

**MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
October 6, 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:** Pastor John Penn – Fairway Christian Church

- E. ROLL CALL:** Tony Holden, Commissioner Ward 2
Dan Vincent, Commissioner Ward 3
Paul Hannan, Commissioner Ward 4
Jim Richards, Commissioner Ward 5
Ruth Kussard, Mayor/Commissioner Ward 1

STAFF MEMBERS PRESENT: Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; Mike Burske, Parks and Recreation Director; C.T. Eagle, Public Works Director; Jeannine Michaud, Finance Director; Chief Chris McKinstry, Police Department; Marsha Brinson, Director of Library Services; and Julia Wolfe, Assistant to Town Clerk (Many other staff members were present for the surprise presentation of the 20 year service plaque presentation by the Mayor to Town Manager Kris Kollgaard.)

Mayor Kussard spoke of Town Manager Kris Kollgaard's 20 years of service to the Town in various departments; moving up through the ranks to the Town Manager position, and thanked her for her excellent record of service to the Town. She presented Ms. Kollgaard with a plaque in recognition of her 20 years of loyal and dedicated service to the people in the Town of Lady Lake.

Ms. Kollgaard thanked everyone for the unexpected surprise presentation.

Mayor Kussard called Chief McKinstry to the podium to announce that Officer Keith Reyes completed his training and is now the Town's new certified canine handler of Gangsta after eight years of service in the Police Department. Chief McKinstry congratulated Officer Reyes for a job well done.

- F. PUBLIC COMMENTSⁱⁱ**

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

G. CONSENTⁱⁱⁱ:

1. **Minutes – September 16, 2014 – Special (Conceptual) Commission Meeting
– September 17, 2014 – Special Commission Meeting**
2. **Consideration for the Lady Lake Boy Scout Troop 244 to Host Their Annual Haunted House at the Scout Hut (Mike Burske)**

The background summary for this agenda item is on file in the Clerk's office. It states that the Scouts are requesting the use of the Scout Hut for a haunted house on October 23rd, 24th and 25th, 2014. The project will be used as a fundraiser for the Scouts and will coincide with the Not Too Scary Halloween Party on the 25th. This is a fourth year event for the Scouts and last year proved to be a good event for the Scouts. The Scouts will also ask for leniency to change the dates as they are currently programming the event.

3. **Consideration to Approve a Subscriber Agreement with Aladtec, Inc. to Provide an Online Scheduling Management Solution for the Police Department (Chris McKinstry)**

The background summary for this agenda item is on file in the Clerk's office. It states that the Police Department currently prepares daily, weekly, and monthly schedules on an Excel spreadsheet. That spreadsheet is posted in the training room for all members to verify work status, time off, and/or to request time off. The process becomes very cumbersome and time-consuming especially when last minute coverage is required if an employee calls in sick with very short notice. This recommended subscription would automate the most time-consuming tasks and is accessible on each Town issued smart phone. The attached quote outlines with explanation the ability of each component. The Police Department has tested and evaluated the Aladtec option for the last 50 days and the reviews have all been exceptionally positive. There is no contract or long term commitment. If in the future the Police Department discovers a scheduling option that is a better compliment to the needs of the agency, the Town will receive a pro-rated refund. The Town Attorney has reviewed this item.

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

H. OLD BUSINESS: No old business.

I. NEW BUSINESS:

4. **Consideration of an Abatement Order for Case No. 13-4607 – Gloria Terry – 202 Longview Avenue (Cindy Diemer)**

Senior Code Enforcement Officer Cindy Diemer gave the background summary for this agenda item (on file in the Clerk's Office). She stated that this case was brought to the Special Magistrate on March 25, 2014 for the violations of the Town of Lady Lake Code of Ordinances Ch. 7-108(b)-brush pile disposal; Ch. 20-18(a)(3)-inadequate garbage containers; and Land Development Regulations Ch. 9-2(h)(1)-outside storage of household items abandoned toys and junk.

Ms. Diemer stated that the Special Magistrate ordered compliance within 30 days or a fine of \$25.00 per day would begin to accrue, plus an \$87.00 administrative fee. The property was brought into compliance on August 18, 2014 and the \$87.00 administrative fee was paid. The property accrued daily fines for 146 days at \$25.00 per day, for a total of \$3,650.00. The lien was recorded on May 7, 2014 in Book 4473, pages 1974-1976.

Ms. Diemer stated the property is in full compliance. She stated the property owner has requested consideration for a lien reduction and went before the Special Magistrate on September 23, 2014, and the Special Magistrate recommended a reduction to \$500.00. Ms. Terry is present at this meeting.

Commissioner Hannan asked if staff was recommending denying the recommended reduction, and why the owner took so long to come into compliance.

Ms. Diemer replied that the Commission had previously recommended that abatements of less than \$5,000.00 be paid. She stated that the owner's granddaughter was in residence at the property and did not communicate with her grandmother, and although proper notice procedures were followed by staff, changes to the mailing address by the property owner caused her not to be knowledgeable about some of the issues.

Commissioner Richards clarified that staff has two possible recommended motions in the packet; one denying the abatement recommendation and one approving the abatement to \$500.00.

