

**MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
July 7, 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:** Mayor Kussard invited Reverend Dr. Paul Harsh of the First Baptist Church of Lady Lake to give the invocation in the absence of Joan Hutchens of the Bahai Faith.
- 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; Jeannine Michaud, Finance Director; John Pearl, I.T. Director;; Chief Chris McKinstry, Lt. Jason Brough, Lt. Robert Tempesta, Sgt. Thomas Sarakinis, Cpl. Paul Perdikes, Sgt. Shane Barrett, Jan Miller and Elvira Barrett, Police Department; Cindy Diemer, Senior Code Enforcement Officer; Marsha Brinson, Director of Library and Information Services; Julia Wolfe, Staff Assistant to the Town Clerk; 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.

G. PRESENTATIONS:

1. Police Department Promotions (Chris McKinstry)

Police Chief Chris McKinstry announced the following promotions within the Lady Lake Police Department, effective July 1, 2014:

- Sergeant Robert Tempesta promoted to Lieutenant
- Acting Corporal Thomas Sarakinis promoted to Sergeant
- Officer Pandelis (Paul) Perdikes promoted to Corporal

Chief McKinstry stated this is another proud day for the Town and the Police Department and he asked the family members present to assist with pinning the new badges on the new supervisors. The officers were congratulated on their promotions by the Town Commission, Town Manager and everyone in attendance.

Introduction - New Library Director, Marsha Brinson (Kris Kollgaard)

Town Manager Kris Kollgaard introduced and welcomed Marsha Brinson as the Town's new library director. She stated she comes to the Town from the Leesburg Library and the Sumter County Library, and has over ten years of experience as a branch manager. Ms. Kollgaard stated she is fitting in very well already.

H. CONSENTⁱⁱⁱ:

Mayor Kussard asked if any consent items needed to be pulled for discussion.

Commissioner Hannan asked that Consent Items H.5. and H.6. be pulled for discussion.

2. Minutes – June 16, 2014 – Regular Commission Meeting – June 16, 2014 – Fair Housing Workshop Meeting

3. Budget Amendment to Decrease Communication Services Tax Revenue by (\$269,465) Due to a Significant Drop in our Monthly Revenue (Jeannine Michaud)

The background summary for this agenda item (on file in the Clerk's Office) states that this amendment reduces the revenue budget for Communication Service Tax due to an abrupt reduction in the Town's monthly payments from the Department of Revenue. This reduction will continue indefinitely. This was caused by incorrect tax filings of one of our vendors and is being looked into by the Department of Revenue. The increases in the revenue portion of the amendment are revenues that currently exceed their budgeted amount. The revenue portion brings the budget up to what the Town has already collected. The reductions in expenses were line items volunteered by each department to meet or exceed a 2% budget reduction. The Town still has \$102,689 left in Contingency. This revenue reduction will cause a loss of revenue of approximately \$650,000 in next year's and future budgets.

4. Budget Amendment to Increase Building Other Contractual and Motor Pool Wages (Jeannine Michaud)

The background summary for this agenda item (on file in the Clerk's Office) states that this amendment increases Building Other Contractual to cover Nova Engineering monthly expenses. This is offset by an increase in revenue by the Building Department. Currently, all four revenues have surpassed the original budget, plus more revenue is expected in FY 2014.

The amendment also increases the Motor Pool Wage line items. The budget was artificially low due to a calculation error. The employee's hourly wage was incorrect. This will correct the error to cover the wages being earned. This will be covered by Contingency, which has \$102,689.

7. Consideration of Disposal of Surplus Property in Accordance with Florida State Statutes, Town Ordinances, and Current Contractual Agreements (Chris McKinstry)

The background summary for this agenda item (on file in the Clerk's Office) states that in accordance with applicable Florida State Statutes and Town ordinances regarding property defined as surplus and/or found/abandoned, the Police Department has identified items in our possession meeting that criteria. We are requesting Town Commission approval to proceed with our established process. Surplus property includes: obsolete vehicle equipment (non supported, emergency lights, sirens, and/or partial components, etc.); obsolete law enforcement equipment that has previously been replaced; tangible property that is inefficient to operate, inoperable, or expired; tangible property that is no longer providing a useful purpose and cannot be adapted or transferred to another purpose; equipment components that are in a state of disrepair which would be cost prohibitive to properly rehabilitate (missing parts, outdated technology, etc.); and found/abandoned property with a value of \$100 or less. All identified property described above serves no current or future function within the Police Department. Each item has been evaluated for any potential re-purpose within the Town in lieu of the surplus process.

Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved Consent Item #H-2, #H-3, #H-4 and #H-7, by a vote of 5 to 0.

Commissioner Hannan asked Senior Code Enforcement Officer Cindy Diemer to review the two abatement cases on the agenda.

Senior Code Enforcement Officer Cindy Diemer briefly reviewed the following information:

5. Consideration of Abatement for Case No. 09-1761 – Letton K. & Chantal Herlong – 127 Hidden Oaks Drive –Town of Lady Lake Code of Ordinance Ch. 8-26 – Business Tax Receipt Needed (Cindy Diemer)

The background summary for this agenda item (on file in the Clerk's Office) states that this case was originally heard by the Special Magistrate on July 27, 2009 for operating a business, "Herlong and Sons, Inc.", in a residential neighborhood without a business tax receipt. The Special Magistrate ordered that the business tax receipt be obtained within 30 days or a fine of \$150 per day would begin to accrue, plus the \$65 administrative fee to be paid in ten days.

