

**MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
November 3, 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:** Led by Joe Quinn.
- D. INVOCATIONⁱ:** Father Gregg Elliott – St. Timothy’s Catholic 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; Pam Winegardner, Assistant Finance Director; Chief Chris McKinstry and Officer Matthew Duryea, Police Department; 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.

Mayor Kussard invited Police Chief Chris McKinstry to the podium.

Chief McKinstry introduced the Town’s newest police officer, Matthew Duryea; stating he and his wife have moved to this area from South Florida and that he is confident he will be a good addition to the Town.

G. CONSENTⁱⁱⁱ:

- 1. Minutes – October 20, 2014 – Special Commission Workshop Meeting**

- October 20, 2014 – Regular Commission Meeting
- October 21, 2014 – Special Commission Meeting
- October 23, 2014 – Special Commission Meeting

2. Consideration to Renew the Lease Agreement between the Town and the Lady Lake Dog Park Association (Mike Burske)

The background summary for this agenda item is on file in the Clerk's office. It states that the Lady Lake Dog Park Association desires to once again renew its' lease with the Town of Lady Lake. The agreement will terminate on September 30, 2015 and will have a one year term. The dates are the main changes to this document. The Town Attorney has reviewed the insurance and the required changes were made to the insurance by the Lady Lake Dog Park Association. Documents were included in the packet for review.

3. Consideration of Renewal of Inspection Plus Contract with Simplex Grinnell (C.T. Eagle)

The background summary for this agenda item is on file in the Clerk's office. It states that Simplex Grinnell provides security-related services to the Town as contracted to do in 2010. A one year term renewal of the previously approved contract is included in the packet. Staff recommends approval of the renewal since there is no increase in costs or changes in services and contract terms. This is a budgeted item.

Upon a motion by Commissioner Richards and a second by Commissioner Hannan, 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 Approval to Enter into a Memorandum of Understanding (MOU) with the Haven of Lake & Sumter Counties, Inc. (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 purpose of this Memorandum of Understanding is to coordinate services of the Lady Lake Police Department and Haven of Lake & Sumter Counties, Inc. through partnership and collaboration. Chief McKinstry stated that by participating in this agreement, all partners are expressing their commitment to work as equals within their own unique roles to accomplish their mission, while understanding that addressing the overall problem of domestic violence and child abuse requires a respectful, shared response. He reported that Town Attorney Derek Schroth has reviewed this MOU, and that a couple of changes have been made since the packet went out that includes the addition of the year 1977 for the history of collaborations and the last sentence was struck from Item #6 regarding sharing information with parents.

Commissioner Vincent asked why the sentence was struck regarding informing parents.

Attorney Derek Schroth replied that there is no need to inform the parents under the Statute's confidentiality provisions.

Upon a motion by Commissioner Holden and a second by Commissioner Richards, the Commission approved the consideration to enter into a Memorandum of Understanding (MOU) with the Haven of Lake & Sumter Counties, Inc., by a vote of 5 to 0.

5. Consideration of Approval to Enter into a Memorandum of Understanding (MOU) with LifeStream Behavioral Center, Inc. (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 purpose of this Memorandum of Understanding is to coordinate services of the Lady Lake Police Department and LifeStream Behavioral Center, Inc. through partnership and collaboration. Chief McKinstry stated that by participating in this agreement, both partners are expressing their commitment to work as equals within their own unique roles to accomplish their mission to assist in building a community based system of care for justice involved persons with behavioral health disorders who meet criteria for a jail diversion program. He reported that Town Attorney Derek Schroth has reviewed this MOU.

Commissioner Hannan asked if the Town had an agreement with LifeStream in the past.

Chief McKinstry replied that the Town has had signed agreements, but no Memorandum of Understanding.

Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved the consideration to enter into a Memorandum of Understanding (MOU) with LifeStream Behavioral Center, Inc., by a vote of 5 to 0.

