

**MINUTES OF THE REGULAR MEETING  
OF THE LADY LAKE TOWN COMMISSION  
LADY LAKE, FLORIDA  
December 15, 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. INVOCATION<sup>i</sup>:** Mayor Kussard called for a moment of silence as Rev. Michael Smith of the North Lake Presbyterian Church was unable to attend.
  
- 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; Jeannine Michaud, Finance Director; Chief Chris McKinstry, Police Department; Patricia Rule, Animal Control Officer; John Pearl, I.T. Director; and Nancy Slaton, Deputy Town Clerk

**F. PUBLIC COMMENTS<sup>ii</sup>**

Mayor Kussard asked if anyone in the audience had any questions or comments. There were no questions or comments.

Town Manager Kris Kollgaard introduced Patricia Rule as the Town's current Animal Control Officer and announced that she will be retiring after eight years and will be missed. She stated Ms. Rule has presented a gift to the Town of a painting she did herself of her Italian greyhound, and it will be hung in the lobby. Ms. Kollgaard commented that Ms. Rule did all the illustrations and set-up of the Animal Control pamphlet a few years ago, which saved the Town the cost of the printing the pamphlet.

- G. INTRODUCTION:** Lady Lake Chamber of Commerce's New Executive Director – Susan Kelly

Mayor Ruth Kussard introduced Susan Kelly as the new Executive Director of the Lady Lake Chamber of Commerce, beginning January 1, 2015, and reviewed Ms. Kelly's background. Ms. Kelly was welcomed by those present, and was introduced to the Commissioners and Town Attorney Derek Schroth.

Ms. Kelly stated she was excited to join Lady Lake's Chamber and that it will be fun to expand the businesses around town.

**H. CONSENT<sup>iii</sup>:**

**1. Minutes – December 1, 2014 – Regular Commission Meeting**

**2. Consideration of Approval to Renew the Lease Agreement with Scout Troop 244 for the Scout Hut (Mike Burske)**

The background summary for this agenda item is on file in the Clerk's office. It states that Scout Troop 244 desires to renew their lease agreement for the Scout Hut. The dates and the elimination of part of the indemnity clause are the only changes to this document. The Town Attorney has approved the insurance and lease.

*Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved Consent Items #H-1 and #H-2 by a vote of 5 to 0.*

**I. OLD BUSINESS:**

**J. NEW BUSINESS:**

**3. Consideration of Approval for the Historical Society to Install Museum Quality Lighting if Funded Through a Grant from the Daughters of the American Revolution (Mike Burske)**

Town Manager Kris Kollgaard read the background summary for this agenda item (on file in the Clerk's Office) in Parks and Recreation Director Mike Burske's absence. She stated that the Lady Lake Historical Society is asking permission to install quality lighting for their exhibits if they are funded by a grant from the Daughters of the American Revolution. This lighting would continue the efforts to improve the presentation quality of the Lady Lake Historical Society. As the summary of the project supplied by the Historical Society states, the lights would be professionally installed. No Town assistance has been requested.

Ms. Kollgaard stated there is currently overhead fluorescent lights which are harmful to the artifacts and historical items, and if the grant is awarded, they will buy pendant and track lighting for all of the exhibits. She stated staff recommends approval.

Mayor Kussard stated she wanted to thank Dr. Brenda Weaver for her assistance to Dr. Norma Delaney in writing the grant for the lighting, and also Judith Martin, Chapter Regent of the Puc Puggy Chapter of the DAR. She also thanked all of their members for their donation of \$1,000.00 toward the lighting project.

*Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved for the Historical Society to Install Museum Quality Lighting if Funded Through a Grant from the Daughters of the American Revolution as presented, by a vote of 5 to 0.*

**4. Consideration of Sewer, Water, and Reuse Utility Agreement for the Pain & Spine Centers of Florida – MJSP 08/14-002 – For Multi-Tenant Medical Complex – Located at 800 Highway 466 (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 developer, Bridge House Trading Company, LLC, is the fee simple owner of approximately 1.27 +/- acres of real property situated in Lady Lake, Florida. He stated that the developer has requested connection to Town water and sewer facilities (Utility), and reuse distribution facility ("Reuse Facilities"), and that the Utility allocates and reserves sufficient capacity in these facilities to serve and sustain the operation of four equivalent residential units (ERUs) or 1,000 gallons per day for sewer and water, and three equivalent residential units (ERUs) or 702 gallons per day for reuse to be consumed by a proposed multi-tenant complex for medical offices.

The proposed facility, which is expected to have four tenants, will consist of a medical complex totaling 9,976 sq. ft. of Office/Professional Building area requiring central water, central sewer, and wastewater reuse services for this 1.27+/- acre parcel located at 800 Highway 466. The Pain & Spine Centers of Florida project received Town Commission site plan approval on December 1, 2014, and the Development Order was issued on December 3, 2014.

The developer has agreed to connect to certain water distribution, sanitary sewer collection facilities, and reuse distribution that will benefit the development and to the use of the water, sewer, and reuse facilities on the terms and conditions hereinafter set forth in the attached agreement, as provided by Utility. This agreement was reviewed by Town Attorney Derek Schroth on Wednesday, December 3, 2014, and was determined to be correct in form for consideration and approval by the Town Commission.

Mr. Carroll stated that Lloyd Sadlowski is present if there are any questions.

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

*Upon a motion by Commissioner Holden and a second by Commissioner Vincent, the Commission approved the Sewer, Water, and Reuse Utility Agreement for the Pain & Spine Centers of Florida – MJSP 08/14-002 – For Multi-Tenant Medical Complex – Located at 800 Highway 466 as presented, by a vote of 5 to 0.*

**K. TOWN ATTORNEY'S REPORT:**

**5. Ordinance No. 2014-10 – Second/Final Reading – An Ordinance Adopting Corrections, Updates, and Modifications to the Capital Improvements Schedule of the Town of Lady Lake Comprehensive Plan (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 this is a request to adopt the Town's annual update of the Capital Improvements Schedule, which is part of the Town's Comprehensive Plan. The Capital Improvement Plan update process and the corresponding requirements are no longer required to be processed by a Comprehensive Plan Amendment, but may be adopted by local ordinance. As required by Chapter 163.3177(3)(b): *"The CIE must be reviewed by the local government on an annual basis. Modification to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local Comprehensive Plan."*

Mr. Carroll noted that there has been one correction to Table 8.2 since the first reading as noted by Commission Hannan at the December 1<sup>st</sup> meeting.

The Town must annually update the Five-Year Schedule of Capital Improvements pursuant to *Florida Statutes*. The purpose of the Capital Improvements Element and the Improvement Schedules is to identify the capital improvements that are needed to implement the Comprehensive Plan and ensure that adopted Level of Service (LOS) standards are achieved and maintained for concurrency related facilities.

These facilities include water, water supply, sewer, solid waste, drainage, parks and recreation, public schools, transportation and mass transit. While the Town does not have financial responsibility or accountability regarding some of these public facilities, there is still the requirement to incorporate the five year capital improvement schedules from other entities. Corrections, updates, and modifications concerning costs, revenues, or the dates of construction of any facility or project identified in the Comprehensive Plan/Capital Improvement Program are not considered amendments and may be accomplished by local ordinance.

Category descriptions of capital improvements are as follows:

A) Category A (Concurrency, Mandatory) -- Public facilities and services for which a level of service must be adopted for concurrency determination as mandated by Chapter 163 of the Florida Statutes. These facilities include water, sanitary sewer, solid waste, drainage, under ownership and operation authority of Lady Lake, or a private utility. Map references and public requests are required within the Public Facilities Element thereof pursuant to policy 8-1.1.2. All Category A facilities must be supported by data and analysis accomplished within an element of the Comprehensive Plan as mandated by Chapter 163, F.S.

B) Category B (Non-Concurrency, Mandatory) -- Public facilities and services exempt from concurrency determination but which are inventoried and analyzed within a mandatory element of the Comprehensive Plan required by Chapter 163, F.S. These facilities include parks and recreation, roads, housing and conservation improvements, including governmental services and facilities necessary to administer and implement the Comprehensive Plan.

C) Category C (Non-Concurrency, Non-Mandatory) -- Public facilities that are exempt from concurrency requirements (i.e., level of service standards) and which are not analyzed and identified within a mandatory element of the Comprehensive Plan are classified as Category C. Such municipal services include, but are not limited to, law enforcement, fire protection, library services, and public buildings.

D) Category D (Non-Mandatory, Concurrency) -- Per the Community Planning Act of 2011, the Public School Facilities Element is no longer mandatory. The Town of Lady Lake has opted to retain and update this optional element and require concurrency per its existing interlocal agreement with the Lake County School District.

Staff recommends approval of Ordinance No. 2014-10 as presented to the Town Commission for their motion to adopt as presented or amend. This ordinance serves to update the Capital Improvements Schedule as required under F.S. 163.3177(3)(b). The attached "Exhibit A" reflects the proposed improvements for the Five Year Planning Period of 2014/15 to 2018/19. Also attached is Ordinance No. 2013-15 to document the prior 5-year Capital Improvement Schedule of 2013/14 - 2017/18, which is being replaced by this ordinance.

The members of the Technical Review Committee individually reviewed the application for Ordinance No. 2014-10 and provided all comments by Tuesday, November 4, 2014. The TRC report was included in the packet. At the November 10, 2014 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2014-10 to the Town Commission with the recommendation of approval.

Mr. Carroll stated that he and Public Works Director C.T. Eagle are available to answer any questions. He stated that this is the second and final reading, and upon approval, it will be submitted to the state and will update the Town's five year plan.

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

*Upon a motion by Commissioner Holden and a second by Commissioner Hannan, the Commission approved Ordinance No. 2014-10 – Second/Final Reading – An Ordinance Adopting Corrections, Updates, and Modifications to the Capital Improvements Schedule of the Town of Lady Lake Comprehensive Plan, 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>

**6. Ordinance No. 2014-11 – First Reading – A Request for Voluntary Contraction (Deannexation) of the Town Boundary by Deannexing +/- 3.18 Acres of Real Property – Generally Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place (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 applicants, Richard and Christine Stine, owners of property addressed as 224 Moore Place, have filed a request to voluntarily deannex their property from the Town of Lady Lake, which includes 3.18 ± acres of property. He stated the present and proposed use of the property is a single family residence. Mr. Carroll stated staff recommends approval of this ordinance.

Aerial views of the property were shown, as well as photos of the property.

Mr. Carroll stated that the nearest Town residence on the south side via Lake Griffin Road is .66 miles away; the nearest residence Lake Griffin Road on the north side is .44 miles, and from Lake Griffin Road via Dulgar Road/Moore Place is .25 miles. He stated the applicants have provided a letter of justification, dated November 20, 2014, outlining their reasons for the request to deannex (see attached).

The Town annexed a portion of the subject property by Ordinance No. 84-18-(120) on December 3, 1984 and the remainder by Ordinance No. 90-28 on November 5, 1990. In 1990, the previous owners of this property requested to be annexed in because one of the owners was in poor health and was concerned about ambulance response. The property was sold to the Stine's in 2003, and they requested that the property be deannexed in 2004 because they were paying Town taxes but receiving no Town services. The Town denied the request in 2004 fearing that they would be setting precedent for subsequent deannexation requests; additionally, there were plans to extend water and sewer service as this was expected to be an area of large growth for the Town of Lady Lake. Another concern at the time they had made their prior request to deannex was that there would have to be a referendum vote to deannex the property. It has since been determined by Town Attorney Derek Schroth that no referendum vote is required as there is only one person in the area instead of the 15% of qualified voters required to request that it go on a referendum.

This property fails to meet the following criteria of Florida Statute 171.043 and is therefore eligible for municipal contraction. Reasons as to how the property fails to meet the standard are noted in bold text:

2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries. **The subject parcel has two residents and the property is 3.18 acres, this density does not achieve two persons per acre.**

(b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are one acre or less in size. **The subject property and the adjacent properties are equal, and in a majority of instances, are greater than one acre in size.**

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts five acres or less in size. **In accordance with the definition below, the subject property and adjacent properties are not used extensively to qualify under this definition.**

*F.S. 131.031 (10) "Urban purposes" means that land is used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels of land retained in their natural state or kept free of development as dedicated greenbelt areas.*

(3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area. **There are no municipal services of water and sewer lines to the east, unincorporated lands of the property, nor are there areas developed for urban purposes anticipated to be developed.**

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2). Urban purposes are not in existence along 60% of the external boundary. **There are no abutting adjacent properties to the subject property; currently, adjacency is only being met via a water body.**

The Town is not currently servicing the Stine’s property for water and sewer, and should these utilities ever be extended along Lake Griffin Road, the lines would not be within the 200 feet required by the Land Development Regulations to connect. Also, the Stine’s are getting no police services from the Town as the Lady Lake officers do not patrol near their property. Additionally, code enforcement officers have been confused in the past, under the belief that the subject property was unincorporated. Upon evaluation of the aforementioned facts and circumstances, staff is in agreement with the applicants that the property exhibits characteristics that are consistent with unincorporated areas.

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

**Future Land Use**

Subject Property	Lady Lake – Rural High Density - 1 dwelling unit per acre
<b>Future Land Use of Adjacent Properties</b>	
West	Lady Lake – Single Family Low Density, up to 3 du/acre
East	Lake County – Urban Low
North	Lake County – Urban Low
South	Lake County – Urban Low

**Zoning**

Subject Property	Agriculture Residential AG-1
<b>Zoning of Adjacent Properties</b>	
West	Lady Lake – Residential 3 du/ac (RS-3)
East	Lake County – Rural Residential (R-1)
North	Lake County – Rural Residential (R-1)
South	Lake County – Rural Residential (R-1)

It was the consensus of the Town Commission after discussion at the November 17, 2014 meeting that they would be in favor of this deannexation. On November 26, 2014, Town Attorney Derek Schroth approved Ordinance No. 2014-11 as to form as prepared.

Mr. Carroll stated that the application was received on Thursday, November 20, 2014. Notices to inform the surrounding property owners (12) within 150' of the property of the proposed ordinance were mailed by certified mail return receipt on Monday, December 1, 2014 and the property was posted this same date. To date, one phone inquiry was received regarding the application.

Mr. Carroll reported that the Technical Review Committee (TRC) reviewed the application for deannexation and Ordinance No. 2014-11 individually and there were no comments received. It was determined that the application was complete and ready for transmittal to the Planning and Zoning Board. At the December 8, 2014 meeting of the Planning and Zoning Board, they voted 5-0 to forward Ordinance No. 2014-11 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider Ordinance No. 2014-11 for second and final reading on Monday, January 5, 2014.

Mr. Carroll stated the Stine's are present if there are any questions.

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

*Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved Ordinance No. 2014-11 – First Reading – A Request for Voluntary Contraction (Deannexation) of the Town Boundary by Deannexing +/- 3.18 Acres of Real Property – Generally Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place 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. Resolution No. 2014-102 – First/Final Reading – Plaza Professional Center – A Resolution Granting a Variance to Authorize the Removal of Two Historic Trees in Accordance with Chapter 10, Section 10-4).F)., of the Town of Lady Lake Land Development Regulations, on Property Owned by Brian W. Warwick, Janet R. Varnell, and Ellen R. Robards – Located at 316 La Grande Blvd., within the Plaza Professional Center (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 on February 3, 2014, Fran Dann-Akin, on behalf of property owners Brian W. Warwick, Janet R. Varnell, and Ellen Robards, submitted an application for a variance in accordance with Chapter 10, Section 10-4).f). of the Land Development Regulations (LDRs) which states that on all properties, the removal of historic trees shall require a variance from the Planning and Zoning Board and then the Town Commission. He stated staff recommends approval of this resolution to accommodate a new office building at the Plaza Professional Center.

Mr. Carroll reported that the original variance proposal was for the removal of one historic tree on the property, and at the March 17, 2014 Commission meeting, the Town Commission requested that an alternative plan be presented to determine whether that tree could be saved if the building or parking configuration were changed. At the April 7th meeting, Resolution No. 2014-02 was again continued to the April 21st meeting, and at the May 5, 2014 meeting, the item was tabled indefinitely to a date uncertain.

Mr. Carroll stated that the property owners, Brian W. Warwick, Janet R. Varnell, and Ellen Robards, have submitted an alternative proposal for the development of new buildings in the Plaza Professional Center, which proposes the removal of two historic trees in lieu of the prior proposal to remove one historic tree. He stated the property owners have elected to propose a change of the location of the building which requires the removal of a 45" live oak and a 42" live oak. The owners also reassessed the size of the prior tree, finding that it is a tree with a 60" diameter. Brian Warwick, property owner, has submitted a revised Justification Statement as to why the removal of the trees is necessary (included in packet).

Aerial views of the site, drawings of the proposed site plan, and photos of the property and the trees were reviewed.

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 07, 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 Planned Commercial (CP). The subject property is located at 316 La Grande Blvd. within the Plaza Professional Center (Alternate Key 3808678), within the town limits of the Town of Lady Lake, Florida.

Upon approval of this variance resolution, if granted, the applicant will have to undergo the Site Plan application process for approval of any improvements proposed; two buildings are proposed at this point. All landscaping buffer requirements and plantings would have to be satisfied during this process.

Mr. Carroll reported that notices to inform the surrounding property owners (19) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Wednesday, November 26, 2014. In addition, the property was posted on Monday, December 1, 2014. He stated that to date, staff has received one phone call in opposition to this proposed

variance request, and this same person spoke at the Planning and Zoning Board meeting on December 8, 2014.

Mr. Carroll reported that at the November 18, 2014 special meeting of the Town Commission, it was the consensus of the Commission that they were in favor of advancement of the conceptual presentation of alternative historic tree removals for the Plaza Professional Center as presented. The Technical Review Committee reviewed the application for Resolution No. 2014-102 and returned no comments regarding this application on Monday, December 1, 2014. On Monday December 8, 2014, the Planning and Zoning Board voted 3-2 to forward Resolution No. 2014-102 to the Town Commission with the recommendation of denial.

Mr. Carroll stated that Brian Warwick is not present, but that property owner Janet Varnell has requested to give a brief presentation, and applicant Fran Dann-Akin is present as well.

Ms. Varnell thanked the Commissioners for hearing her this evening. She stated that she, her husband, and her mother want to leave the world a little better than they found it and pass it on to the children, but she stated there must be a balance to be wise. She related a story about a lawsuit regarding Central Beef in Sumter County, Florida to point out that there must be a balance between property owners' rights and the needs of the community. Ms. Varnell stated that she and her family are great stewards of the environment and practice that on their own property. She stated tonight's proposal will help mitigate and improve the environment for Lady Lake and for posterity.

Ms. Varnell stated that this second buyer is a general practitioner who will build a medical office building that will have golf cart access and will be accessible for residents of Lady Lake and The Villages. She stated that although the trees on the lot are important, there is also the need to balance that fairly with the property owners' rights so that they can sell their property. Ms. Varnell stated there are 32 trees on her property and they are requesting to take down two, which will make the parking lot safer and easier to get around while protecting the larger 60" historic tree. She stated that the engineers and architect have advised them that there is no way for them to have their deeded rights unless they build the two buildings as proposed and by taking down the two trees to allow for sufficient parking for the area. Ms. Varnell made an impassioned plea to the Commissioners to approve this request.

Mayor Kussard stated she wanted to make some comments before any more were heard. She stated the Town has allowed trees to be cut on other properties and that is why there is mitigation. She stated these property owners have come back to the Commission, and there is no hazard, and since there are already a lot of trees on the property, she sees no reason why they should be turned down. Mayor Kussard stated they have done everything that the Commission has asked of them.

Commissioner Hannan stated he is against cutting down trees, and that it does not make sense to allow two trees to be cut down instead of one. He stated a resident came forward at the Planning and Zoning Board meeting and was so passionate about the trees that she offered to purchase the property. Commissioner Hannan stated he did not see anything in the meeting minutes that would indicate why three of the Commissioners were in favor of this alternate proposal. He stated that he would not like to create a concrete jungle in Lady Lake and that our trees are important. Commissioner Hannan stated he agrees with the Planning and Zoning Board's recommendation of denial.

Commissioner Richards stated he has not changed his opinion for his no vote, with the reason being that the 4,000 sq. ft. of open area was not used for the building, but instead they are proposing to take more parking lot away, and then making more parking area. He stated he feels there is another way to develop the property.

Commissioner Holden stated that although he respects the members of the Planning and Zoning Board, he will stand by his decision to approve the removal of these two trees as this property has more than its proportionate share of trees compared to other properties that have been developed.

Commissioner Vincent stated that he will also approve the removal of these two trees.

Town Attorney Derek Schroth suggested that public comment be requested on this variance request.

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

- Sirana(sp?) Dye of 3847 Griffin Avenue stated that she is a long time resident of Lady Lake, and that it is very hard to navigate the parking lot on the property in question because of all the trees. She requested that the Commission allow the trees to be cut.
- Joe Quinn of 633 Rainbow Blvd. stated he drives by this property often, and that it is a small woods with so many trees. He stated that these two trees should be allowed to be removed as they are getting in the way of a better use of the property, and it will get rid of the for sale sign!
- Robert Riendeau of 828 Silver Oak Avenue stated he welcomes the addition of a general practitioner in the area. He stated there are plenty of trees there.
- Susan Aker stated she was born in Ocala and raised in Lady Lake. She agreed that this property has more than its share of trees and is commercially zoned, and although she loves the trees, she believes the property should be used for a commercial purpose, and that it is not a park.
- Shirley Lennox of 936 Tarrson Blvd. stated she lives in the shade of this tree and that she has expressed her objections to this. She asked where this will end.

Ms. Varnell asked to make a rebuttal to the Commissioner's comments; particularly Commissioner Richards' comments about putting the building on the 4,000 sq. ft. open space. She stated the professionals, engineers and architects, as well as representatives from The Villages, have advised her that this is the only way to configure adequate parking spaces. Ms. Varnell stated she was told that it would be insane to reduce the amount of parking spaces by variance request, as the parking is extremely burdened already. She referred to a letter by Anita Valdez, who is a commercial resident of this area, and who stated it would be a disservice to reduce the required number of parking spaces. Ms. Varnell also stated that her liability insurance on this property is high because there have been a number of people who have slipped from all the leaves that fall in this parking lot from the trees, making it a safety hazard.

In reply to Commissioner Hannan's comments, Ms. Varnell replied that she was more than willing to consider another offer to buy the property from Ms. Lennox, but she only offered \$215,000,

which is not close to fair market value. She stated it is a commercial property, not a park, and it is her family's retirement investment.

Commissioner Hannan did agree that Ms. Varnell made a good case regarding the parking.

- Ms. Lennox denied that she made a \$215,000 offer for the property.

Commissioner Hannan asked how often the other Commissioners travel through this area, stating he does not believe they have the feel for the neighborhood that he and Commissioner Richards have.

Mayor Kussard asked for a motion.

*Upon a motion by Commissioner Vincent and a second by Commissioner Holden, the Commission approved Resolution No. 2014-102 – First/Final Reading – Plaza Professional Center – A Resolution Granting a Variance to Authorize the Removal of Two Historic Trees in Accordance with Chapter 10, Section 10-4.F), of the Town of Lady Lake Land Development Regulations, on Property Owned by Brian W. Warwick, Janet R. Varnell, and Ellen R. Robards – Located at 316 La Grande Blvd., within the Plaza Professional Center by the following roll call vote:*

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

**L. TOWN MANAGER'S REPORT:**

**8. Discussion of Penny Sales Tax Projects (Kris Kollgaard)**

Town Manager Kris Kollgaard reported that Lake County has requested that municipalities report their recommendations for projects funded by the penny sales tax. She asked the Commissioners if they had any comments or suggestions other than the ones she outlined in her e-mail to them regarding this.

Mayor Kussard commented that this penny sales tax built the library and added to Public Works, and benefits the Town in so many different ways. She stated she would like to see a big, beautiful park for families.

Ms. Kollgaard explained that this is the renewal for the penny sales tax which sunsets in 2017-2018 and may be on the ballot in 2015 or 2016. She explained that this is a user tax and anyone traveling through the county pays it, with one third going to the municipalities, one third goes to the county, and one third goes to the School Board. She stated it has helped with a lot of infrastructure around Town such as the library and the wastewater treatment plant.

Ms. Kollgaard stated one of her suggestions is a nice passive park where people can grill, have a playground for children, and perhaps build a building where people can have family reunions or weddings. She stated that another suggestion is to install the fiber optic connections for businesses.

Commissioner Hannan commented that at one time the Town was looking at the property on the corner of Lake Griffin Road behind Lady Lake Realty, although it was pricey.

Ms. Kollgaard agreed that it was pricey, and stated that the Town could possibly get a match grant to bundle with the penny sales tax monies for some projects.

Commissioner Richards stated his two suggestions are the extension of Lady Lake Boulevard going out to Rolling Acres, and the extension of Clay Avenue to the back of the shopping center.

Ms. Kollgaard stated that the Town may shortly be in a position to sit down with residents regarding the extension of Clay Avenue.

Commissioner Holden and Commission Vincent both commented that they are in favor of the renewal of the penny sales tax.

Mayor Kussard commented that there was also talk at one time about extending the road by Sam's to CR 25.

Ms. Kollgaard stated that staff looked into that when they were considering the repaving of Avenida Central. She stated she will prepare the list that is due to the county by the end of January, and will send it to the Commissioners to review before sending it to them.

Ms. Kollgaard reported that Lake County had suspended the school impact fees and then reduced them to 25% of the original fees, but have now increased the fees to 75% of the original amount. She asked the Commissioners if they wanted to match the county as they have in the past.

It was the consensus of the Commissioners that the Town should match the county in regard to school impact fees.

Ms. Kollgaard stated that staff will prepare an ordinance for this and it will be brought back before the Commission.

#### **M. MAYOR/COMMISSIONER'S REPORT:**

Commissioner Richards stated he received the latest monthly financial report from staff today, and he is concerned that the Town has not received a final answer regarding the Communication Services Tax from the Department of Revenue. He stated closure is needed one way or another.

Ms. Kollgaard stated the Finance Director received some information from the Department of Revenue today which will be forwarded to the Town Attorney, and it will be forwarded to the Commissioners after he reviews it. She stated there is no date set, but the information received was in reply to staff's request for an update.

Mayor Kussard reported that she attended both the Christmas Parade, which was great, and Light Up Lady Lake, which was a spectacular display. She thanked Town staff who makes this happen every year, and she wished everyone happy holidays.

Commissioner Hannan commented that he has heard that many Villages have defibrillators in their yards, and that it may be a great idea to have them in the wards, strictly funded by residents.

Ms. Kollgaard stated she believed the AEDs are very expensive, and would be hard to fund.

Chief McKinstry offered from the audience that the AEDs are approximately \$1,000.00 each, and the batteries are \$300 each.

Commissioner Vincent commented that the Water Oak community tried having the AEDs in their community, but the batteries were a big problem. He stated they relied on an AED, but it did not work because the battery was no good, and the batteries need to be checked on a regular basis.

Commissioner Hannan stated he believed one of the clubs spearheaded this, and that residents paid for them.

**N. PUBLIC COMMENTS<sup>iv</sup>**

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

**O. ADJOURN:** There being no further discussion, the meeting was adjourned at 7:00 p.m.

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Kristen Kollgaard, Town Clerk

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Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

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<sup>i</sup> 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.

<sup>ii</sup> 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.

<sup>iii</sup> 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.

<sup>iv</sup> 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.