The property was re-inspected and showed evidence that the business still operating and the business tax receipt had not been obtained nor the administrative fee paid. As a result, the Order of Enforcement was recorded as a lien on the property on 9/09/2009 in Book 03816, Pages 1052-1054.

The business name was Herlong and Sons, Inc., which was shown by corporate documents to be in business since June 2006. It is unknown if the business was operated at the residential location prior to this case being created in June 2009. The lien had accrued on a daily basis until it was learned that the business had been dissolved according to State of Florida Sunbiz documents on 9/23/2011. As such, the lien was adjusted to reflect those dates, for a daily fee accrual of \$150 per day for 757 days, resulting in \$113,550 plus the \$65 administrative fee,

totaling \$113,615. The Town's lien was recorded prior to the Notice of Lis Pendens recordation on December 28, 2009; therefore, the lien has a valid standing. A representative from Arrow Realty, Melanie Romeyn, has requested the abatement hearing on behalf of FNMA and will be present at the Town Commission meeting.

The Special Magistrate heard the request for a lien abatement on June 24, 2014 and issued the Abatement Order – Recommendation in the amount of \$5,000, which is attached for the Town Commission's consideration. The minutes of the June 24, 2014 minutes are hereby attached. The Town Commission reserves the right to approve, deny or modify the recommended Abatement Order.

Commissioner Hannan clarified that the property owners no longer reside there and the bank is now responsible to pay off the lien amount.

Ms. Diemer agreed, stating that the property has been foreclosed upon by the bank.

Commissioner Hannan asked the Town Attorney if the bank can go after the property owners after the fact for the abatement amount.

Town Attorney Derek Schroth replied that the bank can pursue a deficiency judgment against the property owners, which is the difference between the sale price of the property, once it is sold by the bank, and what is owed on it.

Commissioner Hannan stated he does not like to put this on the bank, but would like to see them pursue the previous owners for reimbursement. He stated he is in favor of the recommended abatement amount.

Commissioners Richards, Holden and Vincent agreed with Commissioner Hannan.

Mayor Kussard stated she also agrees, but would like to also add the \$87.00 administrative fee to each \$5,000.00 abatement amount, for a total of \$5,087.00 each.

Upon a motion by Commissioner Hannan and a second by Commissioner Richards, the Commission approved Consent Item #H-5, modifying it by adding the \$87.00 administrative fee, for a total of \$5,087.00, by a vote of 5 to 0.

6. Consideration of Abatement for Case No. 09-1763 – Letton K. & Chantal Herlong – 127 Hidden Oaks Drive – Town of Lady Lake Code of Ordinance Ch. 17-26(b) – Commercial Vehicle Parked in a Residential Neighborhood and Land Development Regulations – Ch.17-7(a) – Commercial Signs on Garage Door (Cindy Diemer)

Senior Code Enforcement Officer Cindy Diemer stated that this case was in conjunction with the previous case on the same property, only for having a commercial vehicle in a residential neighborhood.

The background summary for this agenda item (on file in the Clerk's Office) states that this case was originally heard by the Special Magistrate on July 27, 2009 for posting commercial signs on the property and parking commercial vehicles for the business "Herlong and Sons, Inc." in a residential neighborhood. The Special Magistrate ordered that the commercial vehicle and signs be removed within 30 days or a fine of \$150 per day would begin to accrue, plus the payment of the \$65 administrative fee to be paid in ten days.

The property was re-inspected and evidence of the business signs and vehicle were still evident and the administrative fee had not been paid in the time-frame provided. As a result, the Order of Enforcement was recorded as a lien on the property on 9/09/2009 in Book 03816, Pages 1144-1147.

The business name was Herlong and Sons, Inc., which was shown by corporate documents to be in business since June 2006. It is unknown if the business was operated at the residential location prior to this case being created in June 2009. The lien had accrued on a daily basis until it was learned that the business had been dissolved according to State of Florida Sunbiz documents on 9/23/2011. As such, the lien was adjusted to reflect those dates, for a daily fee accrual of \$150 per day for 757 days, resulting in \$113,550 plus the \$65 administrative fee, totaling \$113,615. The Town's lien was recorded prior to the Notice of Lis Pendens recordation on December 28, 2009; therefore, the lien has a valid standing. Federal National Mortgage Association (FNMA) obtained the Certificate of Title on December 5, 2013. A representative from Arrow Realty, Melanie Romeyn, has requested the abatement hearing on behalf of FNMA and will be present at the Town Commission meeting.

The Special Magistrate heard the request for lien abatement on June 24, 2014 and issued the Abatement Order – Recommendation, which is attached for the Town Commission's consideration in the amount of \$5,000. The minutes of the June 24, 2014 minutes are hereby attached. The Town Commission reserves the right to approve, deny or modify the recommended Abatement Order.

Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved Consent Item #H-6, modifying it by adding the \$87.00 administrative fee, for a total of \$5,087.00, by a vote of 5 to 0.

I. **OLD BUSINESS:** No old business.

J. **NEW BUSINESS:**

8. **Consideration to Approve a Donation from the Town Forfeiture/Law Enforcement Trust Fund to Assist Funding for the Florida's Missing Children's Day (Chris McKinstry)**

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk's Office). He stated that as 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. He stated that each year, parents, children, law enforcement officers, and citizens gather to remember Florida's missing children who are still missing and those who will never come home again. Chief McKinstry stated that the Governor, Lieutenant Governor, and FDLE's Commissioner all participate as speakers, and 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. He stated that the Florida Police Chiefs Association and the Florida Sheriffs Association have united in their support of this event and have asked for statewide participation. Chief McKinstry stated that a contribution (\$250) to this event is an authorized use of Forfeiture/Law Enforcement Trust Fund money, and that Town Attorney Derek Schroth has reviewed and approved this request.

Commissioner Hannan asked what the current balance of the forfeiture trust fund is, stating this seems to be a worthy cause and he would like to recommend increasing the donation to \$500.00.

Chief McKinstry stated other departments around the state will be contributing as well.

Town Manager Kris Kollgaard replied that there is currently \$19,581.00 in the forfeiture trust fund. She asked Chief McKinstry what else he uses the trust fund for.

Chief McKinstry replied that the fund is used for anything that is not already budgeted such as equipment or technology; any unbudgeted item is an authorized use of the trust fund.

Commissioner Richards commented that he would be more responsive to an increased donation if the Town had not recently learned the budget is being reduced over \$600,000 because of the Communication Services Tax.

Commissioner Holden, Commissioner Vincent and Mayor Kussard agreed with Commissioner Richards.

Upon a motion by Commissioner Holden and a second by Commissioner Vincent, the Commission approved for the Lady Lake Police Department to contribute \$250 from the Town Forfeiture/Law Enforcement Trust Fund in support of the Florida Missing Children's Day, by a vote of 5 to 0.

9. Consideration and Approval for the Lady Lake Police Department to Partner with Target and Co-Host a National Night Out for the Town of Lady Lake on August 5, 2014 from 4 p.m. to 8 p.m. (Chris McKinstry)

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk's Office). He stated that the Lady Lake Police Department (LLPD) is requesting to co-host National Night Out on Tuesday, August 5, 2014 from 4:00 p.m. until 8:00 p.m. to heighten crime prevention and enhance safety awareness. Chief McKinstry stated that this is the 31st anniversary of National Night Out and the second year that the LLPD would like to organize a community event with our local Target Store to be located in the north front parking lot of the store. He stated community partners that have expressed an interest in participating include The Villages Public Safety, the Lake County Fire Department, Seniors Vs. Crime; McDonald's, and all the local Sheriff's Departments.

Commissioner Hannan stated this would be a great opportunity to set up a tent for the Town Commissioners, and to include department head staff, to answer questions and hand out items such as animal control booklets, etc. He stated it would be a great opportunity to promote Lady Lake.

The Commissioners agreed it would be a good idea.

Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved for the Lady Lake Police Department to partner with Target to co-host National Night Out for the Town of Lady Lake on August 5, 2014 from 4:00 p.m. until 8:00 p.m., by a vote of 5 to 0.

10. Consideration to Approve a Subscriber Agreement with LexisNexis Risk Solutions FL Inc., for the Purposes of Conducting Law Enforcement Investigations (Chris McKinstry)

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk's Office). He stated that the Florida Department of Law Enforcement (FDLE) has previously provided free access to online investigative services to Florida law enforcement agencies through dFACTS (Distributed Factual Analysis Criminal Threat Solution). Chief McKinstry stated that reduction of grant allocations has inhibited FDLE's ability to sustain the future operational costs for the database license and FDLE has notified local law enforcement agencies that they are now required to contract and budget for this service individually. He stated that online investigative technology is an essential component of effective law enforcement by providing ready access to available information and resources. Chief McKinstry stated that Town Attorney Derek Schroth has reviewed and approved this agreement, and it will have a fiscal impact of \$1,020.00 a year.

Commissioner Richards asked if LexisNexis is a private company. He commented that the state threw the business their way, and now they are unable to pay for it and the Town will have to pay for it. He stated he is in favor of it.

Chief McKinstry agreed with Commissioner Richards' comment.

Commissioner Vincent asked if the other police departments will also keep LexisNexis at their expense because it is a valuable tool.

Chief McKinstry replied that he believes everyone will want to maintain access to the information they provide.

Mayor Kussard stated that the police department needs to have all the technological tools it possibly can, so she is in agreement with this.

Upon a motion by Commissioner Holden and a second by Commissioner Vincent, the Commission approved the subscriber agreement with LexisNexis Risk Solutions FL Inc. for the purpose of conducting law enforcement investigations, by a vote of 5 to 0.

