

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

December 19, 2016

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 Jim Richards presiding. The meeting convened at 6:00 p.m.

- A. CALL TO ORDER:** Mayor Jim Richards
- B. PROCEDURE:** *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. INVOCATION:** Reverend Dr. Paul Harsh – First Baptist Church of Lady Lake
- D. PLEDGE OF ALLEGIANCE** led by Joe Quinn
- E. ROLL CALL:** Paul Hannan, Commissioner Ward 4
Ruth Kussard, Commissioner Ward 1
Tony Holden, Commissioner Ward 2
Dan Vincent, Commissioner Ward 3
Jim Richards, Mayor/Commissioner Ward 5

STAFF MEMBERS PRESENT: Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; Wendy Then, Town Planner; C. T. Eagle, Public Works Director; Ted Williams, Public Works Street Maintenance Supervisor; Joe Grubb, Public Works Mechanic; Chief Chris McKinstry, Jan Miller, Administrative Assistant to Police Chief; Elvira Ruiz, Police Records Supervisor; Mary Mullen, Police Records; John Pearl, I.T. Director; Tony Wilson, I.T./GIS; Pam Winegardner, Finance Director; Michelle Sloane, Accounting Clerk; Dawn Woods, Accounting Clerk; Tia O’Neal, Human Resource Director; Tamika DeLee, Human Resource Staff Assistant; Marsha Brinson, Library Director; Mary Petrucelli, Library Assistant; Philomena Bodie, Customer Service Rep. I; Michelle Bilbrey, Code Enforcement Officer; Julia Harris, Administrative Assistant to Town Manager; Carol Osborne, Staff Assistant to Town Clerk; and Nancy Slaton, Deputy Town Clerk

F. PUBLIC COMMENTS: Mayor Richards asked if there were any comments by the public. There were no comments at this time.

G. PRESENTATION:

1. Presentation to Commissioners (Kris Kollgaard/Town Employees)

Town Manager Kris Kollgaard stated that she and the Town’s employees wanted to recognize the Commissioners and let them know how much they appreciate everything they do for them. She

stated everyone chipped in their own money and had appreciation plaques made for each Commissioner. She presented the plaques to each Commissioner and they were applauded. The Commissioners thanked staff for this recognition.

H. CONSENTⁱ:

Mayor Richards asked if the Commissioners wanted any of the consent items pulled for discussion, and hearing no comments, asked for a motion.

2. Minutes – December 5, 2016 – Regular Commission Meeting

3. Consideration of Budget Amendment BT16-014 to Decrease Contingency Expense and Increase Roads & Street Repairs & Maintenance and Roads & Street Road Resurfacing (Pamela Winegardner)

The background summary for this agenda item is on file in the Clerk's office. It states that BT16-014 decreases Contingency \$49,283.37 and increases Repairs & Maintenance by \$47,048.19 and Road Resurfacing by \$2,235.18. The balance in Fund 1901 Contingency is \$51,601. There will be no change to the total FY 16 budget.

4. Consideration of Budget Amendment BT16-012 to Decrease Water Department Funds and Increase Waste Water Funds (Pamela Winegardner)

The background summary for this agenda item is on file in the Clerk's office. It states that BT16-012 decreases Water Department funds, Other Professional Services, Accounting & Auditing, Convenience Fees, and Fuel by \$27,540.63, and increases the budget for Waste Water Repairs & Maintenance, General Operating, and Fixed Assets by \$27,540.63. There will be no change to the total Enterprise FY 16 budget.

5. Consideration of Approval of Off-Duty Police Details Utilizing a Flat Rate (Chris McKinstry)

The background summary for this agenda item is on file in the Clerk's office. It states that currently, all off-duty details performed by members of the Lady Lake Police Department at the request of private business vendors are compensated at the officers' overtime rate of pay and are pensionable. That rate can vary between \$47 to \$72 per hour depending on the employee's current rate of pay and all benefits. The total cost of the off-duty detail is billed to the vendor. The rate includes a vehicle fee of \$10.00.

The Town is currently the only government in Lake County, including the Sheriff's Office, that bills off-duty details at the employees' overtime rate of pay, and includes benefit costs and considers it a pensionable salary. This high cost has caused some vendors to contract with the Sheriff's Office, and they no longer hire off-duty Lady Lake Police Officers.

