations have sufficient capacity at or above their adopted level of service to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted level of service will be in place concurrent with the impacts of the development, as defined in the Land Development Regulations, Chapter 4, Section 2, (d) 4.

The Levels of Service (LOS) for the requisite concurrency items include sanitary sewer, solid waste, drainage, and potable water. Pursuant to legislative action via the enactment of HB7207 in 2011, state mandated concurrency for Transportation, Parks and Recreation, and Schools has been removed, but remain optional for local governments. The Town of Lady Lake has elected to continue the implementation of concurrency for these facilities.

The attached report is presented under the requirements of Chapter 4, Section 2, (d) 4 and Chapter 4, Section 6 of the Land Development Regulations stating that Town staff shall be responsible for annually reporting the status of all public facilities capacities covered under the Concurrency Management System to the Town Commission and the general public. This report is for the period March 1, 2013 through February 28, 2014.

*Upon a motion by Commissioner Richards and seconded by Commissioner Vincent, the Commission approved Consent Items #G-1 through #G-3, by a vote of 5 to 0.*

#### **H. OLD BUSINESS:**

No old business.

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

#### **4. Abatement Order Recommendation – Case No. 12-3773 – 201 Morningside Avenue – Violation of the Town of Lady Lake Code of Ordinances Ch. 7-46 – Unlawful Storage of Junk and Debris, and Ch. 7-67 – High Grass (Cindy Diemer)**

Senior Code Enforcement Officer Cindy Diemer presented the background summary for this agenda item (on file in the Clerk's Office). She stated that this case was heard by the Special Magistrate on October 30, 2012 for the violations of Ch. 7-46 for unlawful storage of junk and debris, and Ch. 7-67 for high grass. The Order of Enforcement required payment of an \$87 administrative fee and compliance within 30 days or a fine of \$250.00 per day would be assessed and the property was not determined to be in full compliance until February 4, 2014. The lien has accrued to the amount of \$107,087.00, inclusive of the administrative fee, and was recorded on December 4, 2012 in Book 4247, Pages 1447-1449. The property is assessed by the Lake County Property Appraiser at \$20,843; \$8,600 of which is land value.

Ms. Diemer reported that the property has been in serious decline for the past two years while the property owner's daughter was living at the property. The property owner requested to be placed on the agenda so that she can trade the property for a desperately needed vehicle. Ms. Diemer stated that the Special Magistrate heard the testimony of the property owner and the mitigating circumstances, and has recommended the lien be reduced to \$800.00 from \$107,087.00, including the administrative fee. She stated the property owner is present if there are any questions.

Commissioner Hannan stated he is in favor of reducing the fine to \$300.00 because of the mitigating circumstances that it was the daughter of the property owner living there and causing the violations.

Commissioner Richards stated he is not receptive to the reduced amount of \$300.00 instead of the recommended abatement amount of \$800.00 as staff spent a lot of time trying to get this property in compliance.

Commissioner Holden stated he would like to hear from the property owner.

- Ms. Pam Turner explained that her daughter, along with her five children, had no place to live, so she moved out and let them live at her property, while she herself rented a place in Fruitland Park. Ms. Turner stated her daughter did not tell her about the code violation notices and that she was unaware of the lien until she recently tried to sell or trade the property for a vehicle.

Commissioner Richards asked if the property is now vacant with the utilities shut off. The property owner confirmed this.

Commissioner Hannan stated again that he feels the mother should not be punished for what her daughter did with the property.

Commissioner Holden agreed.

Mayor Kussard asked staff if \$300.00 would cover the cost of staff's time spent over the years inspecting the property, etc.

Ms. Diemer replied that staff has been to the property numerous times, and the daughter was cited and would come into compliance, and it was a constant cycle of this over the last few years. She stated it was only when the property owner's situation changed recently that the property has come into compliance and remained that way. Ms. Diemer stated that staff has spent at least 10 to 12 hours total as a rough estimate.

