

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

December 7, 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**

- D. INVOCATIONⁱ:** Reverend/Dr. Paul Harsh – First Baptist Church of Lady Lake

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

- ABSENT:** Jim Richards, Commissioner Ward 5

STAFF MEMBERS PRESENT: Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Mike Burske, Parks and Recreation Director; John Pearl, I.T. Director; Marsha Brinson, Library Director; Chief Chris McKinstry, Police Department; Pam Winegardner, Finance Director; Tia O’Neal, Human Resource Director; Mary Petrucelli, Beth Gobeil, Lori Sadler, Nancy Brock, Nicole LeFrancois, Alyssa Herman, Victoria Baker, Library Staff; Darryl Flanders, Lead WW Operator; Steve Pfouts, WW Operator; Peggy Smith, Administrative Assistant; Brenda Brock, Utilities Staff Assistant; Robert Barnes, Lead Distribution & Collection Operator; Kevin Yoakam, Utility Locator; Pete Sullivan, Utility Tech 1; Johnathon Wimes, Utility Tech 1; Joe Grubb, Lead Mechanic; and Butch Goodman, Utilities Supervisor – Public Works; Julia Wolfe, Administrative Assistant to Town Manager; and Nancy Slaton, Deputy Town Clerk

F. PUBLIC COMMENTSⁱⁱ

Mayor Kussard asked if there were any comments at this time. There were no comments.

G. PRESENTATION:

- 1. Presentation of Bright Idea Awards for 2015 (Kris Kollgaard/Department Heads)**

The background summary for this agenda item is on file in the Clerk's office. It includes the nomination reports by department heads for their staff members.

Town Manager Kris Kollgaard stated that this employee incentive program was started in 2011 and has been very successful every year. She stated that staff has saved the Town \$250,000 over the past five years, with \$80,000 in savings reoccurring every year. She stated that the department heads will read the background for the awards and present the certificates and checks (\$200 to each employee recognized) to the employees this year. Ms. Kollgaard introduced Chief Chris McKinstry.

Chief Chris McKinstry recognized Captain Jason Brough of the Police Department for his effort in saving money for the Department by locating grant funding to provide a cost effective solution to replace outdated and/or inefficient records software programs. He stated that countless man hours were saved by the new programs and software automation. In addition, the savings from the discontinued support service fee of \$10,000 per year for maintaining functionality of the mobile NCIC/FCIC query function was utilized to purchase printers for all patrol cars to enable the printing of crash reports and traffic citations at a one-time cost of \$4,600; resulting in a first year savings of \$4,883, and second and subsequent year savings of \$9,483 thereafter. Chief McKinstry accepted the award on behalf of Captain Brough who was unable to attend this evening.

Ms. Kollgaard introduced Marsha Brinson, Library Director, to present awards to her staff.

Ms. Brinson stated she nominated the library staff for their hard work, dedication, creativity and team work that has increased circulation, programming and program attendance, and library visits during the year. She stated the library has expanded services which has increased card registrations, as well as out of county fee bearing registrations; resulting in a 390% increase in total programming, a 108% increase in total attendance, a 51% increase in library visits, and a 16% increase in registered card holders. Ms. Brinson thanked her team and presented Bright Idea awards and checks to her staff as follows:

- Mary Petrucelli, Beth Gobeil, Lori Sadler, Nancy Brock, Nicole LeFrancois, Alyssa Herman and Victoria Baker

Mr. Eagle stated he wanted to thank his staff for their cooperative effort. He stated their idea resulted in a reduction of the cost of the clarifier wheel replacement at the wastewater plant by utilizing Town staff and equipment instead of a contractor, and having the wheels recovered or rebuilt, then replaced by Town staff. He stated that this equals to a savings per wheel replacement of \$9,875.00 (\$325.00 versus previous cost of \$10,200 per wheel). Mr. Eagle reported the total savings for 2015 was \$39,500 as staff replaced four wheels. He recognized the recipients from his department and presented each employee with their Bright Idea award certificate and check:

- Darryl Flanders, Lead WW Operator; Steve Pfouts, WW Operator; Peggy Smith, Administrative Assistant; Brenda Brock, Utilities Staff Assistant; Robert Barnes, Lead Distribution & Collection Operator; Kevin Yoakam, Utility Locator; Pete Sullivan, Utility Tech 1; Johnathon Wimes, Utility Tech 1; Joe Grubb, Lead Mechanic; and Butch Goodman, Utilities Supervisor of Public Works

The Commissioners and audience applauded staff for these achievements.