Commissioner Holden commented that there is no reason to have trash laying about with two trash pick-up days per week, but that he will agree to the abatement recommendation.

Mayor Kussard agreed with Commissioner Holden.

Commissioner Vincent asked for clarification on the certified mail being sent to the property owner; stating at least one was sent to the correct address but was unclaimed. He stated he would approve the recommendation at this time, but that it did not sit well with him.

Ms. Diemer again stated that staff met the notice obligation, but could not comment on why the certified mail was unclaimed.

Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved the Abatement Order for Case No. 13-4607, by a vote of 5 to 0.

5. Consideration of Abatement Orders for Case No. 5-307 and Case No. 10-2203 – John Zonin – 703 Chuck Street (Cindy Diemer)

Senior Code Enforcement Officer Cindy Diemer gave the background summary for this agenda item (on file in the Clerk's Office). She stated that a new owner, John Zonin, purchased the property on November 14, 2014 by a Quit Claim deed with former owners John and Christina Jones. He alleges that in the course of the negotiations, he was told that the property was free and clear of liens, however, there were several liens on the property. Mr. Zonin paid \$1,453.86 to cure three nuisance abatement liens that were corrected by abatement contractors, which were non-negotiable.

Ms. Diemer summarized the two cases for this property before the Town Commission this evening; stating the new property owner failed to find out if there were any liens or other issues with the property before he purchased it. She stated that Mr. Zonin purchased the property in

December and immediately brought it into compliance as it was an eyesore. As he was getting it ready for sale, Mr. Zonin discovered there were several outstanding liens and some abatement liens were immediately paid, but the following code enforcement liens were still in force, and he requested abatement of the cases described as follows:

CE 05-307: This case was brought before the Code Enforcement Board on April 4, 2004 for the violation of property maintenance of mobile home's exterior. The Board ordered compliance by June 28, 2004 or a fine of \$100 per day would be imposed. The property was in compliance after 61 days and the lien accrued to \$6,100. The lien remained in place until May 2009, when the couple sought a lien reduction via the lien abatement process. It was recommended that the lien be reduced to \$500 and this was approved by the Town Commission on June 1, 2009. However, the couple never paid the reduced lien, so the entire lien was reinstated and remains at \$6,100. The lien had been recorded on July 8, 2004 in Book 02609, pages 2464-2467.

CE 10-2203: This case was heard on April 26, 2010 for the violations of Ch. 20-74 – abandoned property; Ch. 20-20(a)1) – exterior mobile deterioration, mold, broken windows and screens; Ch 7-67 junk and debris; Ch. 20-20 (a)2 – exterior siding and roof cleaning and painting required; and Ch. 7-106 (b) – brush and yard waste accumulation.

The Special Magistrate ordered the property to be in compliance within ten days or a fine of \$250 per day, plus an administrative fee would be imposed. The property was brought into full compliance on November 17, 2010. The lien has accumulated to \$48,837, including the \$87 administrative fee. The lien was recorded on May 12, 2010 in Book 03904, pages 2237-2240.

To expedite the abatement process, it is requested that the two lien reductions be heard together. The current taxable value of the property is \$15,739. The new owner has significantly improved the property and brought the property into full compliance. He only recently became aware of the liens from the Town and several other non-municipal liens that he must also address.

Mayor Kussard asked Mr. Zonin if he currently lived in the property or if it was rented.

Mr. Zonin replied that he does not live at the property, and that he does rent some properties, but that he purchased this property as a favor to fix up and sell. He stated the previous owners specifically told him that although they had previously had trouble with code enforcement, there were no liens at the time. Mr. Zonin stated that the title search he had done prior to the sell of the property revealed the multiple liens against the property, and he stated he would be grateful for anything the Commission could do to help him at this time.

Commissioner Hannan asked if Mr. Zonin purchased the property without a title search, and stated he should have known better.

Mr. Zonin replied that only a quit claim deed was done as he purchased it from an individual rather than through a real estate office.

Commissioner Vincent commented that he was not happy with this as Mr. Zonin did not do his due diligence before buying the property.

Commissioner Richards asked Mr. Zonin how much money he had spent on the property to date.

Mr. Zonin replied that he has probably spent over \$15,000.00 on the property, plus the \$1,500.00 already paid on the abatement liens.

Commissioner Richards commented that the property looked a lot better now and was no longer an eyesore.

Commissioner Holden stated that this was what the Town was looking for and he was in favor of the abatement reduction.

Upon a motion by Commissioner Holden and a second by Commissioner Richards, the Commission approved the Abatement Orders for Case No. 5-307 and Case No. 10-2203, by a vote of 4 to 1 (Vincent).