11. Consideration of Surveys for Public and Employees Regarding the Current Hours of Operation (Kris Kollgaard)

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Clerk's Office). She stated that on October 7, 2013, the Town began the four day/ten hour work week for the majority of the departments. This was done on a one year trial basis and staff advised that they would seek input from the employees and the citizens as to how the new hours were working out. Ms. Kollgaard stated that the surveys that will go out are attached, and as before, staff will compile the information and bring it back to the Commission for a final decision in September. She stated she wanted the Commission to review and approve the surveys to go out, and that she has had staff compiling data on any complaints and the number of customers that come in during the extended hours.

Commissioner Vincent stated he would also like the department heads to inform the Commission if the 4/10 workweek is saving the Town money.

Ms. Kollgaard stated that this information will be provided to the Commission closer to September as items such as the electric costs are being compared, and the statistics on sick time will be looked at to see if usage is reduced with employees able to have appointments on a Friday.

Commissioner Hannan asked if the survey will be up on the website and if it will be available to the residents any other way.

Ms. Kollgaard replied that the surveys will be placed at the Clerk's, Utilities', and Growth Management's windows in Town Hall, and at the Library, and a notice will be put on the utility bills to inform residents they can take the survey on the website.

Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved that the surveys be submitted to the employees and the public, by a vote of 5 to 0.

K. TOWN ATTORNEY'S REPORT:

7. Ordinance No. 2014-04 – Second/Final Reading – Amending the Town of Lady Lake Land Development Regulations (Ordinance No. 94-08); Chapter 1, Article III – Regarding Merging the Parks & Recreation and Tree & Beautification Boards into the Parks, Recreation and Tree Advisory Committee; and Changes to the Technical Review Committee (TRC), Economic Development Advisory Committee, and Special Magistrate (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 Clerk's office). He stated that the attached ordinance, Ordinance No. 2014-04, amends Chapter 1, Article III (Ord. No. 94-08) of the Town of Lady Lake Land Development Regulations, merging the Parks & Recreation Advisory Board and the Tree & Beautification Advisory Committee into one board – the Parks, Recreation and Tree Advisory Committee. Changes to the Technical Review Committee (TRC) include cessation of regularly scheduled meetings, allowing the TRC to consider applications at any time. Minor changes were also made to Section 1-83, deleting Code Enforcement Board; now referred to as the Special Magistrate.

Mr. Carroll stated that this is the second/final reading of the ordinance and no changes have been made since it was first presented to the Commission on June 16th.

There were issues with obtaining a quorum at some of the meetings of the Parks & Recreation Advisory Board and the Tree & Beautification Advisory Committee, along with a similarity of agenda items for the boards, staff felt combining the boards would alleviate quorum issues, and reduce the number of meetings. This was proposed to the boards at their meetings in March, 2014 and both boards were in favor of merging into one board.

Changes to the Economic Development Advisory Committee were originally drafted last November, and staff held off making the changes so all the changes to Article III could be made at the same time. The changes to the Economic Development Advisory Committee include having quarterly meetings instead of monthly, and reducing the number of members to five, with a member of the Growth Management staff acting as liaison rather than as a board member. By removing Growth Management staff from the committee, constraints of the "Sunshine Law"

which currently limit communication between staff and committee members, will no longer impede discussions and the relay of information with staff regarding matters being considered by the committee. At the November meeting of this board, members were in favor of these changes, with the proviso that the chair could call a special meeting if it was their desire.

One of the biggest changes was regarding the Technical Review Committee (TRC). It is made up of staff meeting twice a month in the Chambers as a publically noticed meeting, with the Clerk's office providing support for minutes. They meet to discern whether applications are complete and should advance to the next step in the process, but they usually know this information prior to the meeting and the applicant(s) sometimes travel distances to attend the meeting. This change will involve the application circulating to Public Works, the consulting engineer, and the Planning Department. Once the first review is complete, the applicant would be notified whether the application was complete and what meetings follow. If not complete, the application would undergo a second submittal. This change to the TRC will streamline the process of written comments that would go with the application as it advances through the public hearing process, and reduce meetings that take up staff time.

The Town does not have a Code Enforcement Board, although it has a Code Enforcement division, and a Special Magistrate presides over those meetings. Language has been corrected under Section 1-83 to provide for accuracy in designating the Special Magistrate as the authority.

Mr. Carroll asked if there were any questions. There were no questions.

Upon a motion by Commissioner Vincent and a second by Commissioner Holden, the Commission approved Ordinance No. 2014-04 – Second/Final Reading – Amending the Town of Lady Lake Land Development Regulations (Ordinance No. 94-08); Chapter 1, Article III – Regarding Merging the Parks & Recreation and Tree & Beautification Boards into the Parks, Recreation and Tree Advisory Committee; and Changes to the Technical Review Committee (TRC), Economic Development Advisory Committee, and Special Magistrate, 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>

13. Resolution No. 2014-109 – First/Final Reading – KM Reynolds Enterprises, LLC – Pursuant to Chapter 17, Section 17-3, (E), (4), of the Town of Lady Lake Land Development Regulations; Granting a Special Permit Use for an Electronic Message Board/Marquee Sign to be Located on a Freestanding Sign Proposed on the Property Owned by KM Reynolds Enterprises, LLC– Located at 117 N. Hwy 27/441 (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 Clerk's office). He stated that this is the first in a series of three resolutions, although the other two are reliant on the results of this one. Mr. Carroll stated that the applicant, Kevin M. Reynolds with KM Enterprises, LLC, has submitted a Special Permit Use application proposing the installation of an Electronic Message Board/Marquee Sign on an existing freestanding sign on the property owned by KM Enterprises, LLC, located at 117 North Highway

27/441 (AK #1723698), across from Foxfire Realty on the corner of Lemon Street and Highway 27/441 and formerly known as the Steinmetz Building. He stated that the present use of the property is a two story commercial building hosting commercial offices and staff recommends approval.

