

**MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
May 18, 2015**

The Regular Meeting of the Lady Lake Town Commission was held in the Commission Chambers at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida with Mayor Ruth Kussard presiding. The meeting convened at 6:00 p.m.

- A. CALL TO ORDER:** Mayor Ruth Kussard

- B. PROCEDURAL:** *Citizens are encouraged to participate in the Town of Lady Lake meetings. Speakers will be limited to three (3) minutes. Additional time may be granted by the Mayor. Citizen groups are asked to name a spokesperson and the Mayor, at his/her discretion, may allow longer than three minutes. Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone. The order of agenda items may be changed if deemed appropriate by the Town Commission. Please be respectful of others and put your cell phone on silent mode.*

- C. PLEDGE OF ALLEGIANCE:** Led by Joe Quinn.

- D. INVOCATIONⁱ:** Pastor James Keough – Congregational Church of The Villages

- 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 and Recreation Director; Chief Chris McKinstry, Police Department; Marsha Brinson, Director of Library Services; John Pearl, IT Director; Wendy Then, Town Planner; 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 at this time.

Mayor Kussard mentioned that Chief Chris McKinstry gave a wonderful speech at this past weekend's Police Memorial event. She stated she has asked that it be included in the newsletter so everyone can read it.

G. PROCLAMATION:

- 1. **Proclaiming May 22nd and May 23rd, 2015 as Poppy Days (Mayor Kussard/Ruth Sovereign-American Legion Auxiliary Unit 347)**

Mayor Kussard proclaimed the dates of May 22nd and 23rd, 2015 as Poppy Days in the Town of Lady Lake. She read the proclamation and presented it to Ruth Sovern of the American Legion Auxiliary Unit 347.

H. CONSENTⁱⁱⁱ:

Mayor Kussard asked if the Commissioners would like to pull any Consent items for discussion. No items were pulled for discussion.

2. **Minutes – April 20, 2015 – Special Commission Meeting**
– April 20, 2015 – Regular Commission Meeting

3. **Consideration for the Lady Lake Soccer Association to Host Their Annual British Soccer Camp on June 8-12, 2015 at the Rolling Acres Sports Complex Soccer Fields and to Donate the Field Rental Fees to the Lady Lake Soccer Association for Scholarships for the Fall Season (Mike Burske)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Lady Lake Soccer Association is seeking permission to once again host their summer British Soccer Camp through Challenger Sports. This camp gives area children the opportunity to learn soccer skills from very skilled coaches. At the camp, all participants are given a ball, and if they sign up early, are given a shirt for the camp. The camp varies from 30 to 80 participants. In watching the camp and how it has been coordinated through the years, The Parks and Recreation Director believes it to be a benefit to the community.

The Challenger Sports website is available for viewing at www.challengersports.com to better understand who they are and what they teach. Challenger Sports provides their own insurance and background checks for all of the coaches, and will once again rent the fields. Last year, the Town donated the field rental fee to the Lady Lake Soccer Association to assist those who are unable to pay to play soccer, as the funds would come in too late to help those who are unable to pay for this camp.

4. **Consideration to Accept the Title VI/Nondiscrimination Assurance Form with F.D.O.T. for Phase II of the Rolling Acres Sidewalk Project (Mike Burske)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Town of Lady Lake needs to enter into this assurance agreement with F.D.O.T. District 5 for Phase II of our sidewalk project. As noted in the document, this assures F.D.O.T. that the Town will not discriminate on the basis of race, color, national origin, sex, age, disability, family or religious status.

5. **Interlocal Agreement between Lake County, the Municipalities, and Lake County School Board Regarding the Distribution of the Local Government Infrastructure Surtax (Kris Kollgaard)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that if the referendum is passed this November to extend the one cent surtax for an additional 15 years (2018-2032), the county, municipalities, and Lake County School Board have to have an agreement in place regarding the distribution of the funds. The distribution for this agreement is the same as the previous agreement done in 2002, which was 33.3% to the School Board, 33.3% to the county, and 33.3% to the municipalities to be divided among them based on population. The interlocal agreement has been reviewed and approved by the Town Attorney.

6. Consideration of the Revised Traffic Signal Maintenance and Compensation Agreement with the Florida Department of Transportation (FDOT) (C.T. Eagle)

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Florida Department of Transportation (FDOT) has revised the Traffic Signal Maintenance and Compensation Agreement previously approved via Resolution No. 2014-112. The revised agreement does not change the scope of the agreement, but does raise the reimbursement funds given to the Town. The attached resolution authorized the Town Manager to execute and sign said agreements.

7. Consideration to Renew the ESRI Small Municipal and County Government Enterprise License Agreement for GIS Software (John Pearl)

The background summary for this agenda item is on file in the Town Clerk's office. It states that in 2009 and 2012, the Town Commission approved staff's recommendation to accept the ESRI Small Government Enterprise License Agreement proposals to enter into three year software licensing agreements. ESRI provides Geographical Information System (GIS) software used by Growth Management and Public Works staff. The 2012 agreement is now expiring and staff recommends renewing the agreement for another three year term. The cost for this license agreement has been included in the 2014/15 fiscal budget and is to be shared equally between the I.T. and Public Works departments.