6. O'Hanrahan Farms Subdivision – Preliminary Plat – A 28-Unit Single-Family Residential Subdivision on 9.12 +/-Acres – Located at 1310 Wildwood Street, Approximately 1,962 Ft. West of the Intersection at Arlington Avenue (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, Dr. Sheikh M. Hasan, with Planning & Engineering Resources, Inc., on behalf of property owner, Edward O'Hanrahan, Jr., has submitted plans for Preliminary Plat Approval of a subdivision which proposes the construction of 28 single-family residential units on approximately 9.12 +/- acres. The property is located at 1310 Wildwood Street, approximately 1,962 ft. west of the intersection at Arlington Avenue (Alternate Key Number 1819580). The Preliminary Plat was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs). The following items were included in the packet:

1. Preliminary Plan Review completed by Public Works dated 08/27/2014 (Satisfied).
2. Fire Review No. 3 for the Preliminary Plat completed by Kerry Barnett dated 08/21/2014 and 08/27/2014 (Satisfied).
3. Review No. 3 for Preliminary Plat completed by Neel-Schaffer Engineering, dated 08/26/2014. (Satisfied).
4. Lake County Public Works Review completed by Seth Lynch dated 7/2/2014 (Satisfied).
5. Lake County School District-School Concurrency Review by Dawn McDonald dated 6/26/2014 (Satisfied).
6. Lake Sumter MPO Traffic Analysis review dated 7/2/2014 (Satisfied).
7. Lady Lake Building Official comments dated 08/26/2014 (Satisfied).

Mr. Carroll reported that the present use of the property is vacant single family residential and the proposed use is for 28 single family residences. He stated that the property Future Land Use designation is Single Family Medium Density (SF-MD). The zoning designation is Single Family Medium Density allowing up to six dwelling units per acre. Views of the property and drawings of the preliminary plat were shown. Mr. Carroll reviewed the drawing, stating that the property is proposing to connect to the Town's water and sewer service, and will include a boulevard entrance and sidewalks through-out the subdivision. He stated the applicant will purchase the necessary ERUs in a subsequent agreement after the improvement plans are approved.

The Preliminary Plan meets the design requirements of the Town of Lady Lake Land Development Regulations, Chapter 8 – Subdivision and Plats, and adheres to the requirements of the Comprehensive Plan of the Town of Lady Lake. The preliminary plat plans, consisting of six sheets, are drawn in 24"x36" pages and have been certified by Dr. Shiekh M. Hasan, Professional Engineer of Planning & Engineering Resources Inc.

All comments have been satisfied for this application. The following is to be submitted at the Time of Improvement Plans Submittal:

Mr. Carroll noted that in accordance with the provisions of Chapter 8, Section 8-6).e).1, the applicant shall submit copies of all jurisdictional agency approved permits and/or Exemption Letters (when applicable), including:

- Lady Lake Right-of-Way Utilization Permit
 - Lake County Right-of-Way Utilization Permit
 - Florida Department of Environmental Protection Water Main Extensions permit and/or exemption.
 - Florida Department of Environmental Protection Wastewater Collection/ Transmission System and/or exemption.
 - St. John's River Water Management District ER Permit
- 1) The applicant will be required to submit the Articles of Incorporation for the Homeowner's Association for the subdivision at the time of Improvement Plans submittal.
 - 2) The applicant will be required to submit the Street Lighting Plan for the subdivision at the time of Improvement Plans submittal.
 - 3) A tree survey will be required at the time of submittal of improvement plans. Removal of any trees 36" in diameter at breast height shall require a variance and mitigation of \$100 per caliper inches for the Tree Bank.
 - 4) All utilities (gas, water, sewer, electric, telephone, cable) for new construction shall be underground as per Chapter 9, Section 9-6).a).1).

Note: Preliminary Plat Approval does not permit the construction of any improvements. All permits from other agencies with jurisdiction must be completed before a development order may be issued.

Photos of the property from different views were shown.

Mr. Carroll reported that the O'Hanrahan Farms residential subdivision will be providing the required Open Space area for activity-based recreation facilities, as provided by the following matrix:

Zoning District	Open Space Percentage	Activity-Based Recreation Area*
RS-6	25%	5%
9.12 +/- site acreage	2.32 +/- acres to be provided	Minimum 15,000 sq. ft. to be provided

In accordance with the provisions of Chapter 8, Section 8-5).f).1), the applicant has provided the dimensional acreage for activity-based recreation areas on the plans, meeting the required 5% of the 25% Open Space. The applicant has proposed the following amenities for the Activity-based Recreation Area:

- ✓ Swing Sets (Minimum of Four)
- ✓ Picnic Tables

✓ Built-In Grill

Mr. Carroll stated the application was received on June 18, 2014, and the Technical Review Committee members individually reviewed the application on Tuesday, August 26, 2014, and provided comments regarding the Preliminary Plat Plan application; those comments have been satisfied. The Planning and Zoning Board heard the Preliminary Plat application at their regular meeting on Monday, September 8, 2014, and forwarded the application with a recommendation of approval by a 4-0 vote. He stated that staff recommends approval and the applicant is present if there are any questions.

Commissioner Hannan stated that Wildwood Street is only partially paved.

Mr. Carroll replied that is correct, but the applicant will extend the pavement on Wildwood and Arlington to the entrance of the subdivision.

Commissioner Richards asked if there would be sidewalks on the interior as well as on Wildwood Street.

Aneash Tiwari of Planning & Engineering Resources, Inc. replied that there will be sidewalks on both sides of the interior roads of the subdivision as well.