This proposal to change the detail rate billing to a flat rate of \$35 per hour, including a \$10 vehicle fee for all off-duty details, will make the Town more competitive. If approved, the flat rate will be paid separately from regular salary and will not be pensionable.

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

I. **OLD BUSINESS:** No old business.

J. **NEW BUSINESS:**

6. Consideration of an Abatement Order for Case No. 13-4102 – Joseph R. Keene, Sr. c/o Sunburst FL Corp. – 101 Mark Ave. – Violation of Town of Lady Lake Code of Ordinances Chapter 20-20(a)(1) – Property Maintenance; and Chapter 7-67 – High Grass, Garbage, Trash (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 this case was originally opened in February of 2013 and ultimately heard by the Special Magistrate on June 19, 2013 for the violation of Town of Lady Lake Code of Ordinances Ch. 7-67- High Grass, Garbage, Trash and Ch. 20-20(a)(1)-Property Maintenance. The only owner listed on the property record card as of February 20, 2013 was Joseph R. Keene, Sr.

Mr. Carroll reported that the Special Magistrate ordered compliance within 15 days or a fine of 250.00 per day would begin to accrue, plus an \$87 administrative fee. The property remained non-compliant until October 26, 2016, for a period of 1,225 days, which resulted in the accrual of the lien to \$317,837.00 including the administrative fee. The lien was recorded with the Lake County Clerk of the Circuit Court on July 11, 2013 in BK 4349 Pgs.1695-1697.

Mr. Carroll stated that on August 8, 2016, a new Code Enforcement case (#16-6075) was opened for this property, citing an inoperable vehicle. As stated on the current property record card, both owners, Joseph R. Keene and Jack Gries of Sunburst FL Corp. were given notice of this violation. On October 26th, Mr. Gries with Sunburst FL Corp. came into the Growth Management Department requesting an inspection, stating he did not want a lien to be recorded against the property and advised that it was currently compliant. A site inspection was conducted and the property was found to be compliance. Ultimately, a lien for Case # 16-6075 was not recorded. Mr. Carroll stated that Mr. Gries was made aware of the existing lien against this property for the Case #13-4102 on this same date. Mr. Gries stated he was unaware that the lien existed, and requested to be put on the Special Magistrate agenda for a lien reduction consideration.

Mr. Carroll reported that at the November 15, 2016 Special Magistrate hearing, representatives with Sunburst FL Corp., Mr. Gries & Ms. Huff, attended the hearing. At that hearing they gave testimony that they purchased the property at a tax deed sale. Ms. Huff stated that she was a novice at this, but when they sold the property to Mr. Keene in 2012, they took the deed and a promissory note to the courthouse to record. She stated they were not aware that the promissory note was not recorded and this is why Sunburst Corporation was not listed on the property record card before. For this reason, Sunburst FL Corp. was not noticed for Case #13-4102.

Mr. Carroll stated that once Sunburst FL Corp. was made aware of the case, they took quick action to correct all violations. The Special Magistrate took this into consideration and has recommended a lien reduction to \$1,500.00; due and payable within 30 days following the action of the Town Commission. The assessed value of this property is \$15,461.00 per the Tax Collector's Office.

Upon a motion by Commissioner Kussard and a second by Commissioner Vincent, the Commission approved an Abatement Order for Case No. 13-4102 in the amount of \$3,865.25 by a vote of 3 to 2 (Holden/Hannan).

7. Consideration of an Abatement Order for Case No. 15-5788 – Richard Stone – 226 Lake Griffin Rd. – Violation of Town of Lady Lake Code of Ordinances Chapter 7-67 – High Grass, Garbage, Trash (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 this case was originally heard by the Special Magistrate on December 15, 2015 for the violation of Town of Lady Lake Code of Ordinances Ch. 7-67 – High Grass.

Mr. Carroll reported that on December 15, 2015, the Special Magistrate ordered compliance within ten days or a fine of \$25.00 per day would begin to accrue, plus an \$87 administrative fee. The property remained non-compliant until November 2, 2016, for a period of 323 days, which resulted in the accrual of the lien to \$4,362.00 including the administrative fee. The lien was recorded with the Lake County Clerk of the Circuit Court on May 26, 2016 in BK 4785, Pgs.1531-1534.