8. Consideration of Fixed Asset Disposal – Four Items from Parks & Recreation (Kris Kollgaard)

The background summary for this agenda item is on file in the Town Clerk's office. It states that four items from the Parks and Recreation Department are no longer operable or useful to the Town. They include a Kubota tractor (Ser. #0572), a 1987 John Deere 1050 tractor (Ser. #7648), a 1976 John Deere 400 tractor (Ser. #2640), and a Kubota Loader (Ser. #50103). Staff is requesting to remove these items from the Fixed Asset list and have them taken to auction. The monies received from these items will go back into the General Fund.

9. Consideration of Approval to Sign the Media Sonar Agreement (Chris McKinstry)

The background summary for this agenda item is on file in the Town Clerk's office. It states that social media monitoring tools streamline the work of searching social media for intelligence information that facilitates pro-active law enforcement efforts to insure the safety of our community. Without these tools, analysts would need numerous hours to aggregate what could be thousands of social media pages and feeds. Media Sonar provides this service. All expenses required for this fiscal year have already been budgeted and no further funding is required. This expenditure will provide the time to evaluate the service to determine if this will become a budgeted item next fiscal year. Town Attorney Derek Schroth has reviewed this agreement.

10. Consideration of Approval of the Donation from the Town Forfeiture/Law Enforcement Trust Fund to Assist Funding for the Florida Missing Children's Day (Chris McKinstry)

The background summary for this agenda item is on file in the Town Clerk's office. It states that as proclaimed by resolution of the Florida Legislature, Florida Statute 683.23, the "first ever" Florida Missing Children's Day was held on Monday, September 13, 1999. Each year, parents, children law enforcement officers and citizens gather to remember Florida's children who are still missing and those who will never come home again. The Governor, Lieutenant Governor, and FDLE's Commissioner all participate as speakers. The main objective of this day is to raise awareness of

Florida's currently missing children, to educate the public on child safety and abduction prevention, and to recognize those individuals and law enforcement officers who have made outstanding contributions in the missing children issue. The Florida Police Chiefs Association and the Florida Sheriffs Association have again united in their support of this event and have asked for statewide participation.

11. Consideration of Approval to Apply for the Bulletproof Vest Partnership Initiative for Sworn Police Personnel Vest Purchases and Replacements (Chris McKinstry)

The background summary for this agenda item is on file in the Town Clerk's office. It states that staff is requesting approval to apply for, and accept if awarded, the 2016 U.S. Department of Justice Bulletproof Vest Partnership Initiative. 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 12 new/replacement vests. The average cost per vest is \$810.00 plus shipping (estimated at \$30 per vest), for an estimated total of \$10,440. Funding decisions are made within three months after the application period closes.

12. Consideration for the Town to Submit a Letter of Approval and Support for the Daughters of the American Revolution to Place a Plaque at the Train Depot/Museum (Mike Burske)

The background summary for this agenda item is on file in the Town Clerk's office. It states that The Lady Lake Historical Society has been working with the Daughters of the American Revolution to place an historical plaque at the Train Depot designating the Train Depot as a historic building. To proceed with the marker, the D.A.R. will need a letter from the Town allowing the plaque to be placed at the building. As this agenda item is being prepared before the Parks, Recreation and Tree Advisory Committee vote on this item, the Parks and Recreation Director will have their findings available at the meeting.

Upon a motion by Commissioner Vincent and seconded by Commissioner Richards the Commission approved Consent Items #H-2 through H-12, by a vote of 5 to 0.

I. OLD BUSINESS: No old business.

J. NEW BUSINESS:

13. Kohl's Outparcel MJSP 03/15-001 – A Development Proposing the Construction of a 4,500 Sq. Ft. Retail Building – To be Located at the SW Corner of N. Hwy 27/441 and Fennell Blvd., Addressed as 472 N. Hwy 27/441 (Thad Carroll)

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the applicant, Martin DelleBovi, representing SRK Lady Lake 43 Associates, LLC, property owner, has submitted a Site Plan application proposing approximately 4,500 sq. ft. of retail space to be built in the last outparcel (Outparcel M) of the Lady Lake Crossing Plaza, on a .95-acre parcel located at the southwest corner of North Highway 27/441 and Fennell Blvd; addressed as 472 North Highway 27/441. Recent developments within the Lady Lake Crossing include the SteinMart building and the outparcel development between the McDonald's restaurant and the Tire Kingdom shop to feature a 4,000 sq. ft. retail building. Mr. Carroll stated that Owen Mietus is present on Mr. DelleBovi's behalf.

Aerial renderings and photos of the site were shown, as well as the site plan, elevations, and landscaping plan. Mr. Carroll noted that no waivers have been requested.

The property has a zoning designation of PUD-Planned Unit Development, which is governed under the Memorandum of Agreement (MOA) of Ordinance No. 2006-04. The requested uses are consistent with the directives of the Comprehensive Plan, adopted Land Development Regulations, and Ordinance No. 2006-04.