Commissioner Holden asked if the lot off of Wildwood Street, where it is marked development recreation, is part of the property.

Mr. Carroll replied that it is where the amenities for open space recreation are proposed to be provided by this applicant.

Commissioner Vincent asked if there will be any shade structures for this open area or if there are trees in this area to remain, as he would like to see as many trees kept as possible.

Ms. Tiwari stated that there are trees that may remain, but the fine tuning will be done after approval is received.

Commissioner Holden asked if there is a chance of a pavilion being built in the recreation area, and what will be done with the open space that will be left.

Ms. Tiwari stated the applicant has met the minimum code on behalf of the owners for open space recreation area, but they will notify the owners that the Commission would like this incorporated. She stated the open space will remain open space.

Town Manager Kris Kollgaard commented that it may be beneficial to have some of the picnic tables and grill covered.

Mayor Kussard asked if this will be a gated community.

Ms. Tiwari replied that it would not be a gated community.

Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved the O'Hanrahan Farms Subdivision – Preliminary Plat, by a vote of 5 to 0.

7. Consideration of Approval for the Town to Invest in Additional Insurance for the Taste of Lady Lake to be Held at the Log Cabin on November 15th (Mike Burske)

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Clerk's Office). He stated that the Town had to cancel the Taste of Lady Lake earlier this year due to insurance requirements as only three groups had committed to participate and provide the Town with the paperwork that was needed. He stated that the year before when the Town accepted the liability, there were over 20 vendors. Mr. Burske reported that as this is a simple two hour event, he is requesting that the Town invest \$266.70 for insurance to host this event, but to keep in mind that this quote covers 12 vendors, so the price may change if there are more or less. He stated this will assure that we have food vendors as most will not go through the trouble of getting the insurance we require just for a two hour event, and that the Town will purchase special event insurance from HUB International Insurance Services.

Commissioner Richards asked if the vendors pay for their spots.

Mr. Burske replied that they do not.

Town Manager Kris Kollgaard stated that the vendors did not want to pay \$50.00 for this, and after looking into it, the Town found they could get it at a lower rate.

Commissioner Holden stated the last Taste event was well done and was appreciated, and he thought this one could be as well.

Mr. Burske stated that The Villages will be sending some of the classic cars over, and that Bobby Blackmon has already agreed to be the entertainment.

Upon a motion by Commissioner Vincent and a second by Commissioner Holden, the Commission approved for the Town to Invest in Additional Insurance up to \$500.00 for the Taste of Lady Lake to be Held at the Log Cabin on November 15th, by a vote of 5 to 0.

8. Consideration of Approval for the Disabled American Veterans Department of Florida to Host the Vietnam Traveling Memorial Wall at the Middle Soccer Field Located at the Rolling Acres Sports Complex on November 9, 2015 through November 13, 2015 (Mike Burske)

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Clerk's Office). He stated that Jack L. Johnson, Jr., Vice Commander of the D.A.V., is asking permission to place the Vietnam Traveling Memorial Wall on the middle soccer field at the Rolling Acres Sports Complex. Mr. Burske stated that as seen in the document provided to the Town, there is a lot that has to be organized on their part and they are only seeking the site at this time. He stated they will be required to provide insurance and arrange volunteers to watch and work the wall. Mr. Burske stated that the Lady Lake Soccer Association has agreed to move their games and practices for this time period so the wall can come to Lady Lake. He stated that the D.A.V. is paying for the wall and the expenses associated with it, and as of now, we have not been asked for assistance, but know at the very least that we will have to assist with trash services, and possibly police. Mr. Burske stated that Mr. Johnson is not present at this time.

Commissioner Hannan asked if there was any thought to putting this wall at the Log Cabin.

Mr. Burske replied that the wall is 300 ft. and the grade at the middle soccer field would suit best.

Mayor Kussard commented that the wall will be better located at the soccer field as there will be a lot of people coming to view the wall, and it will be more accessible there.

Mr. Burske agreed, stating that it will also be golf cart accessible at this location.

Commissioner Vincent asked if Mr. Burske knew the hours for viewing the wall as he was concerned about neighbors complaining about the lights, etc.

Mr. Burske replied that he did not know the hours yet, but that there would have to be lights on as the wall would be guarded by two people around the clock.

Commissioner Hannan stated he is anxious to see this and has spoken to Mr. Johnson about it.

Commissioner Holden commented he thought the neighbors would be gracious about this event.

Commissioner Richards commented he was in favor of this.

Upon a motion by Commissioner Hannan and a second by Commissioner Richards, the Commission approved the Consideration for the Disabled American Veterans Department of Florida to Host the Vietnam Traveling Memorial Wall at the Middle Soccer Field Located at the Rolling Acres Sports Complex on November 9, 2015 through November 13, 2015, by a vote of 5 to 0.