Mr. Carroll stated the existing freestanding sign is 24.5’ high by 10’ wide with a copy area of 100 sq. ft. He stated that the sign is placed within the retention area near the road and is high above the ground. Photos of the property and the sign were shown. He stated that in 2010, as part of the Highway 27/441 widening efforts, a cure plan was approved to relocate the existing sign from 13.6 feet to +/- 1 foot setback from the right-of-way to accommodate the road widening project.

Mr. Carroll stated that this resolution is only for the electronic message board sign and a statement of adherence to the guidelines of the Electronic Message Board/Marquee Sign has been submitted indicating that the applicant will follow most standards outlined under the provisions of Town of Lady Lake Land Development Regulation, Chapter 17, Section 17-3).e).(4)., including dimming features and capabilities for the light-emitting diode (LED) sign. He stated that other comparable signs have been allowed in the Town; to include MMD Computers, First Baptist Church of Lady Lake, and Lady Lake Family Medicine. The applicant is concurrently applying for two variances in regards to LED sign size and multicolor LED text display.

The future land use and zoning designations of the adjacent properties are as follows:

Future Land Use

Subject Property	Lady Lake- Commercial Retail Sales & Services (RET)
Future Land Use of Adjacent Properties	
West	ROW/ Lady Lake- Commercial Retail Sales & Services (RET)
East	Lady Lake- Commercial Retail Sales & Services (RET)
North	Lady Lake- Commercial Retail Sales & Services (RET)
South	Religious Facilities (RF)

Zoning

Subject Property	Heavy Commercial (HC)
Zoning of Adjacent Properties	
West	Heavy Commercial (HC) & R.O.W.
East	Heavy Commercial (HC)
North	Heavy Commercial (HC)
South	Public Facilities District (PFD)

The zoning of the subject site allows for development and construction of freestanding signs, on which the applicant can install an Electronic Message Boards/Marquee Sign upon Town Commission approval; therefore, the requested permit is consistent with the directives of the Land Development Regulations and Comprehensive Plan.

Applications for Special Permit Use (SPU) must be made to the Town in accordance with the procedures established for Electronic Message Boards pursuant to Chapter 17, Section 17-3, (e). (4).

Mr. Carroll stated the applicant has met the review criteria as follows:

Chapter 17, Section 17-3,(e), (4) Review Criteria. When reviewing an application for a special permit use for Electronic Message Boards, the Town Commission shall consider the following:

Electronic Message Boards must adhere to the following guidelines:

- a. Shall only be placed on approved freestanding signs.
- b. Maximum copy area shall not exceed fourteen (14) sq. ft. per each side.
- c. Flashing, scintillating, beacon or running lights or movement or which gives the visual impression of such flashing, scintillation, or movement shall not be allowed.
- d. Shall only display text. The text shall be amber-colored or similar lettering with black background.
- e. All electronic message boards/marquee signs are required to incorporate dimming features and capabilities. These features will be reviewed concurrent with the permitting process.

Comments:

- The applicant has submitted a variance application concurrently with this Special Permit Use application requesting the Electronic Message Board/Marquee Sign to be allowed to be increased in size from 14 sq. ft. to 30 sq. ft. within the frame of the existing freestanding sign.
- The applicant has also submitted another variance application concurrently with this Special Permit Use application requesting the Electronic Message Board/Marquee Sign to be allowed to display multi-color.

Mr. Carroll reported that notices to inform the surrounding property owners (5) within 150' of the subject property of the proposed Special Permit Use were mailed by certified mail return receipt by Tuesday, May 27, 2014 and the property was posted this same day. Resolution No. 2014-109 was reviewed by Town Attorney Derek Schroth on Friday, May 30, 2014 and was determined to be correct in form. He stated that the Technical Review Committee reviewed the application for Resolution No. 2014-109 at its regular meeting on Tuesday, May 20, 2014, recommending approval with a 4-0 vote. He noted that the Planning and Zoning Board does not review Special Permit Use applications. Mr. Carroll stated that Mr. Reynolds is present if there are any questions.

Commissioner Hannan commented that there would be no signs in Lady Lake if he had his way, but that he would leave this sign the way it is. He stated he does not like the look of the electronic signs.

Commissioner Richards stated that he is normally in favor of these types of signs, but that this is a high accident intersection by a traffic light, and he would not like to see anyone distracted by a changing sign. He stated he is not in favor of this and he feels the Commission is within their right to disapprove the special permit use.

Commissioner Hannan added that it is nearly within 100 ft. of the electronic sign at MMD Computers.

Commissioner Holden stated he agreed with Commissioner Hannan and Commissioner Richards, and that he was going to bring up the same points.