Ms. Kollgaard stated that although department heads are not eligible for this award, they were instrumental in achieving these savings. She thanked staff for their efforts.

H. CONSENTⁱⁱⁱ:

Mayor Kussard asked if there were any questions or comments on the Consent items, and hearing none, asked for a motion.

2. Minutes – November 16, 2015 – Regular Commission Meeting

3. Consideration for New Song Community Church to Hold an Easter Sunrise Service at the Log Cabin/Veterans Park on Easter Sunday (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the New Song Community Church is asking for the use of the lawn at the Log Cabin/Veterans Park for a sunrise service on Sunday, March 27, 2016 between the hours of 6:00 a.m. to 8:00 a.m., which is before the park opens. Parking will be utilized at the Cabin and at their facility across the street. They are expecting 50 people to attend this event. No Town services are requested except the use of the power. As this is Easter Sunday, the Parks and Recreation Director will work if there is a call for assistance. There is no fee for this facility or the use of the lawn listed in the Town's Code of Ordinances. The Chamber of Commerce was notified and has no problem with the activity. New Song Community Church has hosted this event at Veterans Park three times before and has been a great steward of the park.

4. Consideration of Approval to Host the Spring Art-in-the-Park Event on January 30th and 31st, 2015 (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the Lady Lake Chamber of Commerce and the Parks and Recreation Department are once again seeking permission to host an arts and crafts show at the Log Cabin/Veterans Park. This year, the Chamber of Commerce is working with Stetler Media and Expos to coordinate the event. This is a change from T-N-T Events who has programmed the event in the past. As usual, the company will provide security during the evening hours. Parks and Recreation staff and the Police Department will be assisting with this event.

5. Consideration of the Renewal of the Lease Agreement between the Town of Lady Lake and the Lady Lake Historical Society (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the Lady Lake Historical Society once again desires to renew its lease agreement with the Town for the Train Depot at Veterans Park. The new lease will have a one year term. The dates on the contract and the inclusion of a statement that the Lady Lake Historical Society is responsible for insuring their items are the only changes to the proposed document. The insurance requirements for the indemnity clause have been removed due to the fact we provide liability insurance at this location.

Upon a motion by Commissioner Hannan and a second by Commissioner Vincent, the Commission approved Consent Items #H-2 through H-5 by a vote of 4 to 0.

I. OLD BUSINESS: No old business.

J. NEW BUSINESS:

6. Water Oak Country Club Estates – Minor Modifications to Site Plan – MNM 11/15-002 – Providing for Stormwater Improvements, Grading Changes, and Installation of

Retaining Walls in Various Areas of the Community – Located at 106 Evergreen Lane (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 Daniel R. Gibbs with Atwell, LLC, representing the property owner, Sun Communities Finance LP, has submitted a minor modification to site plan for the Water Oak Country Club Estates site as per Town of Lady Lake Land Development Regulations, Chapter 7, Section 11.a. Mr. Carroll stated this modification is proposing a retaining wall, grading, storm sewer installation, utility relocation and drainage improvements along Norman Street, Bishop Drive, Trevino Drive, Bradley Lane, Stadler Street and Cottonwood Circle, within the Water Oak Estates Country Club (AK 1584825). He summarized the improvements as follows:

- Construction of a retaining wall on Norman Street along the rear of the home sites is proposed in order to provide the required depth needed to build homes. The original site plan showed 20 home sites, but the new layout will be +/- 17 home sites. The proposed design will add 0.70 acres to Basin IV which drains to Kidney Lake.
- Additionally, construction of four retaining walls, site grading, storm sewer installation and utility relocation will be completed along Bishop Drive, Trevino Drive, and Bradley Lane in order to provide the required grades and depths needed to build homes in an area with steep grades and drainage problems. The original site plan showed 17 home sites, but the new layout will result in +/-14 home sites.
- At Stadler Street, there will be a relocation of an existing storm sewer in order to provide a buildable area for a home site. The original site plan showed two home sites, but the new layout will be for one home site.
- Lastly, the applicant is proposing grading of the site in order to provide buildable areas for homes at Cottonwood Circle. The original site plan showed six home sites, but new layout will be for five home sites. With the proposed improvements, there will be a total reduction of eight home sites.

Mr. Carroll reviewed site plan drawings and aerial views of the property areas.