J. TOWN ATTORNEY'S REPORT:

6. Ordinance No. 2014-08 – First Reading – Central Florida Lodging, LLC – Minor Amendment to the Tri-County Villages Development of Regional Impact (DRI), Adopting a Ninth Amendment to the Amended Development Order (Thad Carroll)

Town Attorney Derek Schroth 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 applicant Martin L. Dzuro, on behalf of Central Florida Lodging, LLC, has submitted an application for a minor amendment to the Tri-County Villages of Lake Development of Regional Impact (DRI) development order. Mr. Carroll stated that the La Hacienda Hotel is located at 1201 Avenida Central, in Spanish Springs within The Villages Town Center, and the proposed use of the property is to reflect conversion of entitlements within the DRI on Map H and Map H-1. The DRI Development Order must be amended in order to convert 29 hotel rooms into 48 townhomes/condominium units and to show the acreage changes to Hotel and Residential.

The Town Center Commercial category in the DRI is being amended to permit the townhomes/condominium use by amending the Phase Allocation table to identify townhomes/condominium units as a permitted use in the Town Center Commercial category. The Town of Lady Lake Comprehensive Plan and Zoning Designation of the property already permit the townhomes/condominium use.

In accordance with Florida Statute 380.06(19)(e)2, a local government can approve the amendment based on their local approval process. However, courtesy copies of the proposed amendment have been provided, under separate cover, to the East Central Florida Regional Planning Council (ECFRPC), Withlacoochee Regional Planning Council (WRPC) and the Florida Department of Economic Opportunity (DEO). The statute does require that a copy of the adopted amendment be submitted to the ECFRPC, WRPC and DEO pursuant to Section 380.06(19)(e)2., F.S.

Mr. Carroll noted that on a correspondence dated October 17, 2014 (included in packet), the MPO determined that reducing the number of approved hotel rooms by 29 and replacing them with 48 residential condominiums will result in no net new trips.

Drawings of Map H and Map H-1 of the DRI were shown, along with photos of the posting of the property.

Mr. Carroll reported that prior to the Planning and Zoning Board meeting, the MPO was not able to substantiate the methodology of The Villages traffic study, therefore the applicant agreed to an exchange of 42 hotel rooms for the 48 condo/townhome units, should it be found necessary pending the finding of the MPO. As noted by the October 17, 2014 correspondence, the MPO does concur with the original proposed exchange of 29 hotel units for the 48 condo/townhome units for equivalency of traffic impacts.

The amendment would also not reduce conservation lands or open space in the DRI. All of the subject property is designated as Town Center Commercial on the DRI Master Plan and none of the subject property is classified as Open Space or Conservation within the DRI. There are lands designated as Open Space and Conservation within the DRI, but those lands are not impacted by this change.

This amendment will have no impact to the Town's water and sewer utilities as these Town services are not provided to The Villages properties. In addition, no impacts to schools, parks and recreation, or library services will occur as a result of approval of the proposed amendment.

Based upon the evaluation of the justification as provided above, this amendment meets the criteria in s.380.06(19)(e)2.k. because the amendment 1) does not generate an increase in external vehicle trips, and 2) the amendment does not reduce any approved open space or conservation areas in the DRI. The applicant has provided the Department's determination letter with the application.

Mr. Carroll reviewed the changes to Map H-1 as a result of the amendment as follows, reflecting the conversion of the allocation of 29 hotel rooms to 48 residential units:

Original Map H-1 (Exhibit B) January 2014

Hotel Rooms	333
Residential Units	2,060

Amended Map H-1 (Exhibit 1) September 2014

Hotel Rooms	304
Residential Units	2,108

Mr. Carroll reported that notices to inform the surrounding property owners (5) within 150' of the subject property of the proposed amendment were mailed by certified mail return receipt on Monday, September 29, 2014 and the property was also posted this same date. He stated that four receipts have been received back and the two not received are from the applicant and adjacent hotel.

Mr. Carroll reported that the members of the Technical Review Committee individually reviewed the application for Ordinance No. 2014-08 and provided all comments by Thursday, October 23, 2014. The TRC report is included in the packet. At the October 13, 2014 meeting, the Planning and Zoning Board voted 3-0 to forward Ordinance No. 2014-08 to the Town Commission with the recommendation of approval. The Town Commission is tentatively scheduled to consider Ordinance No. 2014-08 for second and final reading at their regular meeting on Monday, November 17, 2014.

Mr. Carroll stated that the applicant is present, as is his representative, Darren Taylor, to answer any questions.