Commissioner Holden thanked staff for providing the pictures as documentation.

Mayor Kussard asked that Commissioner Hannan clarify whether his reduction to \$300.00 included the \$87.00 administrative fee, or if it was additional.

*Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved a reduction of the recommended Abatement Order from the Town of Lady Lake's Special Magistrate for Code Enforcement, dated February 25, 2014 in the amount of \$800.00, to \$300.00 plus the \$87.00 administrative fee, for a total of \$387.00, by a vote of 3 to 2 (Richards/Vincent).*

## **5. Consideration of Approval of the Amended and Updated Section 4.10 of the Workers Compensation Policy (Tia O'Neal)**

Human Resource Director Tia O'Neal gave the background summary for this agenda item (on file in the Clerk's Office). She stated that upon recommendation of council, Town staff has reviewed Policy 4.10 (Worker's Compensation) of the Town's current Human Resource Manual. Ms. O'Neal stated the most notable changes are sections "F" and "G" of the draft policy. Section "F" requires employees to return to work in any position the Town deems them qualified for with substantial certifications from workers' compensation physicians. She stated that failure to report for a light duty position would result in termination. Ms. O'Neal stated that further, Section "G" allows the Town to run FMLA and workers' compensation concurrently; the Town has not run FMLA and workers' compensation concurrently as the current policy does not give us the ability to do so. She stated that this is common industry practice and has been recommended not only by council, but also by PRM. The draft policy has been reviewed by Attorney Mark Van Valkenburgh.

Commissioner Richards asked why the employee would not receive their regular rate of pay under light duty rather than reasonable accommodation at "the rate of pay determined by the Town" as described under Workers' Compensation - F.

Ms. O'Neal stated it is normal for an employee to receive their regular rate of pay, especially if it is for a short amount of time; however, if someone is going to be in a light duty position that would

normally pay less than the employee's regular position, then it gives the Town the right to reduce their salary if it is going to be for an extended period of time.

Commissioner Richards stated he is not in favor of this, as an employee would receive two-thirds of their salary if they were out on workers' compensation, rather than returning to light duty and perhaps receiving even less than the two-thirds workers' compensation pay.

Ms. O'Neal stated the Town has never done this before, and always tries to put the employee back to work in their own department and in a position closely related to what they were doing.

Commissioner Richards stated he is bothered by the verbiage in the policy.

Town Manager Kris Kollgaard stated that the policy can be changed, but this verbiage is a safeguard and allows the Town to make adjustments in extenuating circumstances such as with the Police Department. She stated if an officer is out on light duty, other staff then has to put in overtime because a shift must be covered, and cannot be staffed by a temp agency, etc., and this would only be if there were two or three employees out for an extended period of time.

Ms. O'Neal agreed that it would help in this instance as a police officer's shift must be covered, and the Town would be paying the officer's wage and overtime wages to others as well.

Commissioner Richards suggested that more verbiage be added to the policy that extenuating circumstances may have to be brought before the Commission for approval. He stated that if someone is on light duty, they should receive their regular salary unless it was deemed a hardship for the Town due to staffing.

Ms. Kollgaard stated this can be amended and brought back to the Commission. She stated it can state that before a wage is reduced, it will need to go before the Commission for their decision. Ms. Kollgaard stated that although these circumstances have not occurred in the past, if they did, it could effect the overall budget if it went on for a long time period such as a year.

Commissioner Vincent asked how many employees were currently out on workers' compensation.

Ms. O'Neal replied that there is only one active employee out on workers' compensation at this time.

Mayor Kussard asked how it would be handled if an employee is on prescribed medication and they are asked to take a drug test as described under Workers' Compensation - H., as it would show up on the test and she would not want the employee to be subject to termination because of this.

Ms. O'Neal replied that if an employee is taking a medication prescribed by a doctor, they would take the medication with them to the drug test appointment to notify them prior to the test and this will be factored in and not effect the employee's results.