9. Consideration of Approval of the Lake County Sheriff's Office Contract Amendment (Chris McKinstry)

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk's Office). He stated that on August 5, 2013, the Town Commission authorized the Town Manager to sign an agreement with the Lake County Sheriff's Office to provide dispatch services for Town law enforcement on a dedicated, LLPD only, radio channel. Chief McKinstry stated the Police Department is currently operating on a shared, regional radio channel configuration for better operational and safety controls and this arrangement is working fine. He stated the quarterly cost under the original agreement and payable to the Lake County Sheriff's Office for dispatch services is \$72,845.31, and by remaining on a shared radio channel, LCSO has agreed to reduce the quarterly payment from the Town to \$45,679.43, in accordance with the terms of the contract addendum. Chief McKinstry stated that the Town Attorney has reviewed and approved this amendment.

Commissioner Richards commented that this was a savings of \$108,000.00.

Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved the Lake County Sheriff's Office Contract Amendment, by a vote of 5 to 0.

J. TOWN ATTORNEY'S REPORT:

10. Resolution No. 2014-115 – First/Final Reading - Villages Operating Company – Pursuant to Chapter 7, Section 7-7).b)., Citizen' First Bank Drive-through Facility –

Variance Request for Stacking Area Reduction – Located at 1105 Caballero Court (Thad Carroll)

Town Attorney Derek Schroth 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 the applicant, Martin L. Dzuro, on behalf of The Villages Operating Company, has submitted an application for a variance from Chapter 7, Section 7-7).b). Mr. Carroll stated the applicant is requesting the reduction of two spaces per each service lane of the drive-through stacking area rather than the required five spaces on the property owned by The Villages Operating Company located at 1105 Caballero Court, within The Villages Downtown Center in Spanish Springs, identified by Alternate Key Number 3840565, within the Town of Lady Lake, Florida. He reviewed drawings and aerial views of the property.

Mr. Carroll stated that as required of the application, a Justification Statement has been submitted, and it has met code for the response. The site is proposed to be home to a new Citizen's First Bank Drive-Through Facility. The new project is considered in-fill development within The Villages Downtown Center in Spanish Springs and due to space limitations and constraints unique to this narrow parcel, the site can only accommodate three spaces per each proposed service lanes. The site in itself is located within The Villages Center Planned Commercial Master Plan and the area has been developed primarily instituting Urban Design principles; therefore, in order to compensate for the reduction in spaces within the stacking area, the site plan design includes three service lanes.

The applicant has pointed out that in order to save an existing 40" historic oak tree, the drive-through facility is limited to provide the required stacking lengths because of the existing tree.

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 06, Township 18, Range 24, in Lady Lake, Florida. The Future Land Use Map designation for the site is Commercial General-Retail Sales & Services (RET) and is zoned Planned Commercial (CP). Resolution No. 2014-115 was reviewed by Town Attorney Derek Schroth on Monday, August 11, 2014, and was determined to be correct in form.

Mr. Carroll stated that notices to inform the surrounding property owners (3) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, August 25, 2014, and the property was also posted this same date. He stated there has been some opposition at the public meetings of the Planning and Zoning Board and the Special

Commission meeting, although no phone calls or written communication have been received either in favor or against this resolution.

Mr. Carroll reported that the application was received on July 29, 2014 and the members of the Technical Review Committee individually reviewed the application for Resolution No. 2014-115 and provided all comments by Wednesday, August 13, 2014. The TRC report was included in the packet. The Planning and Zoning Board heard the application for Resolution No. 2014-115 at their regular meeting on Monday, September 8, 2014, and recommended denial by a 3-1 vote.

Mr. Carroll stated that staff supports the request as the variance will provide for preservation of the historic oak tree; also, the use of golf carts in high volume in this commercial area may reduce stacking lengths as well. As a result of field observation of the activity in the vicinity of the intersection, staff recommends consideration of an alternative entrance through the existing entry off of Caballero Court into the parking lot to provide the required stacking spaces. He stated the applicant is present if there are any questions.

Mayor Kussard stated she cannot approve the resolution as she has heard from many residents who are against the project in this location due to traffic, etc.

- Tom Lanwehr of 1214 Tarpon Lane stated the Commission will be making a wise decision if they turn this down.

Marty Dzuro of The Villages Operating Center stated that Resolution No. 2014-15 is a variance request for one thing, which is reducing the stacking spaces from five 22' spaces to three. He stated he believes they have clearly demonstrated with their exhibit that they meet the spirit of the code with this variance request. He asked if the Commissioner would look at that and noted that the site plan is dependent upon this. He stated that the Planning and Zoning Board did not say why they recommended denial of this variance by the code.

Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission Denied Resolution No. 2014-115 – First/Final Reading - Villages Operating Company – Pursuant to Chapter 7, Section 7-7).b)., Citizen’ First Bank Drive-through Facility – Variance Request for Stacking Area Reduction – Located at 1105 Caballero Court, 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>

11. Citizen’s First Bank Drive-Through Facility Major Site Plan – MJSP 07/14-001 – A Development Consisting of a 330 Sq. Ft. Financial Institution Building with the Provision of a Three Service Lane Drive-Through Facility – Located at 1105 Caballero Court (within The Villages Downtown Center in Spanish Springs) (Thad Carroll)

Town Attorney Derek Schroth stated that this item is rendered moot by the denial of the resolution.