The site has been developed as a gated adult mobile home park community located at the intersection of County Road 25 and North Highway 27/441 and exhibits multiple active retirement lifestyle amenities including club houses, a restaurant, golf courses, tennis courts, and a ball park.

Mr. Carroll reported the application was received on November 23, 2015. The property is zoned "MH-9", which is Manufactured Home High Density, and permits the drainage and site improvements proposed for recreational facilities within residential developments. The Future Land Use Map designation for the property is Manufactured Home High Density (MH-HD). Site plans have been submitted by Daniel Robert Gibbs, with Atwell. Reviews were completed for the Town by Town staff, Neel-Schaffer Engineering, Kerry Barnett for fire, and Building Official Dallas Foss. The following items were included in the packet:

1. Site Plan Review completed by Growth Management on 11/30/2015.
2. Review No. 1 for the general site development completed by Neel-Schaffer Engineering, dated 11/30/2015.
3. St. Johns Water Management District Modification Letter No. 19000-6 (pending).

Mr. Carroll reported the Technical Review Committee members individually reviewed the application and provided comments regarding the Site Plan application on Monday, November 30, 2015 and that the Planning and Zoning Board does not review Site Plan Modifications.

Commissioner Vincent commented that it appears that over 70 trees will be removed in Water Oak for these improvements. He asked if it would be possible for the developer to save at least one canopy tree behind each home.

Daniel Gibbs with Atwell, LLC introduced himself. He replied that it is something they can look at and that it is their plan to follow the Town's tree ordinance. He stated they also plan for the modular block retaining wall to be a design feature and he will bring it up to the developer to try to incorporate trees in the landscaping, although they may be spaced out and not be directly behind each home.

Ms. Kollgaard stated it would be aesthetically pleasing to include canopy trees behind the retention wall.

Upon a motion by Commissioner Holden and a second by Commissioner Hannan, the Commission approved the Water Oak Country Club Estates – Minor Modifications to Site Plan – MNM 11/15-002 by a vote of 4 to 0.

7. Lumen Park–Final Commercial Plat – A Commercial Subdivision Consisting of 23 Lots on a 30-Acre Parcel – Located North of County Road 466, Approximately 1000± Ft. East of the Sumter County Line on Highway 466 within the Town of Lady Lake (Thad Carroll)

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the applicant, Darren Azdell with Outsidein Architecture LLC, has submitted plans for Final Plat Approval of a subdivision consisting of 23 lots on a 30-acre parcel located north of County Road 466, approximately 1000± feet east of the Sumter County line, within the Town of Lady Lake (AK #s 2543370, 2563842, 1739861). He stated the present use of the property is commercial vacant and staff recommends approval of the final plat. The final plat drawings were reviewed.

The final plat was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs) and Florida Statutes Chapter 177. The following items were included in the packet:

4. Final Plat Review completed by Town Attorney, dated 12/1/15.
5. Final Plat Review completed by Town Surveyor, dated 11/30/2015.
6. Declaration of Covenants, Restrictions and Easement for Lumen Park
7. Certificate of Title
8. Final Subdivision Plat Plans
9. Application and Warranty Deeds

Mr. Carroll reviewed the background for this item as follows:

- 1) The Lumen Park at Lady Lake MJSP 06/15-001 received approval by Town Commission on July 20, 2015 for a three-story 151,790 sq. ft. building providing 154 beds in 129 units and pool amenities. The developer has not initiated construction of the approved improvements to date.
- 2) A Sewer & Water Agreement will be executed between Town of Lady Lake and the Property Owner/Developer for the Lumen Park Major Site Plan MJSP 06/15-001 project.

- 3) The Developer/owner is proposing to convey certain utilities off-site improvements to the Town.
- 4) As per the Declaration of Covenants, Restrictions, and Easement, Section 3). 3.1)., the lot owner shall have the obligation to construct all of the common element improvements and access easement areas referred to as Infrastructure Improvements.

Comments/Satisfied/Revised Items:

- The final plat and declaration of covenants, conditions, and restrictions have been updated to include all exhibits. Additionally, Section 6.4 which is drafted in accordance with Ordinance 2011-28, has been added to the declaration of covenants.
- The comments regarding the location and width of all existing or recorded rights of way has been added.
- The comment regarding Certificate of Title has been addressed and a copy has been provided as of November 20, 2015.
- The comment regarding including the legal description and a reference for the Villages of Lady Lake Unit 23 on Sheet 1 and Sheet 2 respectively have been addressed.
- Applicant has addressed all outstanding surveyor comments as of November 30, 2015.
- A determination has been made by the Town Attorney that a Construction Bond is not required for this project based on the fact there are no public improvements to be conveyed to the Town. Any off-site improvements for utilities will be conveyed after the site plan improvements are completed.