*It was the consensus of the Commission to table this until the next meeting so that the policy can be further amended as discussed.*

## **6. Consideration of Town Hall Lobby Window and Door Modification Project (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 in a combined effort with Customer Service, Growth Management and the Building Department, staff is proposing the addition of a customer service window in the lobby for the Growth Management/Building Department which will allow for the removal of the existing small enclosed customer service area. Mr. Eagle stated that a counter will also be installed at the new window location for customers to utilize and the existing code lock will be moved to the lobby access door to provide secured public access to the area. An additional staff door will be added in the main corridor area to provide more efficient secured access to other departments. Mr. Eagle stated the existing Utilities Customer Service counter will be extended to allow extra room for customers to utilize for writing. He stated the proposed project will be performed in-house by Facilities Maintenance staff after normal operating hours so as not to disrupt daily operations. The cost estimate and conceptual drawing were included in the packet. Upon approval, staff will request the transfer of the required funds from contingency funds to the budgetary departmental line items to cover the additional costs for this project.

Town Manager Kris Kollgaard commented that there is \$110,000 in the contingency budget this year. She stated that adding the window to the lobby will allow for better security than the current small alcove off of the lobby, and that the way the door currently opens out of the alcove into the lobby can be dangerous.

*Upon a motion by Commissioner Hannan and seconded by Commissioner Richards, the Commission approved the use of contingency funds for Facilities Maintenance staff to perform the proposed Town Hall Lobby Window and Door Modification Project, by a vote of 5 to 0.*

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

##### **7. Ordinance No. 2014-03 – Second/Final 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. Mr. Carroll stated that the 2.54 +/- acre property is currently vacant, and the DRI Development Order must be amended to add 94 ALF beds since the 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.

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. 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, a parcel of approximately 2.54 acres. 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 sq. ft. 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 SF 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.

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 the property was also posted on this date. Mr. Carroll noted that there were several comments and inquiries from adjacent residents of Vista Sonoma at the previous Planning and Zoning Board meeting, and that there is currently no site plan on file. Town Attorney Derek Schroth reviewed and approved Ordinance No. 2014-03 as 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 by 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. He stated that staff recommends approval of this ordinance, and if it is approved, it will be transmitted to the Central Florida Regional Planning Council, the Department of Economic Opportunity, and a copy will go to the developer. Mr. Carroll stated that Martin Dzuro is present if there are any questions.

Mayor Kussard commented for the audience that this is the second/final reading of the ordinance and the first phase of the process to amend the Development of Regional Impact to remove the

7,550 sq. ft. of commercial entitlements and add entitlements for a 94 bed assisted living facility. She stated she is aware that the residents of Vista Sonoma are concerned about what will be built, however, they will have the opportunity to voice their opinion at the site plan application. She asked if the public had any comments or questions about this phase of the process.

A gentleman spoke from the audience but it was inaudible on the recording.

Mr. Carroll stated he could address the gentleman's question about whether they could receive copies once the materials have been submitted for the site plans. He stated that the Town's Growth Management Department has not yet received an application for site plans, so he cannot supply copies.

Martin Dzuro, representing the developer, stated that, if contact information for the Vista Sonoma's homeowners' association president can be attained, the developer of this parcel has agreed to give a presentation of the proposed facility once they have the drawings and plans. He stated this will be the same information given to the Town when they apply for the site plan.

*Upon a motion by Commissioner Richards and seconded by Commissioner Hannan, the Commission approved Ordinance No. 2014-03 – Second/Final 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>

**8. Resolution No. 2014-102 – First/Final Reading – Plaza Professional Center – Variance Request to Authorize the Removal of a 38” Historic Live Oak Tree to Accommodate a New Office Building on the Last Remaining Parcel at the Plaza Professional Center – Located at 302 La Grande Blvd. (Thad Carroll)**

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

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Town Clerk's office). He stated that the applicant, Fran Dann-Akin, on behalf of property owners Brian W. Warwick, Janet R. Varnell, and Ellen Robards, has submitted an application for a variance in accordance with Chapter 10, Section 10-4).f). of the Land Development Regulations (LDRs) which states that on all properties, the removal of historic trees shall require a variance from the Planning and Zoning Board and the Town Commission. He stated the parcel area is 2.21 +/- acres and is currently vacant commercial property, and staff recommends approval as presented.