Growth Management Director Thad Carroll stated that the variance request presented under Resolution No. 2014-115 is a pre-requisite for the major site plan for consideration tonight, and

being as it was denied, the site plan cannot be considered at this time and would have to be re-engineered in order to comply with code.

Mr. Schroth stated that public comment must be allowed, and then the Commission can either deny or continue the site plan.

The background summary from the agenda item cover sheet is on file in the Town Clerk's office. It states that the applicant, Martin L. Dzuro, on behalf of The Villages Operating Company, has submitted an application for the construction of a new Citizen's First Bank drive-through facility to be located at 1105 Caballero Court, within The Villages Downtown Center in Spanish Springs (identified by Alternate Key No. 3840565). The applicant proposes the construction of a 330 sq. ft. financial institution building with the provision a three-lane service drive-through facility. The site plan was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs) including parking, setbacks, landscaping, engineering, environmental protection and commercial design standards.

The subject property is approximately .30 +/- acres and is located within The Villages Center Planned Commercial Master Plan, also referenced as Spanish Springs. The property is zoned "CP" Planned Commercial which permits development and construction of the proposed facility and is in accordance with the Memorandum of Agreement adopted by The Village Center and the Tri-County Villages Development of Regional Impact (DRI). The requested use is consistent with the directives of the Comprehensive Plan and adopted Land Development Regulations.

The applicant will be preserving an existing 40" historic oak tree and several Sabal Palms on the subject parcel, but will be removing three live oak trees that are not historic. A drawing of the landscaping plan was shown. He stated the landscape architect has provided comments of the key points of the landscape plan as follows:

- Preserves and enhances character of adjacent roads-Paige Place and Caballero Court.
- Reflects consistent landscape design quality and character of the Spanish Springs area of The Villages.
- Blends with scale and theme of setting.
- Uses customary Florida-Friendly design principals.

Tree Requirements: In accordance with Chapter 10-Landscape and Tree Protection, the site is required to provide 48 tree caliper inches based on its .30-acre area (160'x .30). The landscaping tree proposal breakdown is as follows:

Existing trees to remain	48 tree caliper inches
Proposed canopy & understory trees	21 tree caliper inches
Proposed palms	<u>13</u> tree caliper inches
Total tree caliper inches	82 tree caliper inches

It was noted that the applicant is providing significantly more than the required on-site tree caliper inches.

The following four waivers to the Landscaping Regulations that have been proposed by the applicant:

I. Waiver to LDRs-Chapter 10, Section 10-3, b).B).1) for South Landscaping Buffer Minimum landscaping requirement (Buffer Class Requirement-Table 10-1): Class "A": 10' width minimum with two canopy trees, three understory trees and a continuous hedge.

Proposal: To waive two understory trees.

Justification: Space limitation and constrains unique to the subject parcel that cannot be accommodated on site. The south elevation will exhibit the commercial driveway entrance directing traffic to the service lane. Additionally, adjacent mature canopy trees lie alongside this elevation.

II. Waiver to LDRs-Chapter 10, Section 10-3, b).B).1) for East Landscaping Buffer Minimum landscaping requirement (Buffer Class Requirement-Table 10-1): Class "A": 10' width minimum with two canopy trees, three understory trees and a continuous hedge.

Proposal: To waive two canopy trees and one understory trees.

Justification: Space limitation and constrains unique to the subject parcel that cannot be accommodated on site. The preservation of the 40" oak tree on this elevation, combined with the proposed trees, will be sufficient to create the landscaping environment and look desired for this small site.

III. Waiver to LDRs-Chapter 10, Section 10-3, b).B).1) for West Landscaping Buffer Minimum landscaping requirement (Buffer Class Requirement-Table 10-1): Class "A": 10' width minimum with two canopy trees, three understory trees and a continuous hedge.

Proposal: To waive three understory trees.

Justification: The proposed trees will be sufficient to create the landscaping environment and look desired for this small site. Also, a reduction of overcrowding plant material is necessary due to the presence of an existing off-site canopy tree on the west elevation.

IV. Waiver to submit Irrigation Plans as required per Land Development Regulations Chapter 10, Section 10-3)k)2)

Proposal: Applicant will modify the existing irrigation system during construction since there are no as-built plans for the current system. An automatic system design will be constructed to meet The Villages specifications.

Justification: The accurate preparation of the irrigation system is not possible and will not be discernible until the time of construction; therefore, the applicant requests a deferral for this submittal item at this time.

Commercial Design Standard: 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. The site plan and façade elevations for the Citizen's First Bank drive-through facility were included in the packet.