Mayor Kussard stated she disagreed since the Town has already set a precedent by allowing the other electronic signs, and she believes it is wrong to deny this request.

Commissioner Hannan stated he would like to hear if one of the police officers thinks it is a distraction at a dangerous intersection. He stated he believes there is already a sign on the building.

Commissioner Holden pointed out that the other electronic signs around town are not at an intersection.

Mr. Carroll stated he wanted to report for the record that the applicant's justification statement was included in the packet and that one of the reasons for this request is that the bottom portion of the sign has changeable letter copy and it is behind a gate and at an elevated height. He stated the applicant, Mr. Reynolds, would like to speak.

Mayor Kussard pointed out that the electronic sign would not be flashing; it would be changing text only with the possibility of multiple colors.

Kevin Reynolds, applicant and owner of the building, introduced himself and stated that there is no sign on the building. He pointed out on the photo that there is a built-in danger of continuing to use the changeable copy sign as noted in the justification statement. He stated the letters blow off the sign and sometimes fly into the street five feet away, and the sign is 17' off the ground, which makes changing the letters dangerous, as well. Mr. Reynolds stated that replacing the changeable copy sign with an LED sign would result in a cleaner look, and they would run text only.

Mayor Kussard agreed with Mr. Reynolds that it appears very dangerous with the sign high off the ground and with the letters blowing off into the street. She asked if the public had any comment, and as there was no comment, she asked for a motion.

Upon a motion by Commissioner Hannan and a second by Commissioner Richards, the Commission voted to deny Resolution No. 2014-109 – First/Final Reading – KM Reynolds Enterprises, LLC – Pursuant to Chapter 17, Section 17-3, (E), (4), of the Town of Lady Lake Land Development Regulations; Granting a Special Permit Use for an Electronic Message Board/Marquee Sign to be Located on a Freestanding Sign Proposed on the Property Owned by KM Reynolds Enterprises, LLC– Located at 117 N. Hwy 27/441, by the following roll call vote:

HOLDEN	YES
VINCENT	NO
HANNAN	YES
RICHARDS	YES
KUSSARD	NO

14. Resolution No. 2014-110 – First/Final Reading – KM Reynolds Enterprises, LLC – Variance Pursuant to Chapter 17, Section 17-3).e).4).D).2). to Allow for an Increase in Size from 14 Sq. Ft. to 30 Sq. Ft. on a Proposed Electronic Message Board/Marquee Sign to be Installed on an Existing Freestanding Sign – Located at 117 N. Hwy 27/441 (Thad Carroll)

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

Growth Management Director Thad Carroll asked if this needed to be heard since this resolution and the following one were contingent upon approval of Resolution No. 2014-109.

Mr. Schroth stated that this resolution and the next are essentially moot now, but since they were noticed for public hearing, he stated public comment can be allowed.

Mr. Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the applicant, Kevin M. Reynolds with KM Enterprises, LLC, has submitted an application for a variance from Chapter 17, Section 17-3).e).4).D).2). which requires that the electronic message board copy area shall not exceed 14 sq. ft. per each side. The applicant is not requesting to increase the sign size but rather to be allowed 30 sq. ft. of LED Display on the existing sign as opposed to 14 sq. ft., which is what is currently permitted by the Code for LED display. The property is owned by KM Reynolds Enterprises, LLC, located at 117 N. Hwy 27/441 (AK #1723698), within the town limits of the Town of Lady Lake, Florida.

Mr. Carroll pulled up a photo of the building on the subject property and noted that there is no sign on the building as stated by Mr. Reynolds.

The existing freestanding sign is 24.5' high by 10' wide with a copy area of 100 sq. ft. In 2010, as part of the Hwy 27/441 widening efforts, a cure plan was approved to relocate the existing sign from 13.6 feet to +/- 1 foot setback from the right-of-way to accommodate the road widening project. The bottom part of the sign has a manually-changeable channel letter board, which copy area consists of a 10'x3' section. The applicant intends on converting the entire channel board into light-emitting diode (LED) display copy area; meriting this variance request.

As required of the application, a Justification Statement was submitted. In the justification statement, the applicant contends that switching from a manually-changeable channel letter board to a LED display would result in a much cleaner, sleeker looking cabinet that would enhance the appearance of the entire pylon structure. In that the Code recognizes the need for outdoor signage, the applicant is requesting to the replace the channel letter board with a sign that can be programmed from the office. Likewise, the applicant would like to keep the existing channel letter board size consistent with the size of the new LED display sign. The applicant explained that the channel board sign is approximately 17 feet above the ground of the retention area requiring the applicant and his staff to haul a ladder into the pit and climb up to make the changes each time. Additionally, having to move the letters several times per side has become very dangerous and an extremely arduous task. Lastly, the wind blows channels letters several times a week, which his staff has to retrieve from N. Hwy 27/441 under peak traffic hours, creating a high liability exposure. The applicant feels that they are trying to rectify a dangerous situation not created by them but which will help in eliminating the need to put people, both employees and passing travelers, at risk of injury. Town staff acknowledges the applicant's request; however, we understand that the purpose intended can be accomplished with a 14-square-foot LED sign; thus Town staff recommends denial.