Mr. Carroll reviewed a drawing of the subject property and the proposed building footprint, as well as an aerial view of the property. He stated the applicant proposes the removal of a 38” Historic Live Oak Tree to accommodate the construction of up to 4,300 sq. ft. of new office building space on the last remaining parcel at the Plaza Professional Center site. Mr. Carroll stated that the applicant has submitted material indicating that the professional center was approved by the Town in 1987, and since that time, the property has remained vacant and the Town has incorporated its

historic tree ordinance. The applicant has stated that due to the fact that the historic tree lies directly within the building pad, it is required to be removed. Additionally, the applicant indicated that the tree exhibits excessive lean which would endanger any future building erected and the root structure of the tree will suffer substantial damage during and after construction if the tree were to remain (the Justification Statement was included in the packet).

Note: The application originally referenced the project as being within La Plaza Grande Professional Center; however, now it has been corrected to properly identify the Plaza Professional Center as the correct property reference of the site, which is just north of the La Plaza Grande Professional Center.

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

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

Photos of the posting, several views of the subject parcel and of the historic tree in question were shown.

The subject property lies in Section 07, Township 18, South Range 24 East, in Lady Lake, Florida. The Future Land Use Map designation for the site is Commercial General-Retail Sales & Services (RET) and is zoned Planned Commercial (CP). The subject property is located at 302 La Grande Blvd. within the Plaza Professional Center (Alternate Key 3808678); within the town limits of the Town of Lady Lake, Florida. Resolution No. 2014-102 was reviewed by Town Attorney Derek Schroth on Tuesday, February 25, 2014, and determined it to be correct in form.

Mr. Carroll reported that notices to inform the surrounding property owners (16) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, February 24, 2014. The property was posted on Tuesday, February 25, 2014. He stated that 14 of the 16 receipts have been received and staff has received one communication in opposition of the variance.

Comments:

- The applicant is aware that a \$3,800 fee is due to the Town to mitigate the removal of the tree and is prepared to make payment to the Tree Bank pending approval of the resolution.
- Upon approval of this variance resolution, the applicant will continue with the Site Plan application process for approval of the improvements proposed at the remaining vacant lot. All landscaping buffer requirements and planting would have to be satisfied during this process.

Mr. Carroll reported that the Technical Review Committee reviewed the application for Resolution No. 2014-102 at its regular meeting on Tuesday, February 18, 2014, recommending approval by a 3-0 vote. On March 10, 2014, the Planning and Zoning Board reviewed Resolution No. 2014-102 at their regular meeting and recommended approval to the Town Commission by a 3-1 vote. He stated that Fran Dann-Akin is present to answer any questions.

Commissioner Hannan asked if the yellow outline shown on one drawing is the building outline.

Mr. Carroll replied that it is the alternate key parcel outline, and the conceptual site plan was shown on another slide and it had a red circle around it.

Fran Dann-Akin introduced herself and stated that this site has approximately 40 oak trees on it. She stated that in showing this commercial property in the past, developers have turned it down because there are too many trees to work around.

Commissioner Richards stated the proposed parking lot is shown in the only open space available on the parcel. He asked if the building footprint could be changed to the open area and if the parking spaces could be placed within the trees.

Ms. Dann-Akin stated that the Town's parking space requirements calls for one space per every 200 sq. ft. of building area, and there is not enough room to lay out the parking spaces required in the tree area.

Commissioner Richards stated he would be more receptive to approving a parking space variance than to remove this historic tree; and with the present plan, a parking lot is the only thing visible from the open road. He stated that there were 17 negative responses to this historic tree removal on the Villages News.