On November 2, 2016, the Town received a request from the new owner, Richard Stone, asking to schedule an abatement hearing. The property was inspected and found to be compliant that same day.

Mr. Carroll reported that at the November 15, 2016 Special Magistrate hearing, the new property owner stated that he purchased the property at a tax deed sale and brought the property into compliance within one day of ownership. He stated that the Special Magistrate has recommended a reduction to \$1,500.00 under the condition that the existing abatements and utilities be paid in full prior to or simultaneously; all of which would be due and payable within 30 days following the action of the Town Commission.

Mr. Carroll reported that this property has one pre-existing abatement lien for the removal of trash and cutting of high grass in the amount of \$773.71 as of November 15, 2016. This property has one pre-existing utility lien and unpaid utility bills due in the amount of \$891.04 as of November 15, 2016. The assessed value is \$49,887.00 per the Tax Collector's Office

Upon a motion by Commissioner Kussard and a second by Commissioner Holden, the Commission approved an Abatement Order for Case No. 15-5788 in the amount of \$3,335.25 by a vote of 4 to 1 (Hannan).

8. Consideration of an Abatement Order for Case No. 14-5142 – John A. & Maria Zonin –236 Skyline Drive – Violation of Town of Lady Lake Code of Ordinances Chapter 20-19(b) – Stairs, Porches & Guardrails; Chapter 20-19(e) – Property Maintenance, Electrical Maintenance; Chapter 20-19(d) – Property Maintenance, Plumbing Line; Chapter 20-21(i) – Property Maintenance, Sanitary System Maintenance; Chapter 20-17(f) – Property Maintenance Door Screens; Chapter 20-20(a)(6) – Property Maintenance Window/ Door Maintenance; and Chapter 20-23(a)(1) – Responsibility of Owners (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 this case was originally heard by the Special Magistrate on November 19, 2014 for the violation of Town of Lady Lake Code of Ordinances Chapter 20-19(b)-Stairs, Porches & Guardrails; Chapter 20-19(e)-Property Maintenance, Electrical Maintenance; Chapter 20-19(d)-Property Maintenance, Plumbing Line; Chapter 20-21(i)-Property Maintenance, Sanitary System Maintenance; Chapter 20-17(f)-Property Maintenance Door Screens; Chapter 20-20(a)(6)-Property Maintenance Window/Door Maintenance; Chapter 20-23(a)(1)-Responsibility of Owners.

Mr. Carroll reported that on November 19, 2014, the Special Magistrate ordered compliance within ten days or a fine of \$250.00 per day would begin to accrue, plus an \$87 administrative fee. The property was not verified to be compliant until November 15, 2016, a period of 727 days, which resulted in the accrual of the lien to \$179,337.00, including the administrative fee. The lien was recorded with the Lake County Clerk of the Circuit Court on December 9, 2014 in BK 4559, Pgs.1615-1622.

Mr. Carroll stated that on November 2, 2016, Mr. Zonin made a request to be put on the Special Magistrate agenda for lien reduction consideration and his case was placed on the November 15, 2016 Special Magistrate agenda. During this hearing, Mr. Zonin gave testimony that this is a rental home which had been vacant since shortly after the violations were cited. He went on to discuss a medical and financial hardship that has been incurred by his household which contributed to his inability to bring the home into compliance until recently. The Special Magistrate has recommended a lien reduction to \$750.00. The assessed value is \$23,995 per the Tax Collector's Office.

Upon a motion by Commissioner Kussard and a second by Commissioner Holden, the Commission approved an Abatement Order for Case No. 14-5142 in the amount of \$5,000.00 by a vote of 3 to 2 (Hannan/Vincent).

K TOWN ATTORNEY'S REPORT:

9. Ordinance No. 2016-36 – Second/Final Reading – Annexation – The Villages of Lake-Sumter, Inc. – Annexing One Lot Located Within Orange Blossom Gardens Unit 3-1.B, Referenced by Alternate Key Number 2523247, Lake County, Florida (Thad Carroll)

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 annex property consisting of one lot located within Orange Blossom Gardens Unit 3-1.B. The annexation application involves 0.14 +/- acres of property from unincorporated Lake County into the Town of Lady Lake and is addressed as 850 Silver Oak Avenue. Staff recommends approval of this ordinance.