Mr. Carroll reported that the final plat review was completed by the Town Surveyor on November 30, 2015, and by the Town Attorney on December 1, 2015. He stated the Technical Review Committee (TRC) members individually reviewed the application on Thursday, October 29, 2015, and determined the application ready to recommending approval to forward to the Planning & Zoning Board. On November 9, 2015, the Planning & Zoning Board reviewed the final plat application at their regular meeting, recommending approval to forward to the Town Commission by a vote of 4-0.

Mr. Carroll stated that Darren Azdell with Outsidein Architecture is present to answer any questions.

Upon a motion by Commissioner Holden and a second by Commissioner Hannan, the Commission approved the Lumen Park–Final Commercial Plat by a vote of 4 to 0.

K. TOWN ATTORNEY’S REPORT:

8. Ordinance No. 2015-15 – Second/Final Reading – Annexation – The Villages of Lake-Sumter, Inc. – Annexing Three Lots of Approximately 0.43 +/- Acres – Located within Orange Blossom Gardens Units 2 and 3.1B within Lake County, Florida (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the applicant, Martin L. Dzuro, on behalf of the Villages of Lake-Sumter, Inc., has filed applications to annex properties consisting of three lots located north of Griffin Avenue and northeast of North Highway 27/441 within the Orange Blossom Garden Subdivisions Units 2 and 3.1B. Mr. Carroll stated the annexation application involves annexing

0.43 +/- acres of property from unincorporated Lake County into the Town of Lady Lake, and the three lots are spread out along different roads and include the following addresses:

- 1410 Lester Dr. Lady Lake, FL 32159
- 912 Cindy Dr. Lady Lake, FL 32159
- 842 Silver Oak Ave. Lady Lake, FL 32159

Mr. Carroll stated that staff recommends approval of this ordinance. This is an on-going effort by The Villages to purchase manufactured homes and replace them with conventional homes, and these homes are in the enclave area of The Villages. A map and an aerial view of the area and subject parcels was shown, as were photos of the posting of the properties.

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the property have been included with the submitted application. All lots will be served by the Village Center Community Development District Central Water and Sewer System, as well as the District's Fire Department.

In accordance with the provisions of Florida Statute 171.205 and the Interlocal Service Boundary Agreement executed September 4, 2013 between Lake County, Florida and the Town of Lady Lake, Florida, the Town may annex property into the Town which are non-contiguous to the existing municipal boundary. The proposed properties under this application exist as both contiguous and non-contiguous lots.

The annexation application was received on Tuesday, September 15, 2015, and has been reviewed and determined to be complete, satisfying the necessary criteria as required for annexation under statutory requirements. The application was found to meet the requirements of the Land Development Regulations (LDRs) as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (52) within 150 feet of the properties proposed by annexation request were mailed on Thursday, October 22, 2015 and the properties were also posted this same date. He stated there have been three general phone inquiries, although none in opposition or support.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-15, provided comments on October 27, 2015, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 9, 2015 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2015-15 to the Town Commission with the recommendation of approval. At the November 16, 2015 meeting, the Town Commission voted 5-0 for approval of Ordinance No.2015-15 at first reading.

Mr. Carroll stated Martin Dzuro is present if there are any questions.

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

Upon a motion by Commissioner Vincent and seconded by Commissioner Holden, the Commission approved the second/final reading of Ordinance No. 2015-15 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>KUSSARD</i>	<i>YES</i>

9. Ordinance No. 2015-16 – Second/Final Reading – Small Scale Future Land Use Comprehensive Plan Amendment – The Villages of Lake-Sumter, Inc. – Small Scale Future Land Use Comprehensive Plan Amendment from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density for Three Lots of Approximately 0.43 +/- Acres – Located within Orange Blossom Gardens Units 2 and 3.1B within Lake County, Florida (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the applicant, Martin L. Dzuro, on behalf of the Villages of Lake-Sumter, Inc., has filed applications to amend the future land use comprehensive plan for properties consisting of the same three lots located north of Griffin Avenue and northeast of North Highway 27/441 within the Orange Blossom Garden Subdivisions Units 2 and 3.1B. The application involves 0.43 +/- acres of property and the three lots are spread out along different roads and include the following addresses:

- 1410 Lester Dr. Lady Lake, FL 32159
- 912 Cindy Dr. Lady Lake, FL 32159
- 842 Silver Oak Ave. Lady Lake, FL 32159

Mr. Carroll stated that staff recommends approval of this ordinance. He explained that this application goes concurrently with the annexation and assigns the land use classification in accordance with the Town’s Comprehensive Plan. The subject properties involve approximately 0.43 ± acres lies in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. He reviewed the Future Land Use of the adjacent properties is as follows:

Future Land Use

Subject Properties	Lake County Medium Urban Density
Future Land Use of Adjacent Properties	
West	Lake County – Medium Urban Density & Lady Lake- Manufactured Home High Density (MH-HD)
East	Lake County – Medium Urban Density Lady Lake- Manufactured Home High Density (MH-HD)
North	Lake County – Medium Urban Density & Lady Lake- Manufactured Home High Density (MH-HD)
South	Lake County – Medium Urban Density & Lady Lake- Manufactured Home High Density (MH-HD)

The Small Scale Future Land Use Map Amendment application was received on Tuesday, September 15, 2015 and has been reviewed and determined to be complete, satisfying the necessary criteria as required to meet the requirements of the Land Development Regulations (LDRs) as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Mr. Carroll reported that the applicant's justification stated that 80% of the homes in historic section of The Villages east of US Hwy 27/441, known as Orange Blossom Gardens, are in the Town of Lady Lake. It further states the following: The remainder of the homes lie within a small county enclave. As a revitalization of Orange Blossom Gardens, The Villages has or intends to purchase lots in this historic section and has or intends to enter in agreements with existing homeowners to replace the existing mobile homes with conventionally constructed homes. In order to insure that the new homes in the county enclave: 1) are complimentary to the new homes in Lady Lake; 2) the local governments are able to make the most efficient use of their powers and services; 3) there are more favorable economic conditions; and 4) the best interests of the citizens in Lady Lake and Lake County are protected. These properties in the county enclave should be annexed into Lady Lake. Annexing these properties is compliant with the goals, policies and objectives of the Comprehensive Plan of Lady Lake and Lake County, and the interlocal agreement between Lake County and Lady Lake effective June 24, 2015.

Mr. Carroll reported on the Concurrency Determination Statement as follows: The Villages has removed existing manufactured homes on two of the lots (912 Cindy Drive and 842 Silver Oak Avenue) in a historic section of The Villages known as Orange Blossom Gardens to construct a similar size conventional built home on each lot (the home at 1410 Lester has yet to be removed). He reported that there will be no increase in utility services, traffic, population, or recreation use, as follows:

Potable Water-

- ♦ No impact, lots are served by the Village Center Community Development District Central Water System.

Sewer -

- ♦ No impact, lots are served by the Village Center Community Development District Central Sewer System.

Schools –

- ♦ Not factored for project – no foreseen impact of students as the project is located within an active adult retirement community.

Transportation –

- ♦ No impact, the existing home will be replaced with a new home. There will be no change in average daily trip generation.

Parks & Recreation –

- ♦ The annexation, small scale future land use amendment, and the rezoning applications will not cause P&R Level of Service to be exceeded since the project is for the replacement of existing homes. Additionally, The Villages provides its residents with all Park and Recreation Amenities.

Stormwater –

- ♦ Project will be required to adhere to SJRWMD guidelines and of Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

Notices to inform the surrounding property owners (52) within 150' of the property of the proposed annexation were mailed on Thursday, October 22, 2015 and the property were also posted this date.

Applications have been reviewed and determined to be complete. The applicant has submitted all appropriate material in compliance with the Land Development Regulations (LDRs) and the

application is ready for transmittal to the Town Commission. Additionally, the applications were reviewed and determined to be in compliance with the directives of the adopted Comprehensive Plan in accordance with the sought designation. A Concurrency Determination Statement has also been included as part of the Small Scale Comprehensive Plan Amendment Application, which the applicant submitted to explain expected impacts on Town Services.

Comments:

- 1) Annexation and Rezoning Applications have been submitted concurrently with this Small Scale Future Land Use Amendment Application.
- 2) In accordance to the Interlocal Agreement for Building Permits & Inspections Section 2).A)., executed on June 23, 2015, if The Villages has applied for annexation, then the Town can issue building permits located within the unincorporated area.
- 3) Project will be required to adhere to St. John's River Water Management District guidelines and the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-16, provided comments on October 27, 2015, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 9, 2015 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2015-16 to the Town Commission with the recommendation of approval. The Local Planning Agency considered Ordinance No. 2015-16 on Monday, November 16, 2015, at 5:30 p.m. and recommended approval by a 5-0 vote. The Town Commission voted 5-0 for approval of Ordinance 2015-16 at first reading on November 16, 2015.