Commissioner Hannan commented that it is a healthy, historic oak tree.

Ms. Dann-Akin stated she agrees that this is a beautiful tree, and that there are 40 other trees on this parcel, some of them quite large. She stated that in 2009, the owners hired an architect and a site engineer and fully designed the building to go around the tree, but later learned that building around the tree would cause significant damage to the roots and might cause the tree to die later on.

Commissioner Richards again suggested trying to place the parking spaces under the trees, and put the building in the open space.

Ms. Dann-Akin stated that even if the Town granted a variance for reduced parking spaces, sufficient parking is a big issue for medical offices

Mr. Carroll stated that this resolution could be tabled while the engineering is being done to change the concept, and to find out what the options are. He stated if it looks like a parking variance will be required instead of a historic tree variance, then a new application will be needed along with a new resolution.

Commissioner Hannan agreed that he would much rather see a parking variance.

Commissioner Holden also agreed he would hate to lose this tree, and if something else could be worked out, he would go along with it.

Mr. Carroll confirmed with Mr. Schroth that tabling this resolution for the time being was the easiest way to go.

Town Manager Ms. Kollgaard confirmed with Mr. Schroth that if this resolution was tabled to a date and time certain, then it would not have to be re-advertised.

Ms. Dann-Akin stated that she would appreciate this coming back before the Commission at the April 7, 2014 meeting. She asked what the engineers would need to propose in regard to parking.

Mr. Carroll stated that if there is a way to accommodate the required ratio of parking on the footprint and shift the parking toward the tree and shift the building toward the open space, it would be ideal. If not, a variance for parking may be possible.

*Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved tabling Resolution No. 2014-102 – First/Final Reading – Plaza Professional Center – Variance Request to Authorize the Removal of a 38” Historic Live Oak Tree to Accommodate a New Office Building on the Last Remaining Parcel at the Plaza Professional Center – Located at 302 La Grande Blvd., to be reconsidered at the April 7, 2014 Commission meeting, 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>

**9. Resolution No. 2014-103 – First/Final Reading – Orange Blossom Hills Country Club Expansion – Parking Space Size Reduction Variance to Allow 9.5’x17’ as the Minimum Regular Parking Space Size Through-Out the Orange Blossom Hills Country Club – Located at 1542 Water Tower Circle (Thad Carroll)**

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

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Town Clerk’s office). He stated that applicant John R. Grant, on behalf of the Villages Operating Company, has filed an application for a variance to the Town of Lady Lake’s Land Development Regulations, Chapter 7, Section 7-6).b).1).A) which requires that a standard parking space be ten (10) feet wide and twenty (20) feet long. The applicant is requesting a size reduction to allow 9.5’x17’ as the minimum regular parking space size in lieu of providing standard 10’x20’ parking spaces throughout the Orange Blossom Hills Country Club Facility located on 2.21 +/- acres at 1542 Water Tower Circle, within Orange Blossom Gardens Unit No. 7 (Alternate Key 2805382).

Mr. Carroll reviewed the drawing showing the location of the subject property, along with an aerial view. He stated the Orange Blossom Hills Country Club parking lot area was originally constructed in 1986, and the majority of standard parking spaces exhibit a 9.5’x17’ dimension, aside from golf cart parking spaces, which are six feet wide and ten feet long. The applicant is proposing to rebuild the existing 1,114 sq. ft. pool deck into an 878 sq. ft. outside bar/dining area with porch entrance, which will generate 63 additional seats. Now that the applicant proposes to expand the facility and increase the number of seats, the applicant is required to bring parking spaces up to current Code.