A map and an aerial view of the property was shown, as were photos of the posting of the property.

The subject property lies in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. An appropriate legal description, a location map, and a sketch of the property was included with the submitted application. The lot 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 is non-contiguous to the existing municipal boundary. The proposed property under this application exists as a contiguous lot.

The annexation application was received on Thursday, October 6, 2016, 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 presentation to the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (20) within 150 feet of the property proposed by the annexation request were mailed Thursday, October 27, 2016. The properties were posted Monday, October 31, 2016.

The Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2016-36, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 14, 2016 Meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2016-36 to the Town Commission with the recommendation of approval. The Town Commission approved the first reading of this ordinance on December 5, 2016 by a vote of 5-0.

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

Mayor Richards asked if the Commissioners or members of the audience had any questions or comments, 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. 2016-36, by the following roll call vote:

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

10. Ordinance No. 2016-37 – Second/Final Reading – Small Scale Future Land Use Comprehensive Plan Amendment – The Villages of Lake-Sumter, Inc. – From Lake County Medium Urban Density to Lady Lake Manufactured Home High Density – One Lot Located Within Orange Blossom Gardens Unit 3-1.B, Referenced by Alternate Key Number 2523247, Lake County, Florida (Thad Carroll)

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 amend the future land use comprehensive plan designation for property consisting of one lot located within Orange Blossom Gardens Unit 3-1.B, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves 0.14 +/- acres of property, addressed as 850 Silver Oak Avenue, from unincorporated Lake County into the Town of Lady Lake. Staff recommends approval of this ordinance.

The Small Scale Future Land Use Map Amendment application was received on Thursday, October 6, 2016, 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 presentation to the Town Commission.

Concurrency Determination Statement – 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. The Villages has removed the existing manufactured home on the lot to construct a conventional built home on the lot. There will be no increase in utility services, traffic, population, or recreation use.

Mr. Carroll stated there is no impact on Town services; as follows:

Potable Water – No impact, the lot is served by the Village Center Community Development District Central Water System.

Sewer – No impact, the lot is 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 small scale future land use amendment 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.

The subject property involves approximately 0.14 ± acres lie in Section 06, Township 18 South, Range 24 East in Lake County, Florida. 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
East	Lady Lake Manufactured Home High Density
North	Lady Lake Manufactured Home High Density
South	Lake County Medium Urban Density

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 notices to inform the surrounding property owners (20) within 150’ of the property of the proposed amendment were mailed on Thursday, October 27, 2016. The property was posted on Monday, October 31, 2016. No objections or letters of support have been received.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-37, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 14, 2016 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2016-37 to the Town Commission with the recommendation of approval. The Local Planning Agency approved Ordinance No. 2016-37 by a vote of 5-0 at their meeting on December 5, 2016. The Town Commission approved the first reading of this ordinance on December 5, 2016 by a vote of 5-0.

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

Mayor Richards asked if the Commissioners or members of the audience had any questions or comments, and hearing none, asked for a motion.

Upon a motion by Commissioner Holden and seconded by Commissioner Kussard, the Commission approved the second/final reading of Ordinance No. 2016-37, by the following roll call vote:

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

11. Ordinance No. 2016-38 – Second/Final Reading – Rezoning – The Villages of Lake-Sumter, Inc. – From Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) – One Lot Located Within Orange Blossom Gardens Unit 3-1.B, Referenced by Alternate Key Number 2523247, Lake County, Florida (Thad Carroll)

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 property consisting of one lot located within Orange Blossom Gardens Unit 3-1.B. The application involves rezoning 0.14 +/- acres of property from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8). 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 proposed property is addressed as 850 Silver Oak Avenue. Staff recommends approval of this ordinance.

The Rezoning application was received on Thursday, October 6, 2016, 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 presentation to the Town Commission.

A map and an aerial view of the property was shown, as were photos of the posting of the property. A map showing the zoning of the property and adjacent properties was shown.