Mr. Carroll stated the applicant is present if there are any questions.

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

Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved the second/final reading of Ordinance No. 2015-16 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>KUSSARD</i>	<i>YES</i>

10. Ordinance No. 2015-17 – Second/Final Reading – Rezoning – The Villages of Lake-Sumter, Inc. – Rezoning from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) for Three Lots of Approximately 0.43 +/- Acres – Located within Orange Blossom Gardens Units 2 and 3.1B within Lake County, Florida (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the applicant, Martin L. Dzuro, on behalf of the Villages of Lake-Sumter, Inc., has filed an application to rezone these same properties consisting of three

lots located north of Griffin Avenue and northeast of North Highway 27/441 within the Orange Blossom Garden Subdivisions Units 2 and 3.1B; and the three lots are spread out along different roads and include the following addresses:

- 1410 Lester Dr. Lady Lake, FL 32159
- 912 Cindy Dr. Lady Lake, FL 32159
- 842 Silver Oak Ave. Lady Lake, FL 32159

Mr. Carroll stated that staff recommends approval of this ordinance. He stated the application involves rezoning 0.43 +/- acres of property from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) and is consistent with the zoning in this area. The MX-8 designation is consistent with the other lots in The Villages which are presently in the Town of Lady Lake's jurisdiction.

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions and survey information have been included with the submitted application. The zoning designation of the subject properties and adjacent properties are as follows:

Zoning

Subject Property	Lake County Residential Medium (RM)
Zoning of Adjacent Properties	
West	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)
East	Lake County Residential Medium (RM) Mixed Residential Medium Density (MX-8)
North	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)
South	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)

A map showing the zoning of the subject and adjacent properties was shown.

The Rezoning application was received on Tuesday, September 22, 2015 and has been reviewed and determined to be complete, satisfying the necessary criteria as required to meet the requirements of the Land Development Regulations (LDRs) as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (52) within 150' of the property of the proposed rezoning were mailed on Thursday, October 22, 2015 and the property was also posted this same date. He stated there have been three general inquiries on these properties, and no objections have been received to date.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-17, provided comments on October 27, 2015, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 9, 2015 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2015-17 to the Town Commission with the recommendation of approval. At the November 16, 2015 meeting, the Town Commission voted 5-0 for approval of Ordinance No. 2015-17 at first reading.

Mr. Carroll stated the applicant is present if there are any questions.

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

Upon a motion by Commissioner Vincent and seconded by Commissioner Holden, the Commission approved the second/final reading of Ordinance No. 2015-17 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>KUSSARD</i>	<i>YES</i>

11. Ordinance No. 2015-18 – Second/Final Reading – Adopting Corrections, Updates and Modifications to the Capital Improvements Schedule of the Town of Lady Lake Comprehensive Plan (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that 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. He stated 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.

Mr. Carroll stated that the Town must update the Five-Year Schedule of Capital Improvements pursuant to *Florida Statutes* each year. 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.

Mr. Carroll remarked that the improvement schedules and budget year/costs for the following facilities include water, water supply, sewer, solid waste, drainage, parks and recreation, public schools, transportation and mass transit. He stated there have been no changes since the first reading. 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.

This ordinance serves to update to 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 2015/16– 2019/20. Also attached is Ordinance No. 2014-10 to document the prior Five Year Capital Improvement Schedule 2014/15 - 2018/19, which is being replaced by this ordinance.

Mr. Carroll reported the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-18, provided comments on October 27, 2015, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 9, 2015 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2015-18 to the Town Commission with the recommendation of approval. At the November 16, 2015 meeting, the Town Commission voted 5-0 for approval of Ordinance No. 2015-18 at first reading.

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

Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved the second/final reading of Ordinance No. 2015-18 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>KUSSARD</i>	<i>YES</i>

12. Ordinance No. 2015-19 – Second/Final Reading – Amending the Town of Lady Lake Land Development Regulations, Chapter 10, Section 5, Entitled “Tree Protection” (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that on September 24, 2015, the Town Commission of the

Town of Lady Lake held a special workshop to discuss potential changes to Section 5 of Chapter 10 of the Land Development Regulations entitled "Tree Protection". He stated staff recommends approval of this ordinance.