Mr. Carroll stated there has been some confusion by residents reading the postings; thinking that the number of parking spaces will be reduced, when in fact it is a variance for parking space size reduction. He clarified that the applicant is not asking to further reduce the size of the existing parking spaces which are 9.5'x17', but rather to be able to utilize these parking spaces in lieu of the what the Code requires, which is 10'x20.' The generation of additional seats at the country club facility creates the requirement that the parking spaces be ten feet wide and twenty feet long; however, due to space constraints within the existing development, this requirement cannot be accommodated; thus the submittal of this variance application. Additionally, the applicant states that the Country Club has been operating with 9.5'x17' parking spaces for 30 years and it has been found to be adequate for their operations.

As part of the application, a Justification Statement is required to be submitted outlining the reasons and unique challenges of the site that require such variance. Within the Justification Statement, the applicant stated that the building is nearly 30 years old and in need of improvements to provide a first class recreation and dining establishment and to maintain the quality of enjoyment for the public.

Proposal of parking spaces to be provided:

Existing		
Dimension	Parking Space Type	Number of Spaces
17'x9.5'	Standard	58
17'x10'	Standard	14
17'x20'	ADA	2
18'x9.5'	Standard	3
18'x10'	Standard	21
10'x6'	Golf Cart	97
Proposed		
18'x12'	ADA	6
<b>Total provided</b>		<b>201</b>

Required		
Restaurant Seating (76)	1 space/2 seats	38
Bar Seating (63)	1 space/3 seats	21
Outside Dining (32)	1 space/2 seats	16
Retail (973 sq. ft.)	1 space/200 SF	5
Employee-Pro Shop (4)	1 space/2 emp	2
Employee Restaurant (20)	1 space/2 emp	10
18 Hole Golf Course	6 spaces/ 1 hole	108
<b>Total required</b>		<b>200</b>

Mr. Carroll noted that the applicant will be providing the required number of total parking spaces and the required number of ADA parking spaces. He reviewed the photos of different directional views of the property, as well as the site plan showing the proposed changes. Mr. Carroll also noted that there was a change to the golf cart path, and changes to the parking lot include upgrading of the appropriate size and number of ADA parking spaces located near the West Boone Court entrance.

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

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

The application has been reviewed and determined to be complete. The applicant has submitted all appropriate material in compliance with the Land Development Regulations (LDRs) and the application is ready for transmittal to the Planning & Zoning Board. Resolution No. 2014-103 was reviewed by Town Attorney Derek Schroth on Tuesday, February 25, 2014, and determined it to be correct in form.

The subject property involving approximately 3.52 ± acres lies in Section 06, Township 18, and Range 24 in Lake County, Florida. Appropriate legal descriptions and a site plan of the property involved, along with supplementary materials, have been included with the submitted applications. The Future Land Use for the site is Recreation (P) and is zoned Mixed Residential- Medium Density (MX-8).

Mr. Carroll reported that notices to inform the surrounding property owners (14) within 150' of the property of the proposed variance were mailed by certified mail return receipt on Monday, February 24, 2014, and all 14 receipts were returned. He stated that two phone call inquiries, but no opposition was noted. The property was posted on Tuesday, February 25, 2014.

Comments:

- Upon approval of this variance resolution, the applicant will continue with the Minor Modification to Site Plan application process for approval of the Outside Bar/Dining Area improvements proposed at the Orange Blossom Hills Country Club.

Mr. Carroll reported that the Technical Review Committee reviewed the application for Resolution No. 2014-103 at its regular meeting on Tuesday, February 18, 2014, recommending approval by a 3-0 vote. On March 10, 2014, the Planning and Zoning Board reviewed Resolution No. 2014-103 at their regular meeting and recommended approval by a 4-0 vote. He stated that Jeff Head with Farner Barley is present to answer any questions.

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

***Upon a motion by Commissioner Richards and seconded by Commissioner Hannan, the Commission approved Resolution No. 2014-103 – First/Final Reading – Orange Blossom Hills Country Club Expansion – Parking Space Size Reduction Variance to Allow 9.5'x17' as the Minimum Regular Parking Space Size Through-Out the Orange Blossom Hills Country Club – Located at 1542 Water Tower Circle, 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:**

**10. Consideration of Appointment to the Planning & Zoning Board (Kris Kollgaard)**

Town Manager Kris Kollgaard reported that Mr. Julius Chirieleison of the Planning and Zoning Board has recently resigned due to a change in job location which would make it difficult for him to attend the meetings, resulting in a vacancy on the Board. There are currently three applications on file for the vacant position: Mr. Gil Pierson, Mr. Van Reynolds and Mr. Philip Fahey.