The subject property lies in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions and survey information were 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	Lady Lake Mixed Residential Medium Density (MX-8)
North	Lady Lake Mixed Residential Medium Density (MX-8)
South	Lake County Residential Medium (RM)

Mr. Carroll reported that notices to inform the surrounding property owners (20) within 150’ of the property of the proposed annexation were mailed Thursday, October 27, 2016. The property was posted Monday, October 31, 2016. There have been no objections or letters of support received to date.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-38, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 14, 2016 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2016-38 to the Town Commission with the recommendation of approval. The Town Commission approved the first reading of this ordinance on December 5, 2016 by a vote of 5-0.

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

Mayor Richards asked if the Commissioners or members of the audience had any questions or comments, and hearing none, asked for a motion.

Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved the second/final reading of Ordinance No. 2016-38, by the following roll call vote:

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

12. Ordinance No. 2016-39 – Second/Final Reading – An Ordinance of the Town of Lady Lake, Lake County, Florida, Adopting Corrections, Updates and Modifications to the Capital Improvements Schedule of the Town of Lady Lake Comprehensive Plan (Thad Carroll)

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 Ordinance No. 2016-39 serves as the annual update of the Capital Improvements Schedule, which is part of the Town’s Comprehensive Plan. The Capital Improvement Plan update process and the corresponding requirements are no longer required to be processed by a Comprehensive Plan Amendment, but may be adopted by local ordinance.

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

These facilities include: water, water supply, sewer, solid waste, drainage, parks and recreation, public schools, transportation and mass transit. While the Town does not have financial responsibility or accountability regarding some of these public facilities, there is still the requirement to incorporate the five-year capital improvement schedules from other entities.

Corrections, updates, and modifications concerning costs, revenues, or the dates of construction of any facility or project identified in the Comprehensive Plan/Capital Improvement Program are not considered amendments and may be accomplished by local ordinance.

Mr. Carroll stated that staff recommends approval of Ordinance No. 2016-39 as prepared. He stated 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 2016/17– 2020/21. Also attached is Ordinance No. 2015-18 to document the prior Five-Year Capital Improvement Schedule 2015/16 - 2019/20, which is being replaced by this ordinance.

Mr. Carroll stated there have been no changes to the updated capital improvement projects since the first reading on December 5, 2016.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-39, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the November 14, 2016 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2016-39 to the Town Commission with the recommendation of approval. The Town Commission approved the first reading of this ordinance on December 5, 2016 by a vote of 5-0.

Mayor Richards asked if the Commissioners or members of the audience had any questions or comments, 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. 2016-39, by the following roll call vote:

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

13. Ordinance 2016-45 – First Reading – Special Exception Use – Basics: Range & Gun, LLC – Requesting to Incorporate Motor Vehicle R.V. and Boat Storage Facilities, Contractors Office with Enclosed Storage Area, Outdoor Storage and Mini-Storage Warehouse Uses within the Heavy Commercial (HC) Zoning Classification – Located at 315 S. Highway 27/441 (Thad Carroll)

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 Mr. Franklin Dickinson, owner and operator of Basics: Range & Gun, LLC, has filed an application to amend Special Exception Uses to incorporate motor vehicle, R.V. and boat storage facilities, contractor's office with enclosed storage area, outdoor storage and mini-storage warehouse uses within the Heavy Commercial (HC) Zoning classification on property owned by Beatrice E. Brush Trustee C/O Daniel R. Brush, and located at 315 South Highway 27/441, being 11.12 +/- acres in the Town of Lady Lake, Florida. He stated the property is currently vacant and staff recommends approval of this ordinance.

An aerial view map depicting the zoning of the subject property and adjacent properties was shown, as was a photo of the posting of the property and the conceptual plan of the Basics: Range & Gun project that has already been entitled to operate by vested zoning. A rendering was shown depicting the original gun range and retail shops, as well as the proposed RV and storage facility, and rear parking lot. Mr. Carroll stated that it would be located to the rear of the retention pond area by FDOT, and also between the wetland area and the Oak Grove Subdivision. He noted that the rendering shows two driveway entrances; one on Hwy 27/441, and an alternative access via Lakeview Street, should FDOT decide to cut the median out when widening the highway.