Mr. Carroll reviewed the proposed changes as follows:

- Trees that have been determined to be substantially damaged through improper trimming as per a report provided by the Town Arborist shall be required to be removed within 30 days of the finding of violation. This replaces the current policy of allowing a year to elapse before the tree is re-inspected for a determination of recovery; an appeal process before the Special Magistrate is still afforded to the violator if they wish to contest the violation.
- The removal of any tree historic or non-historic, in which the trunk of the tree measured at ground level is within ten (10) feet to the nearest adjacent wall of a permitted structure on the property. A root barrier shall be installed in lieu of the removal of trees near to sidewalks, driveways, and unscreened/non-enclosed patios. Where substantial damage has already occurred to such areas, a report from a Certified Arborist may be provided as justification for the removal of the tree if it is the recommendation of the arborist to remove the tree to avoid further damage.
- Trees accommodated by an arborist report documenting that the tree is diseased or dying shall incur a \$25 fee (per tree) for removal, regardless of the DBH measurement of the tree. A report shall be provided to Town staff prior to removal. If the tree has been removed before Town staff has received the report, fees and replacement of trees shall be done in accordance with the after the fact permit policy (for application on residential lots).
- Commercial removal of historic trees granted through the variance process shall be required to pay at time of application of tree removal, not within 30 days of the variance approval. Should the property not be developed immediately following the variance approval; this allows a potential subsequent purchaser of the property to revisit if removal of tree is necessary for their particular use of the property.
- Revised requirement that requires trees to be more conspicuously marked for removal from the public right-of-way.
- Revised tree permit fees.
- Additional planting requirements for "after the fact" tree removal permits.
- Establishment of a voluntary contractor registry for landscaping and tree trimming/tree removal contractors.

Mr. Carroll reviewed the changes since the first reading as follows:

- The word "lot" was inserted prior to the word "owner" on line 2, page 5 of 14.
- A change was made to line 20 on page 5 of 14 to clarify that even though a tree within 10 feet of the permitted structure can be removed, it does require a permit in the amount of \$25.00 to be obtained by the lot owner.
- A change was made to Line 32 on page 5 of 14 to specify the removal procedure of residentially zoned lots.
- A change was made to Line 33 on page 5 of 14 to clarify that the lot owner is the responsible party for the tree removal fee.

Mr. Carroll reported that the Parks, Recreation, and Tree Advisory Committee reviewed the proposed changes to Chapter 10, Section 5 (Ordinance No. 2015-19), at their special meeting on Tuesday, November 10, 2015 and recommended forwarding this to the Town Commission by a 4-1 vote. At the November 9, 2015 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2015-19 to the Town Commission with the recommendation of approval. At the November 16, 2015 meeting, the Town Commission voted 5-0 for approval of Ordinance 2015-19 upon a motion with text amendments.

Mayor Kussard asked if the Commissioners or anyone from the audience had any questions.

Commissioner Hannan asked if the Town's regulations cover stump removal if a tree is removed. He stated he has seen residents decorate stumps in their yards, although The Villages is telling residents that a stump should be removed.

Mr. Carroll replied that the Town's regulations require that a stump be ground to sub-grade, or level, but that it does not have to be dug up.

Town Manager Kris Kollgaard further clarified that the ground must be level where the tree stump was, whether it be removed or ground down.

Mayor Kussard asked if The Villages requires that the stump be removed, would the Town then say it does not have to be removed.

Mr. Carroll replied that The Villages may be more restrictive than the Town.

Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved the second/final reading of Ordinance No. 2015-19, contingent upon the revision of the language change as discussed, 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>KUSSARD</i>	<i>YES</i>

L. TOWN MANAGER'S REPORT:

13. Consideration of Cancelling the December 21, 2015 Commission Meeting (Kris Kollgaard)

Town Manager Kris Kollgaard asked the Commissioners if they would be agreeable to canceling the December 21st Commission meeting as there are no items to bring forth at this time.

It was the consensus of the Commissioners to cancel the December 21, 2015 Commission meeting.

Ms. Kollgaard reported that the employee Christmas party is scheduled for Thursday, December 17th at the Public Works EOC complex. She asked the Commissioners for their permission to close Town Hall from 11 a.m. to 2 p.m. on that day so all employees can attend.

The Commissioners agreed to close Town Hall on December 17, 2015 from 11 a.m. to 2 p.m. to allow employees to attend the Christmas Party at the EOC.

Ms. Kollgaard reminded everyone that Light Up Lady Lake is scheduled for 6:15 p.m. this Friday, December 11th, at the Log Cabin Park.

14. Consideration of Request from Buffalo Construction to Remove an Oak Tree on Town Hall Property (Kris Kollgaard)

Town Manager Kris Kollgaard read the background summary for this item (on file in the Clerk's Office). She stated that Buffalo Construction Company is in the process of building the Texas Road House, and they have a concern regarding the 13.12 inch diameter oak tree in the front corner of the Town Hall property. A photo of this area was shown. Ms. Kollgaard stated they are concerned that, in time, the roots from this oak tree are going to compromise the integrity of the retaining wall system, and may cause future issues with the power lines as the tree grows. She stated that this is also occurring with some of the other oak trees in the front; as they are being trimmed, they are growing in an arc over the parking lot.

Ms. Kollgaard reported that Buffalo Construction has offered to replace the tree with something smaller or make a contribution to the tree bank, and that staff recommends allowing them to remove the tree to prevent future issues and having them make a contribution to the tree bank in the amount of \$350.00. The amount of the tree bank donation was based on the cost of replacing one oak tree with two trees at a different location.

Ms. Kollgaard stated that she also spoke with Public Works staff this morning when she was looking at the area. They recommended that the second oak tree near the Texas Road House also be removed, and that a hedge be put in. She stated that Buffalo Construction is proposing to put a nice fence along the retaining wall, as well, to prevent anyone from walking across the area or hitting the retaining wall.

It was the consensus of the Commissioners to allow Buffalo Construction to remove two oak trees and for staff to install a hedge or other replacement foliage as required.

M. MAYOR/COMMISSIONER'S REPORT:

Commissioner Hannan commended Parks and Recreation Director Mike Burske for all his work on the recent Christmas Parade. He stated that parades are mainly for children, and although he enjoyed seeing and riding in the classic cars for the parade, he would prefer the use of golf cars in the parade instead as the children seem to like golf cars better.

Ms. Kollgaard reported there was also an incident where a spectator threw candy towards those riding in the cars, and it hit one of the cars and she was concerned it might damage it. She stated the notice to parade participants asks that no one throw candy from the floats, and that walkers should hand out candy to spectators. Ms. Kollgaard stated she would like to have staff stationed along the parade route next year as a deterrent to keep people from throwing candy.

Commissioner Hannan asked if the Mayor has received any complaints from residents about the time their garbage is being picked up. He stated his garbage did not get picked up until 5:30 p.m., after being put out the night before for pick-up in the morning. He stated he does not like to see garbage sit out all day waiting for pick up. Commissioner Hannan stated that he might be willing to pay higher rates for earlier pick up.

Mayor Kussard stated she has received no complaints, and that she has always put her garbage out in the morning.

Ms. Kollgaard reported that she has a meeting with Doug McCoy of Waste Management in the morning. She stated the most recent contract with Waste Management incorporates the annexed homes at a much lower rate for the residents and included approximately three months at no charge. She stated the Town saves \$80,000 to \$90,000 a year with these negotiated rates, and may lose that savings if new rates are negotiated.

Mayor Kussard commented that many residents have restricted incomes and it may hurt them to increase rates.

Commissioner Hannan asked if any portion of Griffin Avenue comes under the Town's jurisdiction. He stated that they have repaved a portion of the road to CR 25 and asked why they have stopped there.

Public Works Director C.T. Eagle responded that all of Griffin Avenue is a county road and the Town does not maintain any of it. He stated the county probably picks the worse parts to repave. He stated he will ask them about it next time he speaks to someone from the county.

Mayor Kussard reminded everyone again about the Light Up Lady Lake event scheduled for this Friday at 6:15 p.m. She also stated that she attended the annual Town Hall Christmas tree decorating ceremony by the children of the Villages Elementary School of Lady Lake, and the children's enthusiasm was priceless.

Mayor Kussard stated she heard a number of comments from people on how much they enjoyed the Christmas parade this past Saturday, and how marvelous it is that such a small town like Lady Lake can have such a wonderful parade. She wished Commissioner Hannan a Happy Birthday for later in the week, and wished everyone a Merry Christmas and Happy New Year.

N. PUBLIC COMMENTS^{iv}

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

O. ADJOURN: The meeting was adjourned at 6:58 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

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

ⁱⁱ This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.

ⁱⁱⁱ All items listed under consent are considered routine by the Town Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Town Commissioner so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.

^{iv} This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.