

**MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
May 5, 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. INVOCATIONⁱ:** Reverend Carolyn Thomas – Lady Lake United Methodist Church
- E. ROLL CALL:** Tony Holden, Commissioner Ward 2
Paul Hannan, Commissioner Ward 4
Jim Richards, Commissioner Ward 5
Ruth Kussard, Mayor/Commissioner Ward 1
- ABSENT:** Dan Vincent, Commissioner Ward 3

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; and Nancy Slaton, Deputy Town Clerk

F. PUBLIC COMMENTSⁱⁱ

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

G. CONSENTⁱⁱⁱ:

1. **Minutes** – April 21, 2014 – Special Commission Meeting
– April 21, 2014 – Regular Commission Meeting
2. **Consideration and Approval to Apply to the Bulletproof Vest Partnership Initiative for Sworn Police Personnel Vest Purchases and Replacements (Aubrey Cash/Chris McKinstry)**

The background summary for this agenda item is on file in the Clerk's office. It states that staff is requesting approval to apply for, and accept if awarded, the 2014 U.S. Department of Justice Bulletproof Vest Partnership Initiative during the open solicitation period beginning April 1, 2014 and ending May 13, 2014. The Bulletproof Vest Partnership Initiative is a 50/50 grant that provides assistance to local law enforcement agencies with the purchase of new vests or replacement vests coming out of warranty. Vests carry a five year warranty.

The Police Department anticipates the need to purchase seven new/replacement vests. The average cost per vest is \$625.00, plus shipping (estimated at \$60.00 per vest), for an estimated total cost of \$4,795.00. Funding decisions are made within three months after the application period closes.

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

H. OLD BUSINESS: No old business.

Mayor Kussard took agenda item J-4 out of order as the applicant has requested that it be tabled to a date uncertain. She asked the Commissioners for their consensus.

J. TOWN ATTORNEY'S REPORT:

4. Resolution No. 2014-102 – First/Final Reading (tabled from 3-17-14; continued to 4-21-14; continued to 5-5-14) – 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)

The background summary for this agenda item is on file in the Town Clerk's office. It states that staff recommends approval of a motion to table Resolution No. 2014-102 to a date uncertain, as per the applicant's request, in an effort to allow more time to explore what other alternatives may exist to save the tree and provide adequate parking for the proposed building. Tabling the item will also provide additional time to formulate a site plan that would be suitable for presentation and approval by The Villages Development Review Committee (DRC) prior to bringing a final proposal to the Town Commission for their consideration. The applicant is tasked with providing all required spaces for approval by The Villages, as well as the other tenants of the professional park, even though the Town Commission may be willing to grant a variance to the parking requirements in an effort to preserve the tree.

Commissioner Hannan stated he is favor of tabling the resolution, but he noted for the record that the site plan dated 9/20/2003 does not show the historic tree in question. He also stated that the Commission suggested that the applicant try to move the building to another location, but did not suggest making the builder higher (with stories) with a smaller footprint, and he thought that might be a possibility.

Commissioner Richards stated the site plan that is dated 1987 specifies an office park, but the site plan that is approved in 2003 is specifically for the Allergy, Sinus and Asthma Center of Lady Lake and there is a letter written by Bill Vance, the Town Manager at the time, also

referring to the Allergy Center as being approved. Commissioner Richards asked the Town Attorney if in the future it could be justified that the approval is only for the Allergy Center site and nothing else shown on the site plan.

Town Attorney Derek Schroth agreed that it could be justified based on the evidence, and he confirmed that Brian Warwick, the applicant, is present and has heard this comment regarding the site plan.

Upon a motion by Commissioner Richards and a second by Commission Hannan, the Commission approved the applicant's request to table Resolution No. 2014-102 to a date uncertain by the following roll call vote:

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

Thad Carroll, Growth Management Director, clarified that this resolution is being tabled to a date uncertain and that it will be re-advertised.

The original agenda order was then re-established.