Mr. Dickinson came before the Town Commission on October 3, 2016, and was granted approval for a Special Exception Use (Ordinance No. 2016-29) to develop a multi-phase, multi-tenant development to include a 24,150 sq. ft. building for Phase I, featuring a 10,350 sq. ft. of area to include a 20-lane tactical and bull's eye indoor gun range area, 3,600 sq. ft. for a gun shop and educational area, and an additional 10,200 sq. ft. for retail, sales and services. At this time, he is seeking to amend the Special Exception Uses on the property to incorporate motor vehicle R.V. and boat storage facilities, contractors' office with enclosed storage area, outdoor storage and mini-storage warehouse uses. Any outdoor storage must be limited to the rear of the property and must be screened in accordance with the criteria as defined within the Land Development Regulations.

Mr. Carroll reviewed the Special Exception Uses described by Chapter 6 and commented that the site will comply with all the criteria as shown below:

Motor vehicle R.V. and boat storage facilities. (SEU in HC). A special exception may be granted under the following conditions, including but not limited to:

- A) The proposed site shall be a minimum of two acres.
- B) Buffering shall be provided based on a Buffer Class "C". (Buffer C will be provided around storage area.)
- C) The storage area shall be screened with a six-foot opaque fence or wall.

Contractors office with enclosed storage area. (SEU in HC). A special exception may be granted under the following conditions, including but not limited to:

- A) The proposed site shall front on an arterial or collector roadway.
- B) The proposed site shall be a minimum of two acres.
- C) Buffering shall be provided based on a Buffer Class "B". (Buffer B will be provided around office area.)
- D) Outdoor storage shall be screened with a six-foot high opaque fence or wall. (Buffer C will be provided around storage area.)

Mini-storage warehouses. (SEU in LC/HC). A special exception may be granted under the following conditions, including but not limited to:

- A) Warehouse buildings shall be screened from any public rights-of-way by a six-foot high opaque fence or wall with a buffer yard planted along the street side of the fence or wall. Warehouse buildings will be screened as such if the use is established.
- B) The proposed site shall be a minimum of two acres.
- C) The proposed site shall front on an arterial or collector roadway.

The subject property lies in Section 21, Township 18 South, Range 24 East, and is zoned “HC” Heavy Commercial. A Special Exception Use is required to be granted by the Town Commission as per the provisions of Town of Lady Lake Land Development Regulations, Chapter 6, Section 6-2). to allow for the establishment of the motor vehicle R.V. and boat storage facilities, contractors’ office with enclosed storage area, outdoor storage and mini-storage warehouse uses. The Future Land Use Map designation for the property is Commercial General-Retail Sales and Services (RET), which is compatible and consistent with the proposed uses of the property.

The proposed project will be constructed utilizing elements of the Spanish Mission Architectural Design Style; specifically, a design replicating the Alamo. Any landscaping waivers will be brought before the Parks, Recreation, and Tree Advisory Committee, and any commercial landscaping waivers will be brought before the Town Commission for final consideration as part of the site plan application process.

The future land use and zoning of the subject parcel and adjacent properties are as follows:

Future Land Use

Subject Property	Lady Lake – Commercial General – Retail Sales and Services (RET)
Future Land Use of Adjacent Properties	
West	Lady Lake – Commercial General – Retail Sales and Services (RET)
East	Lady Lake Manufactured Homes High Density (MH-HD)
North	ROW/ Lady Lake – Commercial General – Retail Sales and Services (RET)
South	ROW/ Lady Lake – Commercial General – Retail Sales and Services (RET)

Zoning

Subject Property	Lady Lake– Heavy Commercial (HC)
Zoning of Adjacent Properties	
West	ROW/ Lady Lake– Heavy Commercial (HC)
East	Lady Lake– Manufactured Homes High Density (MH-9)
North	ROW/Lady Lake– Heavy Commercial (HC)
South	Lady Lake– Heavy Commercial (HC)

Should the Special Exception Use Amendment application be approved, the site plan process would follow, at which time the applicant will be required to submit a full site plan application, traffic study, noise study, environmental assessments, geotechnical and drainage reports, etc. Town staff would conduct a comprehensive site plan review to include, parking, landscaping, commercial design standards, and signage requirements.