Site plans have been submitted by Jay R. Jackson, Professional Engineer with Kimley-Horn and Associates, Inc. The landscaping and irrigation plans have been prepared and certified by Jay Brown, Registered Landscape Architect with Cuhaci & Peterson. For the proposed Mediterranean retail building, the architectural exterior elevations were drawn by Cuhaci & Peterson. The applicant has complied with requirements pursuant to the Land Development Regulations (LDRs) for site plans, including Chapter 7-Site Plan Development Regulations, Chapter 10-Landscaping & Tree Protection, Chapter 14-Water, Reuse Water, and Sewer Standard Specifications, and Chapter 20-Commercial Design Standards of the LDRs. Reviews were completed for the Town of Lady Lake by Town staff, Neel-Schaffer Engineering, and Fire Inspector Kerry Barnett for compliance with the Florida Fire Prevention Code. The following reviews were included in the packet:

- a. Town Engineer comments for the site plan dated April 27, 2015 (Satisfied).
- b. Fire Review comments dated April 13, 2015 (Satisfied).
- c. Waste Management comments dated March 26, 2015 (Satisfied).
- d. Lady Lake Building Official comments dated March 16, 2015 (Satisfied).
- e. Lake-Sumter MPO comments dated January 27, 2015 (Satisfied)
- f. Lady Lake Public Works comments dated May 6, 2015 (Satisfied).

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

Commercial Design Standards: The project will exhibit exterior building designs in accordance with the Mediterranean Architectural Style. No waivers are needed and none have been requested.

Tree Requirements: As per Chapter 10, Section 10-3,a).2), all non-residential properties are required to provide 160 tree caliper inches per acre. The site is required to provide 152 tree caliper inches based upon its .95-acre area (160'x 7.71). The landscaping tree proposal breakdown is as follows, which is more than the caliper inches required:

Existing trees on site	0	tree caliper inches
Proposed trees for the site	<u>183.5</u>	tree caliper inches
Total tree caliper inches	183.5	tree caliper inches

No trees removals have been proposed for this project as part of the application.

Mr. Carroll reported that the Special Town Commission Conceptual Workshop took place on Monday, February 18, 2015, at which time the consensus of the Commission was to advance the development plan as presented. The Technical Review Committee members individually reviewed the application and provided all final comments regarding the Site Plan application on April 27, 2015. It was noted that the Planning and Zoning Board does not review Site Plan applications. The Parks,

Recreation and Tree Advisory Committee did not review the site plan application as the plan meets all requirements of the code and no landscaping waivers were requested.

Commissioner Hannan asked if there will be a sign on the fascia board and if a sign will be on both the front and side, since the building is on two different streets.

Mr. Owen Mietus with Benchmark replied that there will be signs on both the Fennell Blvd. and US Hwy 27/441 side of the building.

Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved Kohl's Outparcel MJSP 03/15-001, as presented, by a vote of 5 to 0.

14. Auto Zone Store Major Modification - MJM 03/15-002 – Consideration for a Development Consisting of a 6,815 Sq. Ft. Automotive Parts Retail Building – To be Located at 213 West Hermosa Street (Formerly the Northcott Center Site) (Thad Carroll)

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the applicant, Wade Davis with AutoZone Stores, Inc., submitted a site plan application for a 1.97 +/- acre parcel located at 213 West Hermosa Street. He stated that the parcel originally received Major Site Plan approval on July 7, 2008 by the Town Commission for the construction of 11,880 sq. ft. of medical and professional offices under the project name of Northcott Center. At this time, the new applicant proposes the construction of a 6,815 sq. ft. automotive parts retail building. The property is zoned Heavy Commercial (HC) and permits retail sales and services on this site. The Future Land Use Map designation for the site is RET – General Commercial Retail Sales & Services. The use is consistent with directives of the Comprehensive Plan.

Mr. Carroll stated that under the Northcott Center development, the applicant was granted site plan approval with landscaping buffers along the east elevation for the site due to a retaining wall and overhead power utility lines. He stated the same waiver requirement is being sought this evening.

The traffic impacts of this proposed development has been documented through a Tier 1 Traffic Analysis which was submitted to the Metropolitan Planning Organization (MPO). The MPO reviewed the traffic analysis and indicated that all necessary information to support the project has been provided and that no further analysis is required. The proposed automotive parts retail building is expected to generate 422 daily trips, with 41 pm peak hour trips (20 entering and 21 exiting).

The following reviews were included in the packet:

- a) Town Engineer comments for the site plan dated April 27, 2015 (Satisfied).
- b) Fire Review comments dated April 15, 2015 (Satisfied).
- c) Waste Management comments dated April 2, 2015 (Satisfied).
- d) Lady Lake Building Official comments dated March 16, 2015 (Satisfied).
- e) Lake-Sumter MPO comments dated April 10, 2015 (Satisfied).
- f) FDOT comments dated April 2, 2015.
- g) Lady Lake Public Works comments dated April 7, 2015 (Satisfied).

It is anticipated that the applicant will receive the St. John's River Water Management District Individual Environmental Resource permit in the next coming days; however, in accordance with Florida Statute 166.033, paragraph 4, this permit may not be a requirement for development approval. The applicant shall provide all required state permits prior to commencing construction.

Renderings of the site plan and landscaping plan were shown. Photos of the property in its existing condition were also shown, along with the proposed elevations of the AutoZone store.

Commercial Design Standards: In accordance with the Land Development Regulations, Chapter 20, Section 20-3C).3).A), new buildings should adopt one of the four recommended architectural styles: Frame Vernacular, Craftsman/Bungalow, Mediterranean, or Mission.

Mr. Carroll reported that the applicant is proposing a mix of styles combining modern style with some Mediterranean style elements. Consistency with adjacent architecture on a case-by-case basis has been allowed for other outparcel projects along this corridor in the past (i.e. McDonalds, Mattress Firm, etc.); exterior building elevation compatibility in accordance with Chapter 20, section 20-3C).3).B). has been reviewed and met.

Tree Requirements: In accordance with Chapter 10-Landscape and Tree Protection, the site is required to provide 315.2 tree caliper inches based on its 1.97-acre area (160'x 1.97).

Mr. Carroll reported that the landscaping tree proposal breakdown is as follows:

Existing trees to remain	222 tree caliper inches
Proposed canopy & understory trees	<u>130</u> tree caliper inches
Total tree caliper inches	352 tree caliper inches

The applicant is providing more than the required on-site tree caliper inches. Mr. Carroll noted that no historic trees will be removed for this development.

Mr. Carroll stated the applicant is pursuing one landscaping waiver as follows:

- In accordance to Chapter 10, Section 10-3. b).B).2)., the east elevation buffer requires 20' minimum width with four canopy trees, three understory trees and a continuous hedge or an approved fence or wall.

It was noted that the applicant is required to provide 17 canopy trees and 13 understory trees. The applicant is requesting a waiver of 16 canopy trees and 13 understory trees. Justification: Due to a retaining wall and overhead power utility lines along the elevation facing N Hwy 27/441, this buffer cannot be accommodated.

Mr. Carroll reported that the Technical Review Committee members individually reviewed the application on Thursday, April 2, 2015, and provided outstanding comments regarding the Site Plan application. The Special Town Commission Conceptual Workshop took place on Monday, April 20, 2015, and it was the consensus of the Commission that they were in favor of the Conceptual Presentation for the AutoZone Store Major Modification MJM 03/15-002, to be located at 213 West Hermosa Street (formerly the Northcott Center Site), and to include the waivers requested as presented. The Parks, Recreation and Tree Advisory Committee reviewed the application at their regular meeting on Wednesday, May 13, 2015 and voted 4-1 to recommend approval of this application for the landscaping waiver.

Mr. Carroll stated that the applicant's engineer, Mr. Jason Kinney, is present if there are any questions.

Upon a motion by Commissioner Holden and seconded by Commissioner Richards, the Commission approved the AutoZone Store Major Modification - MJM 03/15-002, as presented, by a vote of 5 to 0.

15. Consideration of Approval to Repair the Roof of the Youth Library (Old Side of the Building) at the Lady Lake Library (Marsha Brinson)

Library Director Marsha Brinson gave the background summary for this agenda item (on file in the Clerk's office). She stated that the Lady Lake Library moved from the train cars to the Guava Street location in 1992, 23 years ago, and that the roof over the old part of the building is original and there are several serious leaks which if left unchecked will begin to create property damage. One leak is over a desk and work station where acquisitions and holds are processed. Ms. Brinson stated that water had previously pooled in a light fixture and it fell from the ceiling onto the desk, and the desk has to be covered with a tarp to protect equipment when it rains hard. Another section has also leaked repeatedly and buckets have to be placed under the leaks to collect the water. Several other locations also have leaks, leaving the ceiling tiles discolored. There is a concern that mold and mildew will form.

Ms. Brinson stated the approximate cost of repair will be \$7,000 to temporarily fix the leaks, and an additional \$400 is requested as damage to the plywood under the roof is undetermined and may need to be replaced. She stated that in the next fiscal year (2015/16), monies will be budgeted to apply a spray polyurethane roofing system over the existing rubber roof for an approximate cost of \$20,000.

Town Manager Kris Kollgaard clarified that there is a quote for \$6,600 for the repair, with an additional estimate of \$400 added to replace the plywood underneath, if necessary, for a total of \$7,000. She passed out a third estimate that was received earlier today in the amount of \$10,000 to repair the roof, or \$27,000 to re-roof a portion, and a total of \$55,000 to replace the whole roof.

Commission Hannan commented that this has been leaking for a long time and there may be more hidden damage, and made need major reconstruction or elimination.

Mayor Kussard stated she was astounded by the damage and work conditions for staff, and agrees this needs to be repaired as soon as possible before the rainy season starts. She asked if monies could be found from contingency to go ahead and install the spray polyurethane roofing to extend the life of the roof for another 10 years or so.

Commissioner Vincent commented that there may be a mold issue once everything is opened up, and agreed it needs to be looked at.

Commissioner Richards stated he is in favor of the roof repair and that mold may indeed be found and need to be remediated at that time. He noted that the funds for this repair is coming out of contingency and asked what the current balance is in contingency, as another item on the agenda is also proposed to come out of contingency.

Ms. Kollgaard replied that she believes there is \$50,000 in contingency, as these are the first two items proposed to come out of contingency.

Commissioner Richards asked when the roof leaks first showed up.

Ms. Brinson stated that the bad leak first showed up in January, but that there have been many discolored tiles signifying leakage, and an area that has been patched numerous times.

Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved the repair of the roof of the Youth Library in the amount of \$7,000, by a vote of 4 to 1 (Hannan).

Ms. Kollgaard stated staff will ask Mason-Dixon for a report once they open up the roof, and whether there is mold.

16. Consideration to Increase the Fixed Asset Capitalization Threshold from \$1,000 to \$3,000 Effective October 1, 2015 (Jeannine Michaud)

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Clerk's office) in place of Finance Director Jeannine Michaud, who is absent this evening. She stated that the Town has been using a capitalization threshold of \$1,000 since October 1, 2008. She stated that this low threshold becomes very costly in time spent by staff to put the asset into the fixed asset records, copy the purchase documentation, and then to maintain the same record every year through depreciation calculations and review by the department heads and the auditor. Ms. Kollgaard stated that the Town's auditor, Chet Ross, recommended that the Town increase its Fixed Asset threshold as IRS regulations allows expense up to \$5,000, and that the Town have a written capitalization threshold policy in place. By increasing the threshold to \$3,000 effective October 1, 2015, it will eliminate small equipment items from showing up on capital requests for new fixed asset additions during the FY2016 budget discussions.

Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved the consideration to increase the Fixed Asset Capitalization Threshold from \$1,000 to \$3,000 effective October 1, 2015, by a vote of 5 to 0.

17. Consideration and Approval to Purchase a Remote Desktop Server (John Pearl)

I.T. Director John Pearl gave the background summary for this agenda item (on file in the Clerk's office). He stated that the current Enterprise Resource Planning (ERP) software used by the Clerk's Office, Finance, Growth Management, and Utilities departments is dependent upon Oracle's Java Virtual Machine software. He stated that Java has become a common target for malware developers over the past several years, and in response to this, Oracle regularly releases security patches for Java. He stated an example is that the current Java versions, Java 8 Update 45, was released April 14th and included 98 security fixes, and Oracle strongly recommends that "customers remain on actively-supported versions and apply Critical Patch Update fixes without delay".

Mr. Pearl reported that the Towns' ERP vendor is unable to maintain the pace of the Java software security patches and has consistently required the Town to run older, insecure versions of the Java software. He stated that the most updated version supported by the Town's vendor is Java 7 Update 45, and this version is 18 months old and has several known security vulnerabilities.

Mr. Pearl stated that this proposal is to purchase a dedicated Remote Desktop Server and the necessary Microsoft licensing to provide the ability to isolate the ERP client and associated Java software in a more secure environment. He stated that this is not a budgeted item, and that staff requests funding to be transferred from Contingency to the Capital account.

Upon a motion by Commissioner Richards and seconded by Commissioner Vincent, the Commission approved the purchase a Remote Desktop Server by a vote of 5 to 0.

18. Consideration of an Interlocal Agreement between Lake County and the Town Regarding Building Permits and Inspections for The Villages (Kris Kollgaard)

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Clerk's office). The Villages either has or intends to purchase lots located in the older section of The Villages east of US Highway 27/441 and intends to replace the existing mobile homes with new, conventionally built homes. She stated that as discussed in the previous workshop meeting, this is the formalized agreement which will allow the building permits and inspections on the lots either owned by or under contract with The Villages to be permitted through the Town as long as The Villages, or the owner under contract with The Villages, has applied for annexation into the Town.

Upon a motion by Commissioner Richards and seconded by Commissioner Hannan, the Commission approved the Interlocal Agreement between Lake County and the Town Regarding Building Permits and Inspections for The Villages by a vote of 5 to 0.

K. TOWN ATTORNEY'S REPORT:

19. Resolution No. 2015-102 – First/Final Reading (Continued from the April 20, 2015 Meeting) – Paramount Urgent Care, Inc., JD Orias Novis Partnership Company LLC, and TWVH LLC for the Sunset Professional Plaza – Variance Request Pursuant to Chapter 17, Section 4.b.2.E. to Allow Secondary Wall Signs to be Placed on the South Elevation of Buildings “A” and “B” Located within the Sunset Professional Plaza Which Do Not Have a Public Entrance, Addressed as 801 and 805 Highway 466 (Thad Carroll)

Town Attorney Derek Schroth read the resolution by title.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that this was continued from the April 20th meeting where it was reported that on March 5, 2015, Town staff received a variance application for secondary wall signage along the façade of two buildings facing Highway 466. He stated that the applicant, Jay Berry with Berry's Signs, has filed the variance application for the Sunset Professional Plaza on behalf of owners Paramount Urgent Care, Inc., JD Orias Novis Partnership Company LLC, and TWVH LLC, for properties addressed as 801 and 805 Highway 466. The variance request has been made pursuant to the provisions of Chapter 17, Section 4.b.2.E., of the Town of Lady Lake Land Development Regulations which only allows wall signs to be placed on the main façade of the business. Mr. Carroll stated that staff recommends approval.

A rendering and aerial view of the property was shown, along with the zoning of adjacent properties.

Mr. Carroll reported that a similar sign variance was granted under Resolution No. 2008-33 for the buildings whose primary entrance was the internal side of The Home Depot, and a photo of the buildings and signage was shown.

As required of this application, a Justification Statement has been submitted. The applicant stated that having the channel letter signs on the additional wall could help many businesses and offices in the plaza since the signs could attract drivers from Highway 466 who would not see the businesses otherwise. Additionally, the applicant insisted that due to the building design, there is not public entrance on Highway 466, which limits the wall signage placement in accordance to the current sign code.

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

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

The subject property lies in Section 18, Township 18, Range 24, Lady Lake, Florida. The property is zoned “RP” Residential Professional, which permits the development in existence. The Future Land Use Map designation for the site is PS (Professional Services). The requested use is consistent with the directives of the Comprehensive Plan and adopted Land Development Regulations.

Mr. Carroll stated that notices to inform the surrounding property owners (8) within 150’ of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, May 30, 2015. No objections or letters of support have been received to date since the last public meeting. The property was posted on Wednesday, April 1, 2015.

Mr. Carroll stated that as requested by the Town Commission during the regular meeting on April 20, 2015, additional photos have been submitted of the Sunset Professional Plaza buildings and the applicant also included photos of the Howell Dental site across from these buildings showing their signage oriented toward Hwy 466. He stated that the applicant has incorporated wall signage options of all proposed tenants for the Town Commission’s consideration. Renderings were shown of the proposed signage with blue channel lettering for daytime, which will be white at dark.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Resolution No. 2015-102 and provided comments on April 7, 2015 that determined the application complete and ready for transmittal to the Planning and Zoning Board and Town Commission. The Planning and Zoning Board heard the application for Resolution No. 2015-102 at their regular meeting on Monday, April 13, 2015, and recommended approval by a 4-0 vote. On April 20, 2015, the Town Commission heard Resolution No. 2015-102 at their regular meeting and elected to table the item to allow applicant to submit wall signage rendering options for the Town Commission’s final consideration to be decided at this meeting.

Mr. Carroll stated that John Tosconi of the Sunset Professional Center is present, as is a representative from Berry’s Signs if there are any questions.

Commissioner Hannan stated he liked what was shown tonight. He also commented that perhaps the Town should revise the LDRs to allow signs when on a major artery, as it almost looks unfinished when they do not have a sign.

Mayor Kussard asked if there were any questions or comments by the audience.

Town Manager Kris Kollgaard asked if the client wanted to include Paramount Urgent Care or just Urgent Care on the sign. She stated that many insurances only cover certain urgent cares and it could be important to know which urgent care it is.

Mayor Kussard stated that she has heard from many people that Paramount is a wonderful urgent care facility, and that it is important to have the name on the building and that they should be lighted and big enough to be seen at night.

Mr. Tosconi stated he will let his client know and that he is sure they will be happy to put their name on the building along with urgent care.

Commissioner Holden mentioned that the current 18" lettering for urgent care could be reduced to 16" and have Paramount across the top.

Mr. Tosconi stated that he is sure Mr. Berry will come up with something that will meet the code.

Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved Resolution No. 2015-102 at first/final reading 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>NO</i>
<i>KUSSARD</i>	<i>YES</i>

20. Ordinance No. 2015-02 – First Reading – Phillip and Donna Willman Center – Rezoning/CP MOA Amendment to Add the Motor Vehicle, Recreational Vehicle or Boat Storage Land Use – Located at 917 Teague Trail/CR 25, North of Allstor Commerce (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that James Senatore has submitted an application on behalf of property owners Phillip A. and Donna D. Willman for property located along County Road 25 (Teague Trail), north of the Allstor Commerce Center, approximately 440 lineal feet south of the intersection of County Road 25 and Griffin Avenue. The property includes approximately 2.67 ± acres (referenced by Alternate Key #s 2830476 and 3539605 respectively) currently in the Town of Lady Lake.

Mr. Carroll stated this ordinance is regarding the rezoning of 2.67 ± acres from Lady Lake CP (Planned Commercial), to Lady Lake CP (Planned Commercial) to change language of the Memorandum of Agreement (MOA) to include new permitted uses and to establish new terms regarding landscaping buffers, new buildings, fencing, parking spaces, and hours of operation.

Mr. Carroll stated that the subject property is currently home to Water Wizard Irrigation. He stated that pursuant to the provisions of the Town of Lady Lake Land Development Regulations, the applicant is requesting to use the property as a motor vehicle/RV and boat storage facility consisting of approximately 70 RV spaces with a typical dimension of 14'x56'.

Mr. Carroll reviewed renderings and aerial views of the property, as well as photos of the property at present. As part of the application, the applicant has provided the new Memorandum of Agreement (MOA) ordinance terms (Exhibit “B”) and bubble plan (Exhibit “C”) showing the new proposed building, retention pond area, parking area, landscaping buffers, fence detail, and gate. For safety, security purposes, and in accordance with the land use, the applicant will be proposing a gate at the entrance and opaque fencing along the perimeter of the property to secure the RV storage facility. 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).

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

Future Land Use

Subject Property	Lady Lake – General Commercial Retail Sales & Services (RET)
Future Land Use of Adjacent Properties	
West	Lady Lake- Commercial General-Retail and Sales Services (RET).
East	Lake County- Urban Low Density
North	Lady Lake- Commercial General-Retail and Sales Services (RET). Lake County- Urban Low Density Lady Lake- Single Family Low Density
South	Lake County-Urban Low Density

The subject property lies in Section 08, Township 18, Range 24, Lady Lake, Florida. The property is zoned “CP” Planned Commercial and the current Future Land Use Designation of the subject property (2.67 ± acres) Lady Lake Commercial General – Retail Sales & Services (RET) is compatible with the requested commercial uses. Therefore, the applicant is not requesting any changes regarding the future land use designation with this application.

Zoning

Subject Property	Lady Lake – Planned Commercial (CP)
Zoning of Adjacent Properties	
West	Lady Lake-Light Commercial (LC)
East	Lake County- R1
North	Lady Lake-Light Commercial (LC) Lake County-R1 Lady Lake- RS-3
South	Lake County-R1

Comments:

- Permitted uses and restrictions of the property will be governed by the attached Memorandum of Agreement, superseding all uses and prohibitions as stated in Ordinance No. 2004-16 Memorandum of Agreement executed on November 1, 2004, as recorded in ORB. 2705, Pgs. 0141-147. Mr. Carroll reviewed the changes to the MOA shown in strikethrough/underline, as well as prior entitlements and the current proposed site plan.
- Should the amendment to the Memorandum of Agreement be approved, the applicant will be required to submit a site plan application to develop the site.

- In accordance with comments provided by Lake County Public Works, at the time that the developer proceeds with the site plan application, it will be required the submittal of a R.O.W. Vacation application for Oxford Avenue since the County does not want to have a platted right-of-way next to a future driveway for a commercial business as this practice would be against access management rules.
- Applicant will be seeking connection to the Town's potable water supply, central sewer system, as well as the Town's reclaimed water system for irrigation. Sufficient capacity exists for all utilities.

Mr. Carroll reported that the initial notices to inform the surrounding property owners (3) within 150' of the property of the proposed Rezoning-CP MOA Amendment were mailed by certified mail, return receipt on Monday, March 30, 2015. The property was posted on Wednesday, April 1, 2015. He stated additional notices were sent on April 28, 2015 to advise adjacent property owners of the application's public hearing date changes, and the property was re-posted as well. All receipts were received.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2015-02 and provided comments on April 7, 2015 that determined the application complete and ready for transmittal to the Planning and Zoning Board and Town Commission. The Planning and Zoning Board heard the application for Ordinance No. 2015-02 at their regular meeting on Monday, April 13, 2015, and recommended approval by a 4-0 vote. The Town Commission is scheduled to consider Ordinance No. 2015-02 on second/final reading at their regular meeting to be held on Monday, June 1, 2015 at 6:00 p.m.

Mr. Carroll stated that Chris Zipperer with James Senatore is present to answer any questions.

Commissioner Vincent stated he has looked at some RV parks with storage. He requested that all RVs stored must be registered, and stored in designated spaces with straight parking, not slanted, and that the grounds and vehicles be required to be maintained. He also stated that all the vehicles stored should be kept in good condition and not allowed to become moldy. Commissioner Vincent stated he does not want it to become junky as the Town could begin to grow down the CR 25 corridor.

Mr. Zipperer stated that the owners will retain possession of the property and will be responsible for maintaining the property. He stated that the different classes of motor homes are not inexpensive, and they will make sure that maintenance and registration of the vehicle are included as part of the lease agreement for storage. Mr. Zipperer stated the design layout shows spaces that are 14'x56' that are parallel, and should be sufficient for any type of vehicles. He stated that this is the MOA and final design of the site plan is still to come.

Commissioner Richards asked if the MOA should be amended to include Commissioner Vincent's concerns such as the vehicles would have to be maintained properly.

Mr. Carroll stated that the MOA can be amended prior to the second and final reading.

Commissioner Hannan commented that the major portion of the vehicles may be unregistered vehicles as they are being stored. He stated it may be unfair to require them to be registered for storage, but that they should be insured.

Commissioner Vincent stated that he is adamantly opposed to have unregistered vehicles stored there, and all the parks he visited required up to date registration.

Mr. Zipperer stated he believed that many vehicles will have loans on them that would be required to have insurance and registration on them.

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

Mr. Schroth interjected that whoever makes the motion should include any restrictions to be included in the MOA.

Upon a motion by Commissioner Vincent and a second by Commissioner Richards, the Commission approved the first reading of Ordinance No. 2015-02, contingent upon restrictions being included in the MOA that require all vehicles stored to have up to date registrations and to be maintained, and the property to be maintained by the owners as suggested by Commissioner Vincent, by the following roll call vote:

<i>HOLDEN</i>	<i>YES</i>
<i>VINCENT</i>	<i>YES</i>
<i>HANNAN</i>	<i>NO</i>
<i>RICHARDS</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

Mr. Schroth stated he will work with Mr. Carroll on changing the language to include the above noted restrictions on the MOA for this ordinance prior to the second/final reading.

21. Resolution No. 2015-105 – First/Final Reading – Establishing a Dedicated Fund for Reimbursement of the Communication Services Tax Overpayment to the Town of Lady Lake (Kris Kollgaard)

Town Attorney Derek Schroth read the resolution by title.

Town Manager Kris Kollgaard gave the background summary for this agenda item. She stated that this resolution will establish a dedicated fund from which to reimburse the overpayment of the Communication Services Tax after the audit by the State has been completed. She noted the fund will only be used for this, and if any funds are left over after the reimbursement is made in full, it will revert back to the General Fund. Ms. Kollgaard stated the Town Commission may, by resolution, amend, alter, rescind or modify this resolution by majority vote at any time, for any reason.

Mayor Kussard clarified that the Town does not yet know the total amount that the Town was overpaid.

Ms. Kollgaard agreed, stating the amount is only estimated at this time. She stated that the Town is already putting monies aside in the General Fund reserves toward the repayment, and this resolution will dedicate the amount in a specific line item.

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

Upon a motion by Commissioner Hannan and a second by Commissioner Richards, the Commission approved Resolution No. 2015-105 at first/final reading by the following roll call vote:

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

L. TOWN MANAGER'S REPORT:

22. Consideration of an Appointment to the Police Pension Board (Kris Kollgaard)

Town Manager Kris Kollgaard reported that Board Member Van Reynolds has recently resigned from the Police Pension Board. She stated that there were five applications on file for this board for consideration and they included Frank Kirschenheiter, Rick (Doc) Jones, Peter Chiasson, Phil Mathias and Leonard Cieciek, but since the time the packets went out, Mr. Kirschenheiter and Mr. Jones have withdrawn their applications for this board.

Mayor Kussard asked those applicants present (Mr. Chiasson and Mr. Cieciek) to come up one at a time and introduce themselves, and disclose some of their backgrounds and why they would like to be on the Police Pension Board.

Mr. Chiasson stated he has been married for 51 years to his wife Mary Lou and has lived in Lady Lake for almost ten years. He stated he is retired from corporate life and a management, marketing and economics teaching position at Phoenix University, although he still occasionally does some consulting in strategic planning and marketing. Mr. Chiasson stated he has a degree in mechanical engineering and an MBA degree earned by night courses. He stated he previously served on the Planning and Zoning Board in both Lady Lake and Durham, MA. Mr. Chiasson stated he has served in titled positions in numerous other companies. He stated he would like to help the talented people running Lady Lake using his skills and knowledge gained over the years, as he knows Ms. Kollgaard, Chief McKinstry, and is a friend and neighbor of Mayor Kussard.

Mr. Cieciek stated he is also a neighbor of Mayor Kussard and has lived in Lady Lake since 2000. He stated he worked for over 35 years for the telephone company (AT&T at that time), and managed a technology center for a five state area in the mid-west. Mr. Cieciek stated he has been married for 49 years and is hoping to give back to the community by volunteering.

Commissioner Hannan asked that the voting wait until after any applicants present have had a chance to speak in the future.

Commissioner Holden asked Ms. Kollgaard if there is another position available on the Police Pension Board as he understood Ms. Rountree was resigning.

Ms. Kollgaard stated the other position is Board appointed, and any applicant not appointed tonight by the Commission will go before the Police Pension Board.

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

Commissioner Vincent voted for Pete Chiasson.
Commissioner Holden voted for Pete Chiasson.
Commissioner Richards voted for Phil Mathias.
Commissioner Hannan voted for Pete Chiasson.
Mayor Kussard voted for Pete Chiasson.

As a result, Pete Chiasson was appointed to the Police Pension Board by the Town Commission by a 4-1 vote.

Ms. Kollgaard informed Mr. Chiasson that the Clerk's Office will send him a packet regarding the Police Pension Board.

Ms. Kollgaard stated that Commissioner Hannan had mentioned at a previous meeting about vehicles being parked on both sides of the road, making it difficult for fire trucks to get through. She stated she spoke with Chief Kane regarding the issue and he informed her that if they came across this and it was not an emergency, they would make every effort to contact the vehicle owner to get it moved. However, if they were responding to an emergency, they would make their way through and may need a new paint job.

Ms. Kollgaard also followed up on the Florida Friendly landscaping mentioned by Commissioner Hannan at the last meeting. She stated that Mr. Schroth checked on it and stated that the Town cannot require removal of rocks or pebbles on private property, however, if portions of the property are in the Town's right-of-way, which is likely, then the Town can require grass in those portions.

Commissioner Hannan stated he thought the Town's code required the property line between houses to be grass.

Mr. Carroll stated the Town's code reads materials such as rocks can abut your house, but there must be some kind of grass from property line to property line per an ordinance that came before the Commission a couple of years ago so that rocks or pebbles would not be projected into a neighbor's property when mowing. He stated he does not know if that would stand up in light of the information imparted by Mr. Schroth.

Mr. Schroth stated the model ordinance stated property owners are allowed to have pebbles and rocks period, although it has not been tested, and could be a preemption issue. He stated he thought Commissioner Hannan's issue was with the road.

Commissioner Hannan clarified that his issue was for between the properties and if the Town could be pro-active and require the owner to put grass back where they have rocks now against the Town's code.

Mr. Schroth stated he believed it would be risky because of preemption with the Florida Friendly statutory verbiage which expressly says that pebbles and rocks are part of landscaping.

M. MAYOR/COMMISSIONER'S REPORT:

Commissioner Richards commented that Chief McKinstry's speech at the Police Service Officers' Day on Friday morning was very nice.

Mayor Kussard passed out a copy of a letter she received from Mr. Hennessy, who represented St. Alban's Church at a previous meeting where they requested the Commission's opinion regarding a variance request for a sign to be placed on the back (Highway 466) side of the church. It was the consensus of the Commission that they were not in favor of this request by a 4-1 vote.

Mayor Kussard stated that she attended the dedication ceremony for the church and spoke to a number of church leaders who came from out of town and they reported they had a hard time finding

the church because W. Lady Lake Blvd. does not go through and many GPS devices direct them that way, and there is no indication on Highway 466 on how to get to the church. She stated that the Commission needs to give reasons why they turn down requests.

N. PUBLIC COMMENTS^{iv}

Mayor Kussard asked if anyone in the audience would like to speak on any item.

- Joe Quinn of 633 Rainbow Blvd. stated he was glad the Commission is so strict about the signage and pointed out that Berry's Signs came back tonight with extremely attractive and sensible sign designs for the Sunset Professional Plaza buildings.

He also expressed his concern that the Youth Library's roof leak has been going on since January, and feels it should have been taken care of earlier. He stated that anyone in charge of any of the Town's properties should be informed that these things must be taken care of promptly.

O. ADJOURN: There being no further discussion, the meeting was adjourned at 7:19 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

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

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

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

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