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 20, Township 18, South Range 24 East, Lady Lake, Florida. The Future Land Use Map designation for the site is Commercial General-Retail Sales & Services (RET) and is zoned Heavy Commercial (HC).

Notices to inform the surrounding property owners (5) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Tuesday, May 27, 2014 and the property was also posted this same day. Resolution No. 2014-110 was reviewed by Town Attorney Derek Schroth on Friday, May 30, 2014, and was determined to be correct in form.

Comments:

- The applicant has submitted another variance application concurrently with this application requesting the Electronic Message Board/Marquee Sign to be allowed to display multi-color.

The Technical Review Committee reviewed the application for Resolution No. 2014-110 at its regular meeting on Tuesday, May 20, 2014, recommending approval with a 4-0 vote. The Planning and Zoning Board reviewed the application for Resolution No. 2014-110 at its regular meeting on Monday, June 9, 2014, with a recommendation of denial by a vote of 5-0.

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

Town Attorney Derek Schroth stated that no vote is needed; it is moot due to the denial of Resolution No. 2014-109 above, the Special Exception Use for a Proposed Electronic Message Board/Marquee Sign to be Installed on an Existing Freestanding Sign – Located at 117 N. Hwy 27/441.

15. Resolution No. 2014-111 – First/Final Reading – KM Reynolds Enterprises, LLC – Variance Pursuant to Chapter 17, Section 17-3).e).4).D).4). to allow Multi-Color Text Display on a Proposed Electronic Message Board/Marquee Sign to be Installed on an Existing Freestanding Sign – Located at 117 N. Hwy 27/441 (Thad Carroll)

Derek Schroth, Town Attorney, read the resolution by title only. He asked if any members of the public would like to speak on this resolution, and seeing none, he closed the public portion of the hearing.

The background summary for this agenda item is on file in the Clerk's office. It states that the applicant, Kevin M. Reynolds with KM Enterprises, LLC, has submitted an application for a variance from Chapter 17, Section 17-3).e).4).D).4). which states that text displayed on electronic message boards shall be amber-colored or similar lettering with black background. The applicant is requesting to allow multi-color text display on the proposed Electronic Message Board/ Marquee Sign on property owned by KM Reynolds Enterprises, LLC, located at 117 N. Hwy 27/441 (AK #1723698), within the town limits of the Town of Lady Lake, Florida.

The existing freestanding sign is 24.5' high by 10' wide with a copy area of 100 sq. ft.. In 2010, as part of the Highway 27/441 widening efforts, a cure plan was approved to relocate the existing sign from 13.6 feet to +/- 1 foot setback from the right-of-way to accommodate the road widening project. The bottom part of the existing sign has a manually-changeable channel letter board with a copy area consisting of a 10'x3' section.

As required of the application, a Justification Statement has been submitted. In the justification statement, the applicant indicates that aside from business uses, the sign would also be used to announce various senior-related events throughout Lady Lake and The Villages, thus the need for multi-color text display. Senior Health Plus, Inc. prides itself in organizing holiday-related food drives and fundraisers tailored to the needs to the community, so the sign will help continue to project the image of the organization. Senior Health Plus, Inc. actively operates a booth at the Lady Lake Farmers Market and participates in educational meetings and events at medical facilities in the region. The applicant expressed that there are other signs of similar nature within Town of Lady Lake corporate limits and that they recognize the need to upgrade their outdoor signage into a cleaner, more up-to-date pylon sign with multi-color text display features. Other businesses and organizations within the Lady Lake community currently display multi-color text; therefore, Town staff is in support of the request.

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:

- No diminution in value of surrounding properties would be suffered.
- Granting the permit would be of benefit to the public interest.
- Denial of the permit would result in unnecessary hardship to the owner seeking it.
- The use must not be contrary to the spirit of this Code.
- 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.
- 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 20, Township 18, South, Range 24 East, Lady Lake, Florida. The Future Land Use Map designation for the site is Commercial General-Retail Sales & Services (RET) and is zoned Heavy Commercial (HC).

Notices to inform the surrounding property owners (5) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Tuesday, May 27, 2014 and the property was also posted this same day. Resolution No. 2014-111 was reviewed by Town Attorney Derek Schroth on Friday, May 30, 2014, and was determined to be correct in form.

Comments:

- The applicant has submitted another variance application concurrently with this variance application requesting the Electronic Message Board/Marquee Sign to be allowed to be increased in size from 14 sq. ft. to 30 sq. ft. within the frame of the existing freestanding sign.

The Technical Review Committee reviewed the application for Resolution No. 2014-111 at its regular meeting on Tuesday, May 20, 2014, recommending approval with a 4-0 vote. The Planning and Zoning Board reviewed the application for Resolution No. 2014-111 at its regular meeting on Monday, June 9, 2014, with a recommendation of approval by a vote of 4-1.

Town Attorney Derek Schroth stated that no vote is needed; it is moot due to the denial of Resolution No. 2014-109 above, the Special Exception Use for a Proposed Electronic Message Board/Marquee Sign to be Installed on an Existing Freestanding Sign – Located at 117 N. Hwy 27/441.