The application has been reviewed and been determined to be complete. In accordance with all supporting appropriate material, the application is deemed in compliance with the Land Development Regulations (LDRs).

Mr. Carroll reported that notices to inform the surrounding property owners (20) within 150' of the property of the proposed amendment were mailed on Monday, December 5, 2016. The property was posted Monday, December 12, 2016. Staff has received one objection by a resident who came into the office to inquire about the project; they stated they did not want the property to be developed. Mr. Carroll stated the property owner currently has vested uses for all Heavy Commercial zoning, as well as the gun and archery range.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-45 and determined the application to be complete and ready for transmittal to the Town Commission. The Planning and Zoning Board does not review Special Exception Use applications. The second/final reading is tentatively scheduled to go before the Town Commission on Wednesday, January 18, 2017.

Mayor Richards asked if there were any questions or comments by the Commissioners.

Commissioner Hannan voiced his concern that if the RV and storage component is approved, there may be vehicles being repaired and noise; and stated there is no language in the document addressing that or hours of operation.

Mr. Carroll explained that under Section 2, Item B., the hours of operation are noted as being no earlier than 7:30 a.m. and no later than 9:30 p.m. for all facilities, and this is concurrent with the previous ordinance for this site. He stated that language can be added to the ordinance prior to second/final reading to address working on vehicles.

Commissioner Holden stated that he believes 9:30 p.m. is too late to be allowing vehicles into the storage area as vehicle lights may shine on nearby residents. He also voiced concern regarding the lighting that will be permanently placed there.

Mr. Carroll replied that the photometric plan will not be available until the site plan is submitted, although code does require that the lights shall be projected on the subject parcel only, not nearby residents. He stated some lighting may be set to motion sensors for security purposes in the storage area.

Commissioner Holden asked what type of fence is being proposed and how close the fence would be to the canal, as it and the retention pond already needs to be cleaned out and space will be needed to get the heavy equipment in there to get that done. He commented that he would like to see the county and the state pay for it as the majority of the water coming in comes from the highway and street.

Mr. Carroll replied that the Town's code requires at least a six foot wall or opaque fence; so typically, a stucco wall or vinyl fence. Chain link or double-sided wood privacy fences are not permitted. He stated that there will have to be adequate access for the regulatory agencies to conduct their maintenance, and this will be assured during the site plan process.

Mayor Richards commented that there is probably already an easement for maintenance of the canal.

Commissioner Holden asked if RVs and boats will be the only type of vehicles to be stored in this lot.

Mr. Carroll replied that it would typically include RV and boat storage, as well as any larger vehicle. He stated specific types of vehicles could be itemized in the ordinance.

Commissioner Holden asked if there are any plans for the wetlands.

Mr. Carroll replied that that there are no plans for the wetlands and the applicant will have to adhere to all setback requirements from the wetlands.

Mayor Richards asked for comments from the public.

Many residents of the Oak Grove Subdivision were present in the audience and came up one by one to voice their objections/concerns regarding the storage and parking lot:

- Debbie Shartle of 336 Ivanhoe Street objected to the possibility of noise, lights, and decreased property values.

Mayor Richards commented that he wanted the residents to be aware that this property is zoned Heavy Commercial for business, and a building and parking lot has already been approved for this location.

- David Hodgkins of 314 Ivanhoe Circle commented that a six-foot fence will not be tall enough and lights will shine over it. He stated the wildlife will be chased away by this project.
- Al Day of 332 Ivanhoe Circle stated this 55+ community has been here 30-40 years and he would like to keep the peace and quiet. He objected to hours of operation regarding noise; and would like 12' to 15' trees put in as buffer; not just the fence. He expressed concern regarding Lakeview Street not going all the way down to Lake Griffin Rd.

Mr. Carroll stated that Lakeview will not go that far and will just be improved enough to enter the facility before the edge of the retention pond.

Mr. Day voiced additional concerns regarding decreasing property values.