The Citizen's First Bank drive-through facility building features the Mission Architectural Style Design, which is consistent with other development in this area. The building exhibits:

- ✓ Shaped Mission roof parapet
- ✓ Drive-through facility supported by large square piers
- ✓ Symmetrical façade
- ✓ Spanish tile roof
- ✓ Stucco finish on building exterior walls
- ✓ Mission style sconce (light fixtures) on facades
- ✓ Wide overhanging eaves
- ✓ Mission-style doors and faux windows

The application was received on July 22, 2014. The Technical Review Committee members individually reviewed the application on Thursday, August 28, 2014, and provided outstanding comments regarding the Site Plan application. The applicant also proposed two variance applications to go concurrent with the Citizen's First Bank Drive-through Facility site plan; however, it was determined that only one really applies for the application. This variance was reviewed just prior to the Site Plan application at this meeting for final consideration. At the September 8, 2014 Planning and Zoning Board meeting, recommendations were made for denial of the following variance:

1) Resolution No. 2014-115 - Variance application is in accordance with the provisions of Chapter 7, Section 7-7).b). which states that the stacking area for financial institutions drive-through facilities be five spaces per each service lane provided. The applicant is requesting the reduction of two spaces per each service lane of the drive-through stacking area.

The Parks, Recreation, and Tree Advisory Committee reviewed this application at their regular meeting on Wednesday, September 10, 2014, at 5:30 p.m., recommending Site Plan approval by a vote of 5-0. At the Special Town Commission Meeting Conceptual Workshop held on Tuesday, September 16, 2014, the Town Commission did not reach consensus for approval.

Mayor Kussard asked if there were any public comment, and seeing and hearing none, asked for a vote.

Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission denied Citizen's First Bank Drive-Through Facility Major Site Plan – MJSP 07/14-001 – A Development Consisting of a 330 Sq. Ft. Financial Institution Building with the Provision of a Three Service Lane Drive-Through Facility – Located at 1105 Caballero Court (within The Villages Downtown Center in Spanish Springs), by the following roll call vote:

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

12. Resolution No. 2014-118 – First/Final Reading - Veterans Memorial Post 347 of the American Legion –Special Permit Use Request Pursuant to Chapter 17, Section 17-3).e).4). to Install an Electronic Message Board/Marquee Sign to be Placed on a New Freestanding Sign – Located at 699 West Lady Lake Blvd. (Thad Carroll)

Town Attorney Derek Schroth 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 the applicant, Timothy J. Tierney, appointed

Commander of the Veterans Memorial Post 347 of the American Legion, Inc., has submitted a Special Permit Use application proposing the installation of an Electronic Message Board/Marquee Sign on new freestanding sign on the property located at 699 West Lady Lake Blvd. (AK# 3861851). He stated the present use of the property is the existing one story institutional building for the American Legion, and that staff recommends approval. Aerial views of the property and a site plan showing the proposed location of the sign were shown.

The Lady Lake American Legion is the largest American Legion post in our country. The Veterans Memorial Post 347 of the American Legion has over 4,900 members and keeps growing along with our area’s population. With that, the proposed sign is expected to help with community events for our veterans and the general public in the community.

Mr. Carroll stated that the new freestanding sign is proposed to be 11’6” in height and 7’6” in width, with a digital LED copy area of 14 sq. ft. Since the sign is proposed to be installed within the embankment where the topography declines significantly, even though sign height is proposed to be 11’6”, the visible part of the sign from the sidewalk is proposed not to exceed 8’ in height above grade, which is in compliance with the land development code. In 2007, as part of Highway 466 improvement widening efforts, a permanent grading and construction easement was executed for the southeastern corner of Rolling Acres Road and Highway 466, so Lake County has cleared the sign project to move forward. Lake County has provided specific locations for the sign placement that would be met with visibility triangle requirements.

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.

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

Future Land Use

Subject Property	Other Institutional Facilities (OIF)
Future Land Use of Adjacent Properties	
West	ROW/ Lady Lake- Commercial Retail Sales & Services (RET) & Multi-Family High Density (MF-HD)
East	Other Institutional Facilities (OIF) & Religious Facilities (RF)
North	ROW/Commercial Tourist (CT)
South	Lady Lake- Commercial Retail Sales & Services (RET)

Zoning

Subject Property	Public Facilities District (PFD)
Zoning of Adjacent Properties	
West	ROW/Heavy Commercial (HC) & Multi-Family High Density (MF-18)
East	Public Facilities District (PFD)
North	ROW/Light Commercial (LC) & Commercial Tourist (CT)
South	Planned Commercial (CP)

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).

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:

Mr. Carroll noted that Electronic Message Boards must adhere to the following guidelines, and the applicant has agreed to adhere to the guidelines as shown below:

- a. Shall only be placed on approved freestanding signs.
- b. Maximum copy area shall not exceed fourteen (14) square feet 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.

Mr. Carroll stated 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 Monday, September 22, 2014. One inquiry, neither in favor or in opposition, was received. The property was also posted on Monday, September 22, 2014. Photos of the posting on the property, as well as the proposed sign location, were shown.

Mr. Carroll stated the application was received on September 4, 2014, and the members of the Technical Review Committee individually reviewed the application for Resolution No. 2014-118 and provided all comments by Thursday, September 25, 2014. The TRC Report was included in the packet. It was noted that the Planning and Zoning Board does not review Special Permit Use applications. Mr. Carroll stated the applicant is present if there are any questions.

Commissioner Hannan stated that although he has no objection to the sign itself, it appears that it is to be located close to the sidewalk and the intersection. He asked if it could be pushed further back as he does not like it so close to the intersection.

Commissioner Richards stated that this may be one of the worst intersections to locate an LED sign as it has at least one incident a week, and it could be a distraction. He stated he is not in favor of it.

Commissioner Holden stated he has no problem with it being an LED sign, but perhaps the American Legion could make some alterations for the location of the sign.

Commander Tim Tierney of the American Legion stated when they applied for the right of way permit with the County, they were going to put the stakes much further back than five feet, and that they are now 27', 28' and 23' from the curb.

Commissioner Holden asked if the signs in this location have presented any problems in the past, and clarified that the LED sign would have dimming capabilities.

Commander Tierney replied that he had not heard of any problems, although they were not lit. He stated they have had many large signs in the area that were not very good looking, but they would like the LED sign to get more recognition of where they are and what they do, and it would have dimming capabilities. Mr. Tierney stated he would like to have more colors than just amber.

Mayor Kussard commented that the sign would meet the code and the American Legion has many activities to advertise.

Commissioner Richards commented that an LED sign at a signalized intersection is just asking for people to look at it and is a distraction. He stated he knows the American Legion does good work, but he is not in favor of this.

Commissioner Hannan stated he would like to see a full color rendering of the proposed sign, but he is not in favor of it so close to the intersection.

Mr. Carroll stated that the American Legion would have to come back before the Commission if they wanted a multi-color display on the sign, as it is limited to amber on this resolution.

Commissioner Holden made a motion to approve the Resolution No. 2014-118 as presented, and Commissioner Vincent seconded it.

Mr. Schroth asked if there was any public comment on this resolution prior to the vote.

- Mary Jane Lanwehr of 1214 Tarpon Street asked if the sign could be moved away from the intersection, and stated that perhaps the American Legion could make some modifications and come back.

Commissioner Hannan asked if the location of the sign was set by this resolution.

Mr. Carroll replied that the setback as required by the visibility triangle must be met for the sign location and this was noted in the resolution, but not the exact location.

After further discussion, the Commission decided they would like to entertain another motion. Prior to that a roll call vote was taken on the first motion presented above:

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

Commissioner Hannan asked if Commander Tierney would consider moving the sign back and possibly making it larger, and higher.

Commander Tierney stated he would look into it, but would have to consider the cost. He stated the sign will be important to get messages out.

Commissioner Richards suggested that if the sign was moved back and parallel to Hwy 466, the slope would stay the same, but if it was moved back from the corner, it would have to be higher.

Commander Tierney stated the light pole would be in the way.

Commissioner Richards stated it could be moved east of the light pole.

Commissioner Vincent asked if the sign could be made larger if they moved it back.

Mr. Carroll replied that the maximum sign copy area is 14' and they would have to request a variance to make it larger.

Commissioner Holden asked if another vote could be taken on the same motion.

Mr. Schroth replied that they could, but cautioned that if the resolution was approved, there is nothing binding the applicant from moving the sign further back.

Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission tabled Resolution No. 2014-118 – First/Final Reading - Veterans Memorial Post 347 of the American Legion –Special Permit Use Request Pursuant to Chapter 17, Section 17-3).e).4). to Install an Electronic Message Board/Marquee Sign to be Placed on a New Freestanding Sign – Located at 699 West Lady Lake Blvd., 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>

Mr. Schroth stated this will allow the applicant to submit a revised plan without paying another fee if that is the intent.

K. TOWN MANAGER'S REPORT:

Town Manager Kris Kollgaard reported that the Lake County Library System is changing their computer system to a new ISL system on October 27th. She stated all the libraries will be using this system on a daily basis for all their transactions, and the Library Director has requested that the library be allowed to close early at 2:00 p.m. on Thursday, October 23rd to allow staff to have uninterrupted training by Lake County on the new system. She asked the Commissioners for their permission to allow this.

Ms. Kollgaard also reported that the Lady Lake Library currently stays open until 7:00 p.m. on Fridays, but they have very little traffic then. They are requesting the late night be changed to Mondays as they get more traffic on Mondays and the library is proposing a program for sleepy story time or family movie time for Monday evenings.

The Commissioners approved these requests.

Ms. Kollgaard asked the Commissioners if they would like to meet for a workshop meeting to review the Police Procedures Manual on Monday, October 20, 2014, at 5:00 p.m., and they agreed.

Ms. Kollgaard thanked the Commission again for her plaque; stating it was a complete surprise.

L. MAYOR/COMMISSIONER'S REPORT:

Commissioner Richards stated he had a good time at the re-opening of the Lady Lake Historical Society, and that it made him appreciate Mayor Kussard being mayor.

Mayor Kussard reminded everyone about the Italian Fest at Spanish Springs tomorrow, beginning at 3:30 p.m.

Mayor Kussard stated she received a written compliment from the Lady Lake Historical Society regarding Mike Burske and his colleagues in the Parks and Recreation Department. She read the note that asked that Parks and Recreation staff be recognized for all that they do on a daily basis.

M. PUBLIC COMMENTS^{iv}

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

N. ADJOURN: There being no further discussion, the meeting was adjourned at 7:18 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.