L. TOWN MANAGER'S REPORT:

16. Consideration of Working Out an Agreement with Fruitland Park to Possibly Treat Their Daily Flow Wastewater at the Lady Lake Wastewater Treatment Facility Via a System Interconnection (Kris Kollgaard)

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Clerk's Office). She stated that the City of Fruitland Park has contacted the Town to see if we are interested in working out an agreement with them to treat their total daily flow wastewater for the next eight to ten years by way of a system interconnection. Ms. Kollgaard stated the current flows being treated at the Fruitland Park facility is in the 70,000 gallons per day range and these current flows would not detrimentally effect the Lady Lake Treatment Facility. She stated the potential requested treatment allocation amounts mentioned by the Fruitland Park staff were in the 200,000 to 300,000 gallons per day range to handle any future growth during the possible agreement term.

Ms. Kollgaard stated that if the Commission is interested in this possibility, then staff would begin working with Fruitland Park to see if we could come to terms on an agreement, and staff would bring the tentative terms back to the Commission, along with the pros and cons. If the Commission was satisfied with the terms, staff would then work with the Town Attorney on the agreement and bring it back to the Commission for final approval. Ms. Kollgaard stated she has spoken with the Public Works Director and Utilities Supervisor and staff believes it is worth looking into if terms could be agreed upon such as stipulations for a master meter, an upgrade to the lift station, etc.

Commissioner Hannan asked if a third wastewater treatment plant would be needed if this agreement were to come to fruition.

Ms. Kollgaard replied there is plenty of capacity in the current wastewater facility and a third one is not needed at this time.

Commissioner Hannan suggested that Commissioner Richards be present in the discussions regarding the possible agreement because of his expertise in this field.

Commissioner Richards stated he would make himself available, and that he thinks this could be a good idea to actually use the excess capacity the Town has now, and if there is further expansion, they will be tied in to the cost of the expansion. He stated it could help both parties, and the plant would run better at capacity.

Commissioner Hannan asked if the Commissioners from Fruitland Park were invited to this meeting.

Ms. Kollgaard replied that she spoke with the Fruitland Park Town Manager, and he had already discussed this with his commission before he met with her. She advised him that it would be brought up at tonight's meeting, but that there would not be any real discussion on it as she just wanted to get the Commission's approval to move forward with looking into it.

Mayor Kussard stated she would like to see what terms staff and Fruitland Park come up with and that she would like to see baseline testing done randomly and very strict regulations put in place that will not compromise the Town's system. She stated it must also be a benefit to the Lady Lake's residents.

Ms. Kollgaard stated staff will also involve Mittauer, who does the Master Plan for the Town's wastewater.

Commission Hannan asked where Fruitland Park would connect with the Town of Lady Lake.

Ms. Kollgaard replied it would be on the south end of town near the Sherwin-Williams paint store.

Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved for staff to work with Fruitland Park to see if we can come to terms for an agreement to treat their daily flow wastewater via a system interconnection, by a vote of 5 to 0.

Ms. Kollgaard reported she had received an email from a resident who heard a rumor that Waste Management picked up the plastic and put it in the landfill rather than recycling it. The resident said that a lot of people were not recycling as a result of this rumor. Ms. Kollgaard stated that she contacted Doug McCoy of Waste Management and he stated they do pick up the plastic and it is taken to the recycling plant in Tampa. She asked that the Commissioners pass this on to any residents who have questions about it.

Commissioner Hannan asked what color bags are used for recycling and trash.

Commissioner Richards replied that clear bags are used for recycling and others for trash. He stated there has always been a problem as it is a business and sometimes it is cheaper to use the landfill.

M. MAYOR/COMMISSIONER'S REPORT:

Mayor Kussard asked if the Commissioners had anything to report.

Commissioner Richards thanked staff for cutting the current budget to get through this year as a result of the reduction in revenue from the Communication Services Tax.

Mayor Kussard reiterated that she was disappointed on the outcome of the earlier vote regarding the electronic sign.

N. PUBLIC COMMENTS^{iv}

Mayor Kussard asked if anyone had any further questions or comments.

- Larry Edwards of 171 Palermo Place in Valle Verde asked the Commission to consider budgeting funds to enhance the soccer complex with family-oriented amenities such as a pavilion, barbecue area, walking paths, etc. He stated he thought of this when he saw the article in the Daily Sun regarding The Villages' improvements to Paradise Park. Mr. Edwards stated he reviewed the 2013 budget and saw funds available to work with making Parks and Recreation improvements that would enhance the Lady Lake area and increase property values.

Commissioner Hannan commented that the improvements The Villages made to Paradise Park are lovely, but he is not sure the funds will be available this year, although it is a good idea.

- Joe Quinn of 633 Rainbow Blvd. suggested that information regarding recycling be given out at National Night Out. He agreed with the Mayor regarding the electronic sign and suggested the applicant come back with another proposal, stating that anything flashing would not be approved. Mr. Quinn stated he believed the Town should go out of its way to help the businesses in the area get their information out there with electronic signs without them being too distracting with multi-colors and frequent changing.

O. ADJOURN

There being no further discussion, the meeting was adjourned at 6:55 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

ⁱAny 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.

ⁱⁱThis 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.

ⁱⁱⁱAll 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.