- Elizabeth Day of 332 Ivanhoe Circle stated that elderly residents live in Oak Grove Subdivision and she voiced concerns regarding hours of operation and noise and lights.
- Darrell Smothers of 306 Ivanhoe Circle stated his property is directly behind this project and he will be directly affected by it. He stated he was told that the developer would meet with the Oak Grove Subdivision residents, but this has not occurred, and asked when this will happen.

Mayor Richards stated that this should occur before the site plans are approved.

Applicant Franklin Dickinson stated that the plans are not finalized yet, but they will not allow any mechanical repairs because of contaminants; it will basically be a storage facility like a big parking lot. He stated they will follow the Town's codes regarding lighting, etc., and that this is the highest and best use of the property for this zoning of Heavy Commercial. He stated he still plans to meet with residents, and will work out any problems such as fencing, etc. Mr. Dickinson assured everyone that everything will be worked out so that it will not be an eyesore or a problem. He stated he would also like to eventually build an office/warehouse on the property.

- Albert Richey of 334 Ivanhoe Circle stated he is not against the gun range, but is concerned whether there will be an egress lane off the highway.

- Sally Newlin of 309 Ivanhoe Circle asked if the storage has already been approved, and when she was told it was before the Commission now, she stated she wanted it on the record that residents object to it.
- Eileen Clark of 346 Ivanhoe Circle voiced concern regarding hours of operation; too early and too late. She asked if these hours will include the weekends. She also stated that storage may cause an increase in crime in the area.

Mr. Carroll replied that the ordinance does not currently stipulate weekends versus week days.

- Wilma Wheeler of 310 Ivanhoe Circle stated it is clear that the residents of the subdivision object to the storage facility, but are accepting of the gun range.

Commissioner Holden stated that he would like to set up the meeting between the developer and the residents of the Oak Grove Subdivision prior to the conceptual presentation for this project.

Ms. Kollgaard stated that staff will make sure the meeting will happen.

Commissioner Hannan suggested that the applicant withdraw his application this evening and come back with a more comprehensive plan to address the issues residents have brought up such as hours of operation, the fence, etc.

Ms. Kollgaard stated withdrawal would be up to the applicant.

Mr. Carroll explained that that if the application is withdrawn, then the applicant would have to re-apply and there would be more fees involved. He suggested that the Commission could table the item or post-pone it in lieu of that.

Mr. Dickinson stated he has been relying on staff to guide him through the process. He agreed that he will meet with the residents before the designs are submitted to the town. He stated the Town will address all the concerns.

Mr. Carroll clarified that the Commissioners are asking Mr. Dickinson to meet with the residents prior to second/final reading to address some of their concerns.

Ms. Kollgaard asked if Mr. Dickinson would be willing to meet with the residents to have language added to this ordinance to address the concerns and issues brought up by the residents prior to second/final reading. She stated consideration of the ordinance could also be tabled.

Mr. Dickinson agreed that the ordinance can be tabled while these items are worked out and a meeting can be set up with the residents.

After further discussion, and upon a motion by Commissioner Hannan, with a second by Commissioner Holden, the Commission tabled the first reading of Ordinance No. 2016-45 to a date uncertain, by a vote of 5-0.

L. TOWN MANAGER’S REPORT:

14. Consideration of Approval to Cancel the First Commission Meeting in January of 2017 (Kris Kollgaard)

Town Manager Kris Kollgaard asked if the Commission would consider cancelling the first meeting in January of 2017 as there were no items to bring forth at this time.

The Commissioners approved this request by a consensus of 5 to 0.

Ms. Kollgaard reminded everyone about the Tree Raffle drawing to be held on January 19, 2016. She explained that 25 Lady Lake residents are eligible to win a \$200.00 voucher to obtain plant material at Burke's Tree Farm for Arbor Day. She stated it is a way for the Town to give back to the residents and for beautification. Applications were available on the table, or residents can obtain them from the web site.

Ms. Kollgaard wished everyone a Merry Christmas and Happy New Year.

M. MAYOR/COMMISSIONER'S REPORT:

Commissioner Hannan reported that he attended the final Growth Management & Economic Affairs meeting in Orlando on December 8, 2016. He stated this committee proposed legislative policy statements to go to the Florida House of Representatives in March of 2017 regarding CRA's, and on supporting impact fees. