

**MINUTES OF THE REGULAR MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
July 20, 2015**

The Regular Meeting of the Lady Lake Town Commission was held in the Commission Chambers at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida with Mayor Ruth Kussard presiding. The meeting convened at 6:00 p.m.

- A. CALL TO ORDER:** Mayor Ruth Kussard
- B. PROCEDURAL:** *Citizens are encouraged to participate in the Town of Lady Lake meetings. Speakers will be limited to three (3) minutes. Additional time may be granted by the Mayor. Citizen groups are asked to name a spokesperson and the Mayor, at his/her discretion, may allow longer than three minutes. Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone. The order of agenda items may be changed if deemed appropriate by the Town Commission. Please be respectful of others and put your cell phone on silent mode.*
- C. PLEDGE OF ALLEGIANCE:** Mayor Ruth Kussard
- D. INVOCATIONⁱ:** Pastor David Collette - First Baptist Church of Lady Lake
- 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; Todd Mazenko, Attorney (for Town Attorney Derek Schroth); Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Chief Chris McKinstry, Police Department; Tia O’Neal, Human Resource Director; Jeannine Michaud, Finance Director; Pam Winegardner, Assistant Finance Director; Wendy Then, Town Planner; and Nancy Slaton, Deputy Town Clerk

F. PUBLIC COMMENTSⁱⁱ

Mayor Kussard announced that Item #J-7, Ordinance No. 2015-02 for the RV Storage Park on CR 25, is being pulled tonight and will be on the agenda for the August 3, 2015 meeting.

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

G. CONSENTⁱⁱⁱ:

Mayor Kussard asked if there were any questions or comments on the Consent item.

1. Minutes – July 6, 2015 – Regular Commission Meeting

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

H. OLD BUSINESS: No old business.

I. NEW BUSINESS:

2. Consideration of Lumen Park at Lady Lake Major Site Plan - MJSP 06/15-001 – A Development Proposing a Three Story 151,790 Sq. Ft. Facility Providing 154 Beds in 129 units, and Pool Amenity for its First Phase - to be Located on a 30-Acre Parcel off Highway 466, Formerly Known as the Crisbo Property (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 Darren Azdell of OutsideIn Architecture LLC, on behalf of LL-Lumen Park, LLC, has submitted a site plan application for 30 ± acres property located north of County Road 466, approximately 1000± feet east of the Sumter County Line, on Highway 466 within the Town of Lady Lake, for a project named Lumen Park at Lady Lake. He stated that the developer proposes a three story 151,790 sq. ft. building facility providing 154 beds in 129 units, and a pool amenity in the first phase, to be located on a 30-acre parcel formerly known as the Crisbo Property.

Mr. Carroll reported that the subject property was occupied by a vacated residence and barn which now have been demolished, and the zoning designation of the property is presently Planned Commercial (CP) and the future land use of the property is Commercial General-Retail Sales and Services (RET), which supports the proposed use. He stated that per Ordinance No. 2011-28, the site is allowed assisted living facility units; villa-type assisted living facility units; medical office, bank, or complementary retail, and some skilled nursing units/beds in the main building; with a total maximum build-out of 415 units. A map showing the location of the property located between the La Zamora Gate and the Spring Arbor Subdivision was shown, as were renderings of the site plan, which were reviewed by Mr. Carroll.

Civil and Landscaping plans have been drawn and certified by Christopher M. Germana, Professional Engineer with Germana Engineering and Associates, LLC, consisting of 18 24"X36" sheets. For the proposed Spanish Mission Style Building, the Architectural Exterior Elevations were drawn by OutsideIn Architecture, LLC. 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, as well as the terms adopted under the Memorandum of Agreement Ordinance 2011-28. Reviews were completed for the Town of Lady Lake by Town staff, Neel-Schaffer Engineering, and Fire Inspector Kerry Barnett for compliance with the Florida Fire Prevention Code. The following reviews were contained in the packet:

- a. Town Engineer comments plan dated July 10, 2015 (Satisfied).
- b. Fire Review comments dated July 8, 2015 (Satisfied).
- c. Waste Management comments dated June 24, 2015 (Satisfied).
- d. Lady Lake Building Official comments dated July 09, 2015 (Satisfied).

- e. Lady Lake Public Works comments dated July 8, 2015 (Satisfied).
- f. St. John's River Water Management District Permit No. 42-069-129131-1 dated November 14, 2011, expiring on November 14, 2016.

It is anticipated that the applicant will receive all applicable permits from the Florida Department of Environmental Protection and Lake County Public Works; however, in accordance with Florida Statute 166.033, Paragraph 4, this permit may not be a requirement for development approval. The applicant shall provide all required state permits prior to commencing construction.

Mr. Carroll reviewed the tree requirements and stated that in accordance with Chapter 10-Landscape and Tree Protection, the site is required to provide 4,800 tree caliper inches based on its 30-acre (160'x 30) area. He stated that the landscaping tree proposal breakdown is as follows:

Existing trees to remain	5,703 tree caliper inches
Proposed canopy trees	175 tree caliper inches
Proposed understory trees	<u>245</u> tree caliper inches
Total tree caliper inches	6,123 tree caliper inches

It was noted that the applicant is providing more than the required on-site tree caliper inches and that no historic trees will be removed for this development.

Mr. Carroll reported that the applicant is pursuing the following landscaping waiver:

- In accordance with Chapter 10, Section 10-3. b).B).1)., along the east, west, north, and south boundaries, a landscaping buffer Class "A" is required with a ten ft. minimum width to include two canopy trees, three understory trees, and a continuous hedge or an approved fence or wall.

He reviewed the applicant's justification as follows: Lady Lake Lumen Park is utilizing sustainable design methods regarding the building and site which require the preservation of the existing natural vegetation. As per Ordinance No. 2011-28, the site plan already provides a 50 to 75 ft. conservation tract along the east, north and west boundaries of the site that exhibit vast amounts of canopy trees and undisturbed vegetation that serve as a landscaping buffer. It was noted that the utilization of this unique established buffer also reduces the need for irrigation. After Phase I is started, it is expected that the property will be platted and outparcels will be created along the front of the site which will have to adhere to the requirements of Chapter 10-Landscape and Tree Protection regarding landscaping buffers. The landscaping buffers waiver request memo was included in the packet.

An aerial view of the property, a rendering of the site plan, pictures of proposed vegetation to be used, and a rendering of the elevation were shown.

Mr. Carroll reviewed the Commercial Design Standards waiver request as follows: The project will exhibit exterior building designs in accordance with the Spanish Mission Architectural Style. In accordance with Chapter 20, Section 20-3C).9).F)., no more than three different colors or color shades (one primary/body color, and no more than two accent/trim colors) should

typically be used on a single building. The applicant is requesting a waiver to use four to five colors for the exterior of the building.

Mr. Carroll reviewed the public meetings that have occurred for this project as follows: The Technical Review Committee members individually reviewed the application on Thursday, July 2, 2015, and provided outstanding comments regarding the Site Plan application. The Special Town Commission Conceptual Workshop took place on Monday, April 20, 2015, and it was the consensus of the Commission that they were in favor of the conceptual presentation for the Lumen Park at Lady Lake MJSP 06/15-001. The Parks, Recreation and Tree Advisory Committee considered the proposed landscaping waivers during their regular meeting on Wednesday, July 8, 2015 recommending approval by a vote of 4-0.

Mr. Carroll reported that the MPO did review the traffic study and that this project qualifies as a Tier 1 and generates 22 p.m. peak hour trips which is sufficient to meet their requirements for the traffic analysis.

Mr. Carroll stated that Darren Azdell of OutsideIn Architecture and Chris Germana, the engineer, are both present if there are any questions.

Commissioner Richards verified that the colors shown on the elevation rendering are the four to five colors, or similar colors, the applicant intends to use on the building.

Mr. Azdell confirmed that the colors used will be used as shown on the elevation drawing.

Commissioner Vincent asked if they knew how many people this facility will perform.

Mr. Azdell replied that their performa approximates that 70 to 80 people will be employed at any given time.

Mayor Kussard stated that she understands that there have been many meetings between the residents of La Zamora, Spring Arbor and the developer, and that everyone appears to be happy with the results of those meetings. She asked if anyone in the audience has any questions or comments.

- Chuck Wells of 202 Del Rio Drive questioned whether The Villages is on board with the setbacks. He also stated that he understood that a conservation zone to the north was to be turned over to the property owners or the state if the property owners did not want it. He also asked if The Villages' fences would remain when the new fences are installed for Lumen Park.

Mr. Carroll replied that The Villages does not govern this property, and after the public hearings, the buffers and setbacks were increased along the boundaries which are in excess of any that are typically required in the Town's codes.

Mr. Azdell replied that there will be a 50 to 75 ft. conservation easement which is owned by Lumen Park and would be maintained by them as a land bank unless the property owners choose to take it over and maintain it. He stated there was never any mention of turning this land over to the state as it is private property.

Mr. Azdell stated it is their intention to replace the wood fence with an 8 ft. high PVC fence and the location of the fence on the east side has been moved back to comply with the ordinance, although the fences on the west and north side will be replaced with a small setback from the property line to allow Lumen Park to maintain the fence on their property. He stated The Villages has not reached out to him regarding their fences.

- Terry Benzi of 1013 Sierra Blanca Court asked if he could get a paper copy of the packet for this agenda item. He asked if existing trees can be taken down by Lumen Park if the property owners want some removed. He also asked for clarification on whether The Villages wooden fence would come down.

Town Manager Kris Kollgaard offered her packet to Mr. Benzi for this agenda item.

Mr. Azdell replied that in their discussion with the homeowners at a meeting, they talked about how those trees are in a conservation area and as per the ordinance, all those trees will be kept unless they are considered to be dangerous. He stated that it is their intent to keep as many trees as possible during the clearing process with the exception of any small undergrowth trees or brush. Mr. Azdell stated that there will be another meeting with the homeowners before the clearing starts. He also stated that The Villages fence will probably come down in the La Zamora village as there is a letter allowing that, but he will reach out to The Villages to see whether they want the fence returned to them or if they would like Lumen Park to take it down. Mr. Azdell stated it is his understanding that The Villages does not want to see two fences with property to maintain between them, but does want a fence between the properties.

- Robert Bowder of 1204 Crabapple Lane asked if the wooden fence is to remain on the Spring Arbor side as he understood there would be a five foot setback between it and the new PVC fencing for Lumen Park

Mr. Azdell replied that they will be installing an 8 ft. PVC vinyl fence per the ordinance, and although they originally intended to keep a five foot buffer for wall maintenance, they intend to replace the fence in that location, but on the Lumen property line to allow for maintenance.

Upon a motion by Commissioner Hannan and a second by Commissioner Richards, the Commission approved the Lumen Park at Lady Lake Major Site Plan - MJSP 06/15-001 – A Development Proposing a Three Story 151,790 Sq. Ft. Facility Providing 154 Beds in 129 units, and Pool Amenity for its First Phase - to be Located on a 30-Acre Parcel off Highway 466, Formerly Known as the Crisbo Property, by a vote of 5 to 0.

3. Consideration of Approval for FY 2015-2016 Benefits (Medical, Dental, Life, Long Term Disability, Short Term Disability, Critical Illness, Accident Coverage) (Tia O’Neal)

Human Resource Director Tia O’Neal gave the background summary for this agenda item (on file in the Clerk’s office). She stated that Town staff received rates for medical coverage for the 2015-2016 fiscal year and staff recommends staying with current plan for all lines of coverage. She stated that although short term disability has an increase, this does not effect the budget as this coverage is voluntary and not paid for by the Town. The proposed benefits and their renewal terms were shown in the packet as follows:

Health – 10.3% increase (1 year renewal)	Dental – 9.5% increase (1 year renewal)
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Life Insurance – 0% increase (2 year renewal)	Accident Coverage – 0% increase (renews in 2016)
Short Term Disability – 10% increase (1 year renewal)	Critical Illness Coverage – 0% increase (renews in 2016)
Long Term Disability – 0% increase (renews in 2016)	

Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved the FY 2015-2016 Benefits (Medical, Dental, Life, Long Term Disability, Short Term Disability, Critical Illness, Accident Coverage) as presented by a vote of 5 to 0.

4. Discussion of the Proposed Millage Rate, and Proposed Dates, Times and Places for the Tentative Millage & Budget Hearing and the Second Public Hearing for Adopting the Final Millage Rate and Budget (Jeannine Michaud)

Finance Director Jeannine Michaud gave the background summary for this agenda item (on file in the Clerk’s office). She stated that a proposed millage rate for fiscal year 2015-2016 must be submitted to the property appraiser by noon on August 4, 2015, along with the date, time and place of the tentative millage and budget hearing. She stated that the proposed millage rate can be decreased, but cannot be increased at the tentative budget hearing or at the final public hearing.

Ms. Michaud reported that the current year’s rolled back rate is 3.5510 mills, and the current budget is based on this millage rate, which is a 0.0% increase above the current year’s rolled back rate. She stated this rate, as well as any rate up to 3.7443 mills, would require three affirmative votes of the Town Commission; and any rate above 3.7443 mills to 4.1187 mills would require a two thirds vote of the Commission or four affirmative votes. These votes are based on the total membership of the Town Commission, rather than the membership present at the meeting.

Ms. Michaud stated that any rate above 4.1187 mills would require a unanimous vote of all five Town Commissioners. She stated that the Town’s two public hearings cannot conflict with Lake County or School Board public hearings. The tentative dates for Lake County are September 15th and September 29th, and the School Board dates are July 1st and September 8th. The public hearings cannot start before 5 p.m. She recommended that the date for the Town’s proposed millage and budget meeting be set for Wednesday, September 2, 2015 at 6 p.m.; and the date for adopting the final millage rate and budget be set for Wednesday, September 16, 2015 at 6 p.m. in the Commission Chambers. Ms. Michaud stated that the proposed millage rate and dates for the hearings set tonight will be mailed out on the TRIM notices.

Town Manager Kris Kollgaard asked that the proposed millage rate to be set is formally mentioned in the motion.

Upon a motion by Commissioner Hannan and a second by Commissioner Richards, the Commission approved the Proposed Millage Rate as 3.5510, and the Proposed Dates, Times and Places for the Tentative Millage & Budget Hearing as Wednesday, September 2, 2015 at 6 p.m. in the Town Hall Commission Chambers; with the Second Public Hearing for Adopting

the Final Millage Rate and Budget as Wednesday, September 16, 2015 at 6 p.m. in the Town Hall Commission Chambers, by a vote of 5 to 0.

5. Consideration of Approval of the Mutual Agreement for Pavement Management-Preservation Services with C.W. Roberts Contracting for the FY 2014-2015 Annual Street Resurfacing Project (C.T. Eagle)

Public Works Director C.T. Eagle gave the background summary for this agenda item (on file in the Clerk's office). He stated that staff has researched and reviewed options to best perform the FY 2014-2015 Annual Street Resurfacing Project scheduled for the Town's Pavement Management Program for this fiscal year. He stated that after review, staff recommends utilizing or "piggybacking" on the procured and executed contract between the City of Leesburg and C.W. Roberts Contracting Inc. Mr. Eagle stated that this is a budgeted item and that the agreement has been reviewed and approved by the Town Attorney.

Upon a motion by Commissioner Vincent and a second by Commissioner Holden, the Commission approved the Mutual Agreement for Pavement Management-Preservation Services with C.W. Roberts Contracting, Inc. for the FY 2014-2015 Annual Street Resurfacing Project by a vote of 5 to 0.

6. Consideration of Approval for Interdepartmental Transfer of Funds to Purchase a Double Impact Tamping Machine (C.T. Eagle)

Public Works Director C.T. Eagle gave the background summary for this agenda item (on file in the Clerk's office). He stated that the double impact tamping machine can be used for small road repairs, and that since this is a capital equipment line item, it requires Town Commission approval for transfer of funds from the Roads and Streets – Road Maintenance Supplies line item to the Capital Equipment line item. Mr. Eagle stated that this is still above the current cap, although it will be changed to \$3,000 as of October 1, 2015.

Upon a motion by Commissioner Holden and a second by Commissioner Richards, the Commission approved the Interdepartmental Transfer of Funds to Purchase a Double Impact Tamping Machine by a vote of 5 to 0.

J. TOWN ATTORNEY'S REPORT:

7. Ordinance No. 2015-02 – Second/Final Reading (Tabled from 6/1/15 & 6/15/15) – Phillip and Donna Willman Center – Rezoning/CP MOA Amendment to Add the Motor Vehicle, Recreational Vehicle or Boat Storage Land Use – Located at 917 Teague Trail/CR 25, North of Allstor Commerce (Thad Carroll)

Mayor Kussard announced at the beginning of the meeting that this item has been continued and will be on the agenda for the August 3, 2015 Commission meeting.

K. TOWN MANAGER'S REPORT:

Town Manager Kris Kollgaard reported that she would like to submit a budget amendment for a transfer of \$2,000 from the \$5,000 balance of the Election budget for the current fiscal year to the library for book purchases.

Commissioner Richards clarified that the transfer would come out of this fiscal year budget versus the next fiscal year budget as there are upcoming elections; and Ms. Kollgaard confirmed this.

Ms. Kollgaard stated that she did not bring her evaluation to this Commission meeting as she did not expect Commissioner Richards to be present. She stated she will bring it forward at the next Commission meeting.

L. MAYOR/COMMISSIONER'S REPORT:

Mayor Kussard reported that, sadly, she received an email from Bill Reed's daughter stating that he had passed away, but that she did not know any details.

Commissioner Richards commented that Mr. Reed had done a lot for this town.

Ms. Kollgaard stated for those who were not familiar with Mr. Reed that he served on the Town Commission and as Mayor in the past, as well as on the Police Pension Board for many years, and that he will be missed.

M. PUBLIC COMMENTS^{iv}

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

N. ADJOURN: There being no further discussion, the meeting was adjourned at 6:35 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

ⁱAny invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.

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.