I. NEW BUSINESS:

3. Major Modification to Paradise Park Area "B" – MJM 03/14-001– Providing for Flexi-Paved Walking Recreational Trails and Concrete Sidewalks, Golf Cart Parking Areas, Landscaping Improvements, and Other Recreational Park Features such as Florida Accessible ADA Park Benches and Picnic Tables – Located just South of Wales Plaza (Thad Carroll)

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that Janet Tutt, representing the Village Center Community Development District, property owner, has submitted a Major Modification to the Site Plan as per Town of Lady Lake Land Development Regulations, Chapter 7, Section 11.b.1, where a 10% or more change in the project acreage or square footage requires the submittal and approval of a Major Modification application. The proposed project includes 1,546 lineal feet of walking recreational trails and landscaping improvements located all along Paradise Park-Area "B", between Wales Plaza and the vacated Sunrise Plaza, referenced by address 1320 Paradise Drive (Alternate Key 2685280), just north of the archery range. The property is zoned Planned Commercial (CP) and the Future Land Use Map designation for the site is Commercial General-Retail Sales and Services (RET), which is consistent with directives of the Comprehensive Plan. The site plan modification engineering plans have been drawn and certified by Richard Vernon Busche, Professional Engineer with Kimley-Horn and Associates, Inc., dated April 28, 2014, and John Olters, Registered Landscape Architect with Michael Pape & Associates, P.A., dated April 14, 2014.

Mr. Carroll stated the proposed improvements include the following:

- 11,235 sq. ft. of 6' Flexi-Pave sidewalk to be constructed along the internal park area and continuing along Paradise Drive
- 12,419 sq. ft. of parking area generating 19 parking spaces, including two Florida ADA accessible parking spaces
- 3,284 sq. ft. of 6' concrete sidewalk along the west side of the proposed parking lot area
- Construction of single dry retention area
- The improvements will require the removal of the following trees due to declining, diseased, and generally poor condition:

<i>Live Oak</i>	1
<i>Laurel Oak</i>	6
<i>Southern Magnolia</i>	2
<i>Cherry Laurel</i>	1
<i>Crape Myrtle</i>	11
<i>Sabal Palm</i>	21
<i>East Palatka Holly</i>	1
<i>Slash Pine</i>	14

- Landscaping improvements will be 516 sq. ft. of bench pads including features such as:
 - ADA Florida accessible park benches
 - ADA Florida accessible picnic table

Mr. Carroll reviewed photographs of the site, the site plan and aerial views of the project, as well as the landscape plan.

Reviews were completed for the Town by Town staff and The Villages Fire Department. The following items were included in the packet:

- 1) Response to comments by applicant, dated 4/28/2014, addressing outstanding site plan comments completed by Town Engineer, dated 4/29/2014 (satisfied).
- 2) Fire Review comments for the general site development completed by the Villages Fire Department, dated 4/09/2014 (satisfied).

All outstanding engineering comments have been properly satisfied by the applicant.

The Paradise Park Area "B" project received approval by St. John's River Water Management District (SJRWMD) for the proposed improvements under Permit No. IND-069-137495-1; to include a dry retention area to be constructed to address storm water within the site.

Note: The majority of the project is located within Special Flood Hazard Area-Flood Zone A in accordance with FEMA Flood Insurance Rate Map 120690C154E effective December 18, 2012, so the applicant incorporated Flood Plain Compensation measures within the design of the improvements.

The applicant has met all requirements of the Land Development Regulations (LDRs) for site plan submittal per Chapter 7 of the Land Development Regulations, as well as meeting Chapter 10 – Landscaping & Tree Protection.

Mr. Carroll reported that the application was received on March 24, 2014 and the Technical Review Committee reviewed the Major Modification application at the regular meeting on April 15, 2014, and determined the application to be complete and ready for transmittal to the Town Commission by a vote of 5-0. He noted that the Planning and Zoning Board does not review the site plans.

Mr. Carroll stated that Richard Bush with Kimley-Horn Engineering is present if there are any questions.

Commissioner Hannan commented that he has no doubt that Area B of this park will be as nice as Area A and that the design, construction and landscape people with Kimley-Horn are a class act. He asked if there will be any overall differences between the two parks such as materials, landscaping, etc.

Richard Bush of Kimley-Horn Associates introduced himself as representative for the applicant, Janet Tutt. He stated the landscaping plan for this park is somewhat different as this park receives more sun than Area A, and the open pasture area in the middle will be retained for uninhibited recreation. Mr. Bush stated that this park will include a new vehicular parking area unlike Area A; and the Flexi Pave sidewalk will continue to Area A, with three little bump outs that will have specialty exercise equipment geared toward use by the older people in the community.

Commissioner Hannan asked if the fence between the new park area and the archery area will be the only fence between the two areas, as he is concerned that arrows might go astray.

Mr. Bush replied that it will be the only fence, but there will be additional plantings. He stated the archery range has assured him that it would be very abnormal for anything to leave that area as it is larger than regulation, although accommodation has been made on the site plan for additional screening.

Commissioner Hannan stated that Area A is allowing dogs, and he asked Mr. Bush if he knew whether Area B will allow dogs as he is concerned about continuing problems with people not picking up after their animals.

Mr. Bush replied that Area A has a dog park, and in addition, people will be allowed to walk their dogs on the trails in both area parks under the Town's ordinance in regard to leash laws and requiring clean-up of pet waste.

Commissioner Richards commented that he is glad to see that the paving will be finished between the cul-de-sac and the other area.

Mr. Bush replied that it became obvious that it was needed after the road was resurfaced and after Area A was completed.

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

- Joe Quinn of 633 Rainbow Blvd. reported that The Villages just renewed pets being allowed in Park Area A for another six month period. He stated that all the upgrades that

have occurred in the Lady Lake area east of Hwy 27/441 are good for property values, and the modifications to Paradise Park is great for Lady Lake. He urged the Commissioners to approve this project.

Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved the Major Modification to Paradise Park Area "B" – MJM 03/14-001, by a vote of 4 to 0.

K. TOWN MANAGER'S REPORT:

5. Consideration of Appointment(s)/Reappointment to the Economic Development Advisory Committee (Kris Kollgaard)

Town Manager Kris Kollgaard read the background summary for this agenda item (on file in the Town Clerk's office). She stated that there is currently one member whose term has expired and one member vacancy on the Economic Development Advisory Committee. Mr. Joe Quinn is currently a member of the Economic Development Advisory Committee and wishes to be reappointed. There is also one vacancy and there are three applications on file for consideration for this board: Mr. Frank Kirschenheiter, Mr. Alfred Monteleone, and Ms. Sue Nord.

Ms. Kollgaard stated that a couple of the applicants are present if the Commissioners have any questions. She asked the Commissioners to make their selection and pass the voting form to the Deputy Clerk.

Mayor Kussard confirmed that Alfred Monteleone and Sue Nord were present in the audience, and she asked if they would like to comment on their applications.

Commissioner Hannan stated that Mr. Monteleone presented his resume a few months back and that it should still stand.

Mayor Kussard reported that Mr. Monteleone is currently on the Planning and Zoning Board.

Mr. Monteleone stated from the audience that he is on the Planning and Zoning Board, the Water Conservation Board, and the Citizens Advisory Task Force.

Mayor Kussard thanked him for volunteering and asked Ms. Nord to speak.

Sue Nord introduced herself as a realtor working from her home; stating she lives in the historical area of The Villages within Lady Lake, and that she loves the town. She stated she moved here two and a half years ago from northern Minnesota and was on the city council there, and served as Chamber president for seven years in central Minnesota and worked with the EDA.

Joe Quinn stated he is a current member of the Economic Development Advisory Committee and that he would like to be reappointed. He stated the first year was exciting, and that although he does not have the business background, he is an involved citizen in the community.

The following results were read into the record and tallied:

- Commissioner Richards voted for the reappointment of Joe Quinn and for Sue Nord to be appointed.
- Commissioner Holden voted for the reappointment of Joe Quinn and for Frank Kirschenheiter to be appointed.
- Commissioner Hannan voted for the reappointment of Joe Quinn and for Sue Nord to be appointed.
- Mayor Kussard voted for the reappointment of Joe Quinn and for Sue Nord to be appointed.

As a result of the vote, Joe Quinn was reappointed and Sue Nord was appointed to the Economic Development Advisory Committee.

The Commissioners thanked the volunteers for their service.

Ms. Kollgaard informed Ms. Nord that she will be receiving a packet from the Clerk's office with all the necessary information regarding the committee.

Ms. Kollgaard reported that Florida voters may pass a constitutional amendment this November legalizing the dispensing of medical marijuana. She asked if the Commission would like staff to draft an ordinance as some municipalities are starting to put ordinances in place outlining restrictions. She stated she can send the Commissioners copies of some of the draft ordinances that are being drawn up.

Commissioner Hannan stated that he would like that. He commented that the Sheriff is campaigning against medical marijuana.

Commissioner Richards, Commissioner Holden and Mayor Kussard also agreed it would be a good idea to look at drafting an ordinance.

Ms. Kollgaard reported that May is National Law Enforcement Month and a proclamation will be presented to the Chief at the next meeting. She thanked the Police Department for all their good work.

L. MAYOR/COMMISSIONER'S REPORT:

Mayor Kussard asked if the Commissioners had anything to report. There were no reports.

M. PUBLIC COMMENTS^{iv}

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 6:26 p.m.

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

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

ⁱⁱ *This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.*

ⁱⁱⁱ *All items listed under consent are considered routine by the Town Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Town Commissioner so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.*

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