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

Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved Ordinance No. 2014-08 – First Reading – Central Florida Lodging, LLC – Minor Amendment to the Tri-County Villages Development of Regional Impact (DRI), Adopting a Ninth Amendment to the Amended Development Order, 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>

7. Ordinance No. 2014-09 – Second/Final Reading – Medical Marijuana Moratorium (Derek Schroth)

Town Attorney Derek Schroth read the ordinance by title only.

Mr. Schroth gave the background summary for this agenda item (on file in the Clerk's office). It states that Ordinance No. 2014-09 – Second/Final Reading – is an ordinance establishing a temporary moratorium on the submittal, processing and issuance of local business tax receipts or land use modifications, or approval for marijuana dispensing organizations or medical marijuana treatment centers, for a period of 280 days from the date of adoption of this ordinance. He stated that this ordinance is in anticipation of the potential passing of Amendment 2 tomorrow, and the moratorium will be important to give the Town sufficient time to establish regulations or elect to not permit it if it is within the Town's discretion after the Department of Health comes out with their rule should Amendment 2 pass.

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

Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved Ordinance No. 2014-09 – Second/Final Reading – Medical Marijuana Moratorium, by the following roll call vote:

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

8. Resolution No. 2014-118 – First/Final Reading – (Tabled from October 6, 2014) – 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).

Mr. Carroll reported that the request was tabled at the October 6, 2014 Town Commission meeting and the applicant was directed to modify the location of the sign placement, and at this time, the applicant is proposing Option A or Option B to accommodate that request:

- In Setback Option A, the applicant is proposing a 10-foot setback with a sign height of 7 feet above sidewalk.
- In Setback Option B, the applicant is proposing a 15-foot setback with a sign height of 6 feet above sidewalk.

Mr. Carroll reported that staff supports the recommendation of approval of Resolution No. 2014-118 with Setback Option B.

Drawings of the location of the sign under proposed Option A and Option B 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.

The new freestanding sign is proposed to be 7 feet 6 inches 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 feet 6 inches, the visible part of the sign from the sidewalk is proposed to change in height based on the option

selected; never to exceed eight feet 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 meet visibility triangle requirements.

Mr. Carroll reported that 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 Regulations, Chapter 17, Section 17-3.e.(4)., including dimming features and capabilities for the light-emitting diode (LED) sign, and using amber lettering. A rendering of the proposed sign was shown.

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:

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.

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 on Monday, September 22, 2014 and the property was also posted this same date. He stated one call was received from an adjacent property owner who was curious as to what was occurring on the site.

Mr. Carroll reported the application was received on Thursday, September 4, 2014. 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. Mr. Carroll noted that the Planning and Zoning Board does not review Special Permit Use applications, and at the October 6, 2014 Town Commission meeting, Resolution No. 2014-118 was tabled to allow the applicant to prepare alternatives for sign setback locations.

Mr. Carroll stated that Mr. Tierney is present to address any questions.

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

Upon a motion by Commissioner Hannan and a second by Commissioner Holden the Commission approved Resolution No. 2014-118 – Setback Option B regarding new proposed sign location – First/Final Reading – (Tabled from October 6, 2014) – 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>NO</i>
<i>KUSSARD</i>	<i>YES</i>

K. TOWN MANAGER'S REPORT:

Town Manager Kris Kollgaard reported that the penny sales tax is up for renewal in 2017 and the Lake County Board of County Commissioners has talked about possibly putting it on the ballot this upcoming 2015 to see if voters want to renew it. Lake County League of Cities has requested that all the municipalities get together and each one submit what the penny sales tax

has been used for in the past, along with possible uses for it in the future, if it is renewed for the next 15 years. She asked the Commissioners to think about it and submit a list, as will staff, and it will be considered at a future Commission meeting.

Ms. Kollgaard asked if the Commissioners would be interested in viewing videos provided by Human Resources on diversity training regarding discrimination and harassment, which is mandatory for all employees. She stated that they could be shown at a special meeting prior to the conceptual plans.

It was the consensus of the Commissioners that they would be agreeable to view the diversity training videos at a future meeting.

L. MAYOR/COMMISSIONER'S REPORT:

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

M. PUBLIC COMMENTS^{iv}

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

Mayor Kussard asked that everyone remember to vote tomorrow, if they have not already voted.

N. ADJOURN: There being no further discussion, the meeting was adjourned at 6:22 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.