

**MINUTES OF THE SPECIAL MEETING  
OF THE LADY LAKE TOWN COMMISSION  
LADY LAKE, FLORIDA  
September 3, 2014**

The special 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. INVOCATION<sup>i</sup>:** Father Lloyd Olsen, Jr. of St. George Episcopal 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; Wendy Then, Town Planner; C.T. Eagle, Public Works Director; Mike Burske, Parks & Recreation Director; Chief Chris McKinstry, Police Department; Jeannine Michaud, Finance Director; Tia O'Neal, Human Resource Director; Pam Winegardner, Assistant Finance Director; and Nancy Slaton, Deputy Town Clerk

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

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

**G. PUBLIC HEARING:**

**1. Resolution No. 2014-116 – First/Final Reading – Adoption of Tentative Millage Rate for FY 2014-2015 (Jeannine Michaud)**

Finance Director Jeannine Michaud gave the background summary for this agenda item (on file in the Town Clerk's office). She stated that per state statute, the Town of Lady Lake must hold a public hearing on the tentative millage rate and proposed budget. At this hearing, the Town Commission will discuss the tentative millage rate, and if changed, re-compute its tentative

millage rate and publicly announce the percent, if any, by which the re-computed tentative millage is greater than or less than the roll back rate, and then approve the resolution and the proposed budget by first reading of the ordinance.

Ms. Michaud announced that there were some changes to the budget at the budget workshop meeting on August 21, 2014 which included \$10,000 being moved to contingency from library book purchases, \$1,500 from Commission travel and training to contingency; and an update on final insurance costs allowed another \$14,547 to be put into contingency. She stated the millage rate was increased to 3.8781 and this increased the revenue \$481,034; \$451,566 of this was put into an expense line item to pay back the overpayment of Communication Service Tax revenue paid to the Town, and the balance of \$29,468 was added to contingency, for a total of approximately \$55,000 in contingency. Ms. Michaud stated she spoke to the auditor about the payback of Communication Service Tax revenue, and he (Chet Ross) said the payback is not an expenditure as it will overinflate expenditures, and it needed to be moved to revenues as a negative revenue under Communication Services Tax. She stated this change has been made and a new cover sheet and documents showing corrected figures was handed out at this meeting with the explanation.

Ms. Michaud reminded the Town Commission that they can reduce the rate at this meeting, but at the second public hearing on September 17<sup>th</sup>, they will not be able to increase it from what was approved at this meeting. This tentative rate, plus any other rate below this rate, requires an affirmative vote of three members of the Town Commission. She stated this hearing was advertised via the TRIM Notice mailed out by the Property Appraiser. Ms. Michaud reported that the four page budget message from the proposed budget, which highlights the revenues and expenses, is on file in the Clerk's office and will be available online tomorrow.

Ms. Michaud made the following required announcements:

- The Taxing Authority is the Town of Lady Lake;
- the roll-back rate is 3.1345;
- the tentative millage rate is 23.72% over the roll-back rate;
- and the tentative millage rate is 3.8781.

Ms. Michaud then read the heading of Resolution No. 2014-116 regarding the adoption of the tentative millage rate for FY 2014-2015. She stated tentative millage rate for FY 2014-2015 is 3.8781 mills, which is 23.72% over the current year's roll-back rate of 3.1345. She stated the 23.72 percent increase over the roll-back rate was needed to fund the budget and she explained the roll-back rate is the rate at which the current tax base would produce the same taxes levied as the previous year. She stated it is essentially whatever tax rate is required to bring in the same amount of revenue as the previous year, even if the property values drop. Ms. Michaud stated that when a tax base increases, maintaining the same millage rate represents an increase in taxes. She stated the current proposed budget for the general fund is \$9,783,791, the special revenue is \$1,126,100, and the utilities fund is \$2,213,462, for a total proposed budget of \$13,123,353.

Ms. Michaud stated the main reason for the proposed tax increase is the drastic decrease in Communication Services Tax revenue, as the Town has lost \$635,000 and has the potential to pay back \$1,354,700 to the Department of Revenue. She stated the governing body will hear comments about the proposed tax rate and discuss reasons for the proposed increase over the roll back rate. She opened the meeting for Commission input and public comment.

The recommended motion for the above item is as follows:

- Approve the first and final reading of Resolution No. 2014-116 for the tentative property tax millage rate of 3.8781 mills per \$1,000 taxable valuation, which is 23.72% more than the current year’s roll back rate of 3.1345.

Commissioner Hannan apologized for missing the budget workshop on August 21<sup>st</sup>. He stated he has extreme ultra-conservative views and he then read a prepared statement. In it, he asked that the employees cut each department’s budget by 10% and stated that it is absurd to cut the \$1,500 from the Commissioners’ budget for travel and education as it keeps them up to date. Commissioner Hannan stated that he understands budgets can be confusing to comprehend, and numbers can be manipulated where none other than the financial guru who created it can understand it. He commented that the auditor has said the expenses are overstated, and he asked what else has been overstated. He commended the staff for their efforts on this budget, but asked for more cuts. Commissioner Hannan further remarked that there are poor people in The Villages and Lady Lake that may not be able to handle the proposed tax increase and that he was against it.

Mayor Kussard responded that staff rescheduled the budget workshop three times trying to find a date and time that fit in with Commissioner Hannan’s schedule, and then received an email stating he would be late that day, but he did not show up at all. She stated the budget workshop is where Commissioner Hannan should have brought up these issues as the Commissioners went through the budget line by line looking for items to cut. Mayor Kussard stated that if Commissioner Hannan expected the departments to make cuts, there is no reason why the Commissioners could not cut their budget, and it was not political. She stated that the Florida League of Cities sends out almost daily emails to keep the Commissioners up to date on issues. Mayor Kussard asked how the Town could absorb the \$1.3 million in Communication Services Tax pay-back without the millage rate tax increase. She asked where the Town would be if another disaster occurred such as the tornado in 2007 that cost the Town \$1.8 million.

Town Manager Kris Kollgaard addressed Commissioner Hannan’s comment that staff had overstated the revenues and explained that the auditor is the one who asked staff to put the Communication Services Tax overpayment into another line item to separate it. She stated that staff has already made many cuts, and had to cut \$300,000 from the current year’s budget, and did not include new equipment that is needed such as new police cars in next year’s budget. Ms. Kollgaard stated staff has already saved the Town a lot of money and gave the example of staff learning how to maintain the mast arms themselves rather than paying an outside company. She asked that Commissioner Hannan show staff where to cut the budget if he wanted more cuts.

Mayor Kussard asked if there were any comments from the public. There were no comments.

*Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved Resolution No. 2014-116 – First/Final Reading – Adoption of Tentative Millage Rate of 3.8781 Mills for FY 2014-2015, by the following roll call vote:*

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

**2. Ordinance No. 2014-07 – First Reading – Adoption of Tentative Budget for FY 2014-2015 (Jeannine Michaud)**

Finance Director Jeannine Michaud gave the background summary for this agenda item (on file in the Town Clerk’s office). She stated that this will be the first reading of Ordinance No. 2014-07, adopting the operating budget for FY 2014-2015 (October 1, 2014 through September 30, 2015). She read the ordinance title which stated the budget is setting forth anticipated revenue of \$13,123,353 and expenditures in the equivalent amount, and stated the following amounts are appropriated for various funds: General Fund - \$9,783,791; Special Revenue (infrastructure sales surtax) - \$1,126,100; and Utilities Fund - \$2,213,462; for a total of \$13,123,353.

The recommended motion for the above item is as follows:

- Approve Ordinance No. 2014-07 on first reading for the proposed FY2015 budget.

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

*Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved Ordinance No. 2014-07 – First Reading – Adoption of Tentative Budget for FY 2014-2015, by the following roll call vote:*

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

**H. PROCLAMATION:**

**3. Medicare Education Week (Mayor Kussard/United Healthcare)**

Mayor Kussard read the proclamation proclaiming the week of September 15<sup>th</sup> to the 21<sup>st</sup>, 2014 as Medicare Education Week which was established to encourage baby-boomers, Medicare beneficiaries, and their families, friends and caregivers to become educated about their health care coverage options. She presented it to Debbie Delli Santi, Isabel Benitez, and Denny Pringle of United Healthcare.

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

- 4. Minutes – August 18, 2014 – Regular Commission Meeting**  
– August 19, 2014 – Special Commission Meeting  
– August 21, 2014 – Special Commission Budget Workshop Meeting

**5. Consideration of Approval for the Fall Activities for 2014 (Mike Burske)**

The background summary for this agenda item is on file in the Clerk’s office. It states that the Parks and Recreation Director is bundling the activities of the different organizations by the season and will seek the approval and recommendations of the Commission this year. In years past, the activities were programmed and then permission was requested to host the events. The

programs that are listed are the same as last year with the addition of the Taste of Lady Lake in November. The dates may have changed and the times will be similar, but Mr. Burske asked for flexibility with the times as he has not formally programmed the events and may find that the times may need to be changed due to various reasons.

The fall season has seven activities that will need the services of the Parks and Recreation Department. It was noted that Mr. Burske will be working with the Chamber of Commerce on their Casino Night. Parks and Recreation staff will assist the Soccer Association and the Little League for their opening days and closing ceremonies, but dates and times have yet to be determined, and the opening ceremonies have historically been accepted as part of their programming and have not needed approval from the Town if they do not have activities other than the announcing of the teams or the passing out of awards and trophies. Between the beginning of October and the second Saturday of December, the Town will have obligations for nine weekends. It was noted that this is the Parks and Recreation Department's busiest time of year, but the most fun. The activities and their fiscal impact were listed as follows:

- Historical Society Rummage Sale - \$100-overtime-P&R
- Art-in-the-Park – \$175-overtime-P&R
- The Garden Club Plant Sale – \$100-overtime-P&R
- Halloween Party - \$600-supplies and \$400-overtime-P&R
- Christmas Parade –\$500 to \$1,000-supplies, \$800-overtime-P&R, and \$1,200 overtime for Police and Public Works overtime
- Light-Up-Lady Lake - \$4,500–lights, \$500-overtime-P&R, and \$1,000 overtime for Police and Public Works
- Taste of Lady Lake- \$175 for entertainment, \$100-miscellaneous supplies, and \$300-overtime for P&R and Police

**6. Consideration of Approval of the FY 2014-2015 Public Risk Management Renewal (Tia O'Neal)**

The background summary for this agenda item is on file in the Clerk's office. It states that staff received the 2014-2015 PRM/WRM renewal for property, workers comp, general liability and pollution insurance coverage for the upcoming fiscal year. The grand total is \$408,138.00 and included a \$19,760.00 preferred member participation credit. There was an estimated 10% increase proposed in the 2014-2015 budget. The total increase is 9.1% for property, liability and workers comp, and a 27.3% decrease for pollution liability.

**7. Consideration of Continuation of Service Agreement with Trane for the Town Hall HVAC Units (C.T. Eagle)**

The background summary for this agenda item is on file in the Clerk's office. It states that Trane has been the service provider for the Town Hall and Police Department HVAC systems since the initial installation. The agreement extends the current services for one year with no change in price. This is a budgeted item.

**8. Consideration and Approval of the Amendment to the State of Florida Department of Transportation (FDOT) Traffic Signal Maintenance and Compensation Agreement (C.T. Eagle)**

The background summary for this agenda item is on file in the Clerk's office. It states that the State has amended the Traffic Signal Maintenance and Compensation Agreement previously

approved via Resolution No. 2014-112. The amended agreement does not change the scope or reimbursement provisions of the agreement; its intent is to clarify maintenance and performance language. The resolution authorized the Town Manager to execute and sign said agreements.

*Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved Consent Items #1-4 through #1-8, by a vote of 5 to 0.*

**J. OLD BUSINESS:**

**K. NEW BUSINESS:**

**9. Consideration of the Titan Assisted Living Facility & Memory Care Center Major Site Plan - MJSP 06/14-001- A Development Consisting of a 33,100 Sq. Ft. Three-Story Building Proposing 50 Units of Assisted Living Facility and 36 Units of Memory Care Center – Located at 930 Alvarez Avenue (Wendy Then)**

Wendy Then, Town Planner, gave the background summary for this agenda item (on file in the Clerk’s office). She stated that applicant Kevin Bessolo with Bessolo Design Group, on behalf of the property owner, Villages Operating Company, has submitted a site plan for the construction of a three-story building proposing 50 units of Assisted Living Facility and 36 units of Memory Care Center totaling approximately 33,100 sq. ft. 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.

Ms. Then stated that the subject property is approximately 2.33 +/- acres and is located within The Villages Center Planned Commercial Master Plan, also referenced as Spanish Springs. She stated 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.

Ms. Then reviewed drawings and photos of the site, the site plan, the property at present, the surrounding areas including Vista Sonoma, and the proposed trees and plantings to be done on the site.

Ms. Then commented that the key points of the landscape plan include:

- \* preserves and enhances the character of the Avenida Central canopy road;
- \* reflects consistent landscape design quality and character of The Villages;
- \* blends with scale and theme of the setting; and
- \* uses customary Florida-friendly design principles.

Site plans have been submitted by Christopher Andrew Potts, Professional Engineer with Farner Barley and Associates, Inc. The Landscaping and irrigation plans have been prepared and certified by Patricia Pape, Registered Landscape Architect with Michael Pape & Associates, P.A. For the proposed three-story Spanish Mediterranean Building, the architectural exterior elevations were drawn by Kevin Bessolo with the Bessolo Design Group. The applicant has complied with requirements pursuant to the Land Development Regulations (LDRs) for site

plans, including Chapter 7-Site Plan Development Regulations, Chapter 10–Landscaping & Tree Protection, Chapter 14-Water, Reuse Water, and Sewer Standard Specifications, and Chapter 20-Commercial Design Standards of the LDRs. Reviews were completed for the Town of Lady Lake by Town staff, and by Neel-Schaffer Engineering and The Villages Fire Department for compliance with the Florida Fire Prevention Code. Attached are the following reviews contained in the packet:

- a. Town Engineer comments for the site plan dated June 25, 2014 (Satisfied).
- b. Fire Review comments dated June 11, 2014 (Satisfied).
- c. Waste Management comments dated June 10, 2014 (Satisfied).
- d. Lady Lake Building Official comments dated July 14, 2014 (Satisfied).
- e. Lake-Sumter MPO comments dated August 20, 2014 (Satisfied with note for necessary study modification should the land use change to a use other than ALF).
- f. Lady Lake Public Works comments dated June 12, 2014 (Satisfied).
- g. St. John’s River Water Management District Permit Modification No. 4-069-19152-26 (Satisfied).

Ms. Then reviewed the waivers being requested by the applicant as follows:

Commercial Design Standards: Attached are the site plan and façade elevations for the Titan Assisted Living Facility & Memory Care Center. The building exterior elevations correspond with the Spanish Mediterranean Architectural Style. There is only one waiver requested from the Commercial Design Standards as shown below:

Chapter 20- Section 20-3C.)9).F)., which requires that no more than three different colors or color shades should be typically used in a single building.

- The applicant is proposing four or more colors for the exterior building elevations. A drawing of the elevation showed the proposed colors to be used.

Tree Requirements: In accordance with Chapter 10-Landscape and Tree Protection, the site is required to provide 373 tree caliper inches based on its 2.33-acre area (160’x 2.33). The landscaping tree proposal breakdown is as follows:

Existing Trees to remain	290	tree caliper inches
Proposed Trees for the site	405	tree caliper inches
Total tree caliper inches	695	tree caliper inches

Ms. Then noted that the applicant is providing almost twice the required on-site tree caliper inches.

The following five waivers to the Landscaping Regulations have been proposed by the applicant (Justification Statement was included in the packet):

- 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' Minimum width with two canopy trees, three understory trees and a continuous hedge per 100' linear feet of the property line.

Proposal: To waive three understory trees.

Justification: Space limitation and constraints unique to the subject parcel that cannot be accommodated on site.

- 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' Minimum width with two canopy trees, three understory trees and a continuous hedge, per 100' linear feet of the property line.

Proposal: To waive three canopy trees and seven understory trees.

Justification: Space limitation and constraints unique to the subject parcel that cannot be accommodated on 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' Minimum width with two canopy trees, three understory trees and a continuous hedge per 100' linear feet of the property line.

Proposal: To waive six understory trees.

Justification: Presence of existing canopy from off-site trees.

- IV. Waiver to LDRs-Chapter 10, Section 10-3.c).1). which requires that the maximum number of interrupted parking spaces shall be ten (10).

Proposal: To allow the number of interrupted parking spaces to exceed ten parking spaces along the east and west elevations.

Justification: Space limitation and constraints unique to the subject parcel that cannot be accommodated on site.

- V. Waiver to LDRs-Chapter 10, Section 10-3.c).3). which requires that the end of all double parking rows the development must provide two acceptable canopy trees or five acceptable understory trees or palms, ten shrubs, and ground cover and/or grass.

Proposal:

- To reduce the required plant material to one canopy tree, three understory trees, and shrubs on the northern landscaping island, and
- To eliminate the required canopy and understory trees on the southern landscaping island of the double parking row.

Justification: Space limitation and constraints unique to the subject parcel that cannot be accommodated on site.

Ms. Then noted that no historic tree removals have been proposed for removal as part of this application.

Ms. Then reported that the Technical Review Committee members individually reviewed the application on Wednesday, July 2, 2014, and provided outstanding comments regarding the Site Plan application; those comments have been satisfied. The Parks, Recreation, and Tree Advisory Committee reviewed this application at their regular meeting on Wednesday, July 9, 2014, at 5:30 p.m., recommending Site Plan approval by a vote of 5-0. The Town Commission reached a consensus during the Special Town Commission Workshop Conceptual Presentation held Tuesday, August 19, 2014, to allow the Titan ALF & Memory Care Center to move forward with Site Plan application for final consideration before the Town Commission.

Ms. Then stated the applicant is present if there are any questions.

Commissioner Richards stated he brought up his concern that there was no sidewalk on Alverez at the Special Commission meeting. He asked staff if there is any reason that, because this is a Central Development District and is almost all development controlled, that the Town is not requiring that a bond be put up. He commented that there is parallel parking on Alverez adjacent to the site.

Ms. Then replied that part of the review process involves review of the Memorandum of Agreement that was approved for the Master Plan. It was found that it was a part of the major downtown center and sidewalks were provided just adjacent to the site and all the applicant would have to do would be to provide a crosswalk into the next sidewalk section in order to cross over to the site. Ms. Then stated there is no continuation of pedestrian traffic from Avenida Central and everything south of that area is residential in nature; all traffic would move north from the ALF and Avenida Sonoma to the downtown center of Spanish Springs. She reiterated that it is part of a master plan unit and the ALF is providing on-site parking spaces and pedestrian access is on-site.

Mayor Kussard asked if Mr. Dzuro had met with The Villages developer regarding the possibility of adding a sidewalk there.

Martin Dzuro of The Villages stated that he checked into it and did a site inspection and looked at old plans, and spoke with the Titan folks. He stated the Titan folks said that their residents will not be walking to the downtown center from the facility and they will have no pedestrian traffic from the Alverez side. Mr. Dzuro said the sidewalk is a separate issue from this project and should not be considered for this site plan approval. He said the parallel parking spaces in that area have been in existence since the 1990's and are rarely used except for major events, and the VCCDD will address any sidewalk needs in the future.

*Upon a motion by Commissioner Hannan and a second by Commissioner Richards, the Commission approved the Titan Assisted Living Facility & Memory Care Center Major Site Plan - MJSP 06/14-001 as presented, by a vote of 5 to 0.*

**10. Consideration and Approval of Community Safety Day (Lady Lake Police Department and The Home Depot) (Chris McKinstry)**

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk's Office). He stated that the Lady Lake Police Department is requesting to co-host Community Safety Day on Saturday, October 18, 2014 from 10 a.m. until 2 p.m. to heighten crime prevention and enhance safety awareness. He stated this event will be held inside and in the parking lot area of The Home Depot featuring public safety booths and vehicles. Chief

McKinstry reported that Community partners expressing a strong interest in participating at this time include: The Villages Public Safety, Lake County Fire Department, Seniors vs. Crime and our local Sheriff's offices, and the Lake County Sheriff's Office Explorer Unit will be assisting the Lady Lake Police Department with a bicycle safety course for children as well as provide adults with information on scams, frauds and identity theft. He stated that this event will be advertised locally through are businesses and news media.

Commissioner Richards commented that it was a good idea and thanked Chief McKinstry, and the other Commissioners agreed.

*Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved for the Lady Lake Police Department to partner with The Home Depot and co-host Community Safety Day in the Town of Lady Lake on Saturday, October 18, 2014 from 10 a.m. until 2 p.m., by a vote of 5 to 0.*

**11. Consideration and Approval of Police Department Surplus Equipment Exchange (Chris McKinstry)**

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk's Office). He reported that the Police Department currently has in its armory inventory one Ruger M77 Mark II .308 sniper rifle with scope, one Leupold Sequoia model spotting scope with case and tripod, one gun safe, seven cases of .308 ammunition, and 20 cases of 12 gauge shotgun ammunition. He stated that these items are not in use, nor are any future uses anticipated, and many Lady Lake Police Department vehicles are outfitted with patrol rifles as part of the official equipment.

Chief McKinstry stated that in order to continue the established practice of providing standard equipment to all our patrol vehicles, he has the opportunity to exchange this surplus equipment currently in the Police Department inventory for six .223 patrol rifles. He stated that this proposed cost effective exchange from Pickett Weaponry, Inc., a federally licensed firearms dealer, will allow the Police Department to obtain new quality equipment from an established reputable business. Chief McKinstry stated the total of the new purchase is \$4,650.00 minus a trade in allowance of \$4,650, providing for a financially neutral equipment acquisition for the Town. He stated that Town Attorney Derek Schroth has reviewed and approved this request.

Commissioner Vincent stated he was curious as to how many shells were in a case as this is worth a lot of money. He also asked whether the Police Department accepted donations of military equipment from the Federal government.

Chief McKinstry replied that he did not know off the top of his head, but there is a lot and that is why they are putting the items up for surplus sale. He stated that they have no need for military equipment.

Town Manager Kris Kollgaard stated that the Chief is cleaning house and trying to get rid of surplus items.

Commissioner Hannan asked if the Chief had considered body video cameras for the police officers in the future.

Chief McKinstry replied that he is currently looking at grant opportunities for this, but has no information to share at this time.

*Upon a motion by Commissioner Holden and a second by Commissioner Richards, the Commission authorized Chief McKinstry to purchase six Bushmaster .223 patrol rifles for the Police Department and to exchange the Town-owned sniper rifle, spotting scope, excess ammunition, and gun safe to cover the price of the purchase, by a vote of 5 to 0.*

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

**12. Resolution No. 2014-113 – First/Final Reading – AA Castle LLC – A Variance from the Provisions of Chapter 17, Section 17-3).E).1).A) of the Town of Lady Lake Land Development Regulations Which Requires That No Freestanding Sign Shall Be Erected Closer Than 100 Feet from Any Other Freestanding Sign. The Variance Request is to Allow a Freestanding Sign to be Erected 75 Feet from the Closest Freestanding Sign on the Property Owned by AA Castle LLC, Located at 108 North Highway 27/441 (Wendy Then)**

Town Attorney Derek Schroth read the ordinance by title only.

Town Planner Wendy Then gave the background summary for this agenda item (on file in the Clerk's office). She stated that the applicant, Tim Wainscott with Mid Florida Signs & Graphics, on behalf of AA Castle, LLC, has submitted an application for a variance from Chapter 17, Section 17-3).e).1).A).; which requires that no freestanding sign shall be erected closer than 100 feet from any other freestanding sign. The variance request is to allow a freestanding sign to be erected 75 feet from the closest freestanding sign on the property owned by AA Castle, LLC, located at 108 North Hwy 27/441 (AK #1723671), within the Town of Lady Lake, Florida. The closest freestanding sign is located north of the subject parcel at Cindy's Place, addressed as 114 North Highway 27/441. The proposed monument sign is designed to be approximately 5' high by 9.7' wide with a five foot setback along North Highway 27/441, which meets sign code requirements.

Mr. Then reported that as required of the application, a Justification Statement has been submitted, and the site is home to Affordable Lock and Security Solutions, a business specialized in providing total security services to residential, commercial, and industrial customers. She stated that services by Affordable Lock can range from basic lock and key residential locksmith service to large master key, access control systems, high security locks, closed circuit television networks, home automation systems and burglar alarms.

Ms. Then reviewed drawings and photos of the site, showing the building and surrounding business areas. She stated the owner is trying to promote his business and become more visible along North Highway 27/441 by bringing awareness to the community of the company's presence and available services via their proposed freestanding sign. The applicant elaborated that since the owner took possession of the property last year, he has been gradually improving the appearance of the neighborhood which has extended to the surrounding properties in a beneficial way. Adding the monument sign has been part of the improvement plans for the site to make it fully operational and attractive. The applicant feels that a 75 foot separation still accomplishes the spirit of the Code to the best extent practicable in that the site alone is only approximately 106 lineal feet of frontage.

Ms. Then reported that the applicant has pointed out that the sign height would not exceed five feet, even when the Code allows eight feet; and that the installation of the sign would comply with all applicable requirements of the Florida Building Code, resulting in a new, safe, and attractive sign product to the area. Additionally, the proposed sign location has been deemed the best location for sign placement based on the existing concrete and electrical infrastructure to serve the proposed sign. A rendering of the proposed sign was shown, as well as the proposed location of the sign.

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

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

The subject property lies in Section 20, Township 18, Range 24, Lady Lake, Florida. The Future Land Use Map designation for the site is Commercial General-Retail Sales & Services (RET) and is zoned Heavy Commercial (HC). Resolution No. 2014-113 was reviewed by Town Attorney Derek Schroth on Thursday, July 31, 2014, and determined it to be correct in form.

Ms. Then noted that notices to inform the surrounding property owners (7) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, July 28, 2014 and the property was also posted this same day. She stated there have been no communications either in favor or opposition of this request.

Members of the Technical Review Committee individually reviewed the application for Resolution No. 2014-113 and provided all comments by Monday, July 28, 2014. The TRC report is attached. The Planning and Zoning Board heard the application for Resolution No. 2014-113 at their regular meeting on Monday, August 11, 2014, and recommended approval with a 3-1 vote. She stated that Planning and Zoning Board held a Special Meeting on August 27, 2014 to hear variance application Resolution No. 2014-113 once again due to the Public Advertisement requirements for variance applications pursuant to Chapter 3, Section 3-14).d).3). This application requires notices to the property owners, posting of property, and newspaper public advertisement; however, the newspaper public advertisement did not take place until Wednesday, August 20, 2014. (Votes of this meeting were not available at the time of preparation of this agenda item).

Ms. Then stated that the applicant is present if there are any questions.

Commissioner Hannan stated that he does not like signs, although he stated the owners have done a wonderful job with the building; it is a beautiful building. He stated he would prefer a fascia sign.

Commissioner Richards stated it is a perfect spot for the sign the way the lot is situated and where the improvements are, and that he is in favor of it.

Commissioner Holden stated the business needs a sign, but he is concerned because there is so much wording on it, and a fascia sign of a key and a padlock would tell anybody immediately what type of business it is.

Commissioner Vincent stated he drove by the site, and if there was a fascia sign, you would really have to take your eyes off the road to see it. He stated he prefers the sign that the applicant is proposing as it will be easier to see from the road.

Mayor Kussard stated her concern is whether the applicant took into account the future widening of US 27/441 in the placement of the sign.

Ms. Then replied that the FDOT has already negotiated the right-of-ways in the area and they are on the east side from the Chevron to Advanced Auto Parts, and the state had no comments about it.

Commissioner Richards agreed that the state has already negotiated the right-of-ways and it should not effect this sign as it will come out of the median and the break-down lane.

Commissioner Holden asked if the sign will effect the visibility of people exiting the business.

Ms. Then replied that the building official checked the visibility triangle and the closest the sign will be is five feet from the sidewalk and a car will have at least 10 feet of clearance to be able to see the southbound traffic.

Commissioner Vincent clarified that vehicles exiting the business will only be able to make a right hand turn, or southbound, and the sign will be to their north.

Mayor Kussard asked if there was any comment from the public. There were no comments.

*Upon a motion by Commissioner Vincent and a second by Commissioner Richards, the Commission approved Resolution No. 2014-113 – First/Final Reading – AA Castle LLC – A Variance from the Provisions of Chapter 17, Section 17-3).E).1).A) of the Town of Lady Lake Land Development Regulations Which Requires That No Freestanding Sign Shall Be Erected Closer Than 100 Feet from Any Other Freestanding Sign. The Variance Request is to Allow a Freestanding Sign to be Erected 75 Feet from the Closest Freestanding Sign on the Property Owned by AA Castle LLC, Located at 108 North Highway 27/441 by the following roll call vote:*

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

**M. TOWN MANAGER’S REPORT:**

Town Manager Kris Kollgaard stated she had nothing to report this evening.

**N. MAYOR/COMMISSIONER’S REPORT:**

Commissioner Richards thanked Growth Management staff for their help in answering questions this past week. He also thanked C.T. Eagle, Public Works Director, for finding some savings on the Avenida Central repaving.

Ms. Then accepted the thanks on behalf of her supervisor, Growth Management Director Thad Carroll, who is absent this evening, and thanked the Commissioners for all they do as well.

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

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

- Joe Quinn of 633 Rainbow Blvd. announced that the Honor Flight is returning tomorrow evening and a celebration is being held at the American Legion in Lady Lake to include Scooter the DJ.

Ms. Kollgaard informed Mr. Quinn that the Town will be presenting a proclamation for Red Ribbon Week next month (having to do with the Marines).

**P. ADJOURN:** There being no further discussion, the meeting was adjourned at 7:02 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

<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.