Ms. Kollgaard reported that Mr. Reynolds has since withdrawn his application after finding out there were several applicants for the position, stating he would prefer to be on the Police Pension Board, and this was communicated by email to the Commissioners. She stated that Mr. Philip Fahey and Mr. Gil Pierson were present in the audience.

Commissioner Hannan asked if they applicants would like to speak.

Mr. Philip Fahey introduced himself and stated he has lived in Lady Lake for 15 years. He presented his background as a former member of the Planning and Zoning Board and the Citizens Review Board.

Mr. Gil Pierson stated he has recently returned to the area and has experience in that he previously served two four year terms on the Deerfield Beach Planning and Zoning Board and the Beautification Authority.

Ms. Kollgaard asked the Commissioners to make their selections. The following results were read into the record and tallied:

Commissioner Richards voted for Gil Pierson.  
Mayor Kussard voted for Gil Pierson.  
Commissioner Vincent voted for Gil Pierson.  
Commissioner Holden voted for Gil Pierson.  
Commissioner Hannan voted for Gil Pierson.

***Mr. Gil Pierson received 5 votes and was appointed as a new member. Mr. Philip Fahey received no votes.***

The Commissioners congratulated Mr. Pierson on his appointment and thanked him for volunteering. They also thanked Mr. Fahey for his application, as well.

Ms. Kollgaard distributed a handout for a proposed chair purchase from Staples for the Chambers. She stated that staff looked at the chair and thought it was comfortable and sturdy, and that it is originally priced at \$169.00 but is currently on sale for \$99.00 each through Saturday. Ms. Kollgaard stated they are on sale, not clearance, and can be returned if need be. She stated she would like to order enough chairs for the dais and the conference table, perhaps 17 in total.

*It was the consensus of the Commissioners that staff proceed with the purchase of the chairs at the sales price of \$99.00 each.*

Commissioner Hannan asked if the current chairs are salvageable.

Ms. Kollgaard reported they will be going to the Police Department for the new conference room which was made out of the old dispatch center.

Ms. Kollgaard handed out a flyer that she came across from a Lady Lake Days Celebration on Saturday, April 28, 1984. She stated there are a lot of tidbits in the flyer from previous days.

Commissioner Hannan stated he would like to see Lady Lake hold something like this again.

Ms. Kollgaard stated that the Town will be hosting another Taste of Lady Lake this year, and perhaps something like this could be incorporated with it in the future.

#### **L. MAYOR/COMMISSIONER'S REPORT:**

Commissioner Hannan stated that the medical marijuana referendum is coming up and that some municipalities already have ordinances in place. He stated that he believes Lady Lake should also be prepared with an ordinance to guide the Town.

Town Attorney Derek Schroth reported that the City of Cocoa Beach has recently adopted an ordinance and he can circulate that to the Town Manager and the Commission. He stated that cities that are being proactive want to have regulations on the books the date it is effective so it can be regulated the way they want it to be. Mr. Schroth stated the Town can do the same thing and put it on a future agenda.

Commissioner Hannan stated he spoke with the Town Manager regarding publicity and commented that it was one of former Police Chief Ed Nathanson's strengths. He said the Town Manager got back to him to let him know that the City of Leesburg has a Public Information Officer, and a copy of their job description was passed around. He stated this is more than his thoughts were on the subject, but that the Town needs to publicize itself and its events more than it is. He asked for the Commissioners' thoughts on this.

Commissioner Richards stated the Economic Development Committee is working on things, such as coming up with the Taste of Lady Lake. He stated he is not ready to hire a public information officer like Leesburg did, but he is in favor of getting information out without doing that.

Commissioner Hannan stated that he thought an existing employee could take on the job.

Town Manager Kris Kollgaard stated that she did not feel an existing employee could take on the job of a public information officer, as they would have to go from department to department – Growth Management, Building Department, Police Department, Information Technology, etc. She stated the Town advertises its events, and she asked if Commissioner Hannan was talking about other events happening in the area, not just Town events.

Commissioner Hannan stated he would like to see everything publicized.

Ms. Kollgaard stated that an existing employee would not have the time or expertise to handle that kind of job. It would require someone with newspaper experience, etc.

Mayor Kussard commented that it is one thing to make up a media report, and another to have it published.

Commissioner Holden stated he would not be in favor of creating a position such as this, and that it is not a big issue for him.

Commissioner Vincent commented that he attended a meeting in Ocala (at the Ocala/Marion Chamber of Commerce to meet with the Chamber & Economic Partnership) and they have a well-oiled machine looking for commerce and publicize everything that goes on. He stated he wished all the Commissioners could have attended.

Commissioner Richards commented that he would be glad when a procedure is established for the abatements. He stated he liked the backup documentation Mr. Carroll provided regarding the abatement fee reduction procedure. Commissioner Richards stated the Town needs to recover the costs that the Town incurs in these cases, or other citizens are paying for someone else's failure. He stated it costs the Town time and money when Code Enforcement staff has to keep going back to a property, and in photos and documentation of the process.

Ms. Kollgaard asked if the Commission would like to put a formal policy in place which would have to be done by resolution or ordinance. She stated it was staff's impression that the Commission wanted an informal policy to use as a guideline.

Commissioner Richards replied that he would like something more concrete for Code Enforcement staff to go by, with the Commission to back them up.

Ms. Kollgaard stated that the Commission had agreed at the workshop that liens would not accrue more than 25% of the assessed value of the property, and not to exceed \$5,000.00. She asked the Town Attorney if putting that in resolution or ordinance form would allow any reduction of that.

Town Attorney Derek Schroth replied that flexibility would have to be built into the ordinance, but the Town currently has that flexibility without an ordinance.

Commissioner Richards asked if it could just be policy and procedure for the Special Magistrate to go by without the full force of a law, with the Commission having the final say.

Mayor Kussard agreed that the Commission needs to have the flexibility to make a decision on each case.

Commissioner Hannan stated that each case is unique, and tonight's case was due to a family member, and not the homeowner's responsibility.

Commissioner Vincent commented that he did not agree that the homeowner was not responsible.

Commissioner Holden agrees the Commission needs flexibility to make its decisions.

Ms. Kollgaard reminded the Commissioners that the Special Magistrate is independent, although the Commission has the authority to change her recommendations.

Commissioner Richards asked if the guidelines sent to the Commissioners by Mr. Carroll are part of the operating policy and procedure for the Growth Management Department.

Ms. Kollgaard stated that it can be made part of staff's policies and procedures, and then staff will make a recommendation to the Commission for their decision.

The Commissioners were in agreement with this.

Mayor Kussard handed out a copy of an email she received from Kathy Houser of Central Florida Health Alliance requesting a letter of support from the Mayor for the creation of an inpatient acute rehabilitation unit at The Villages Regional Hospital. Mayor Kussard stated this is very much needed in a retirement area such as this, as the closest rehabilitation units are located in Leesburg or Ocala.

The Commissioners agreed that the Mayor had their support to write a letter of support for the rehabilitation unit.

Mayor Kussard stated that she attended the Scam Jam Shred-A-Thon on Saturday and it was well attended. She stated the only question she heard was why they did not hold it after the April 15<sup>th</sup> tax deadline.

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

Mayor Kussard asked if anyone had any further questions or comments. There were no questions or comments.

#### **N. ADJOURN**

There being no further discussion, the meeting was adjourned at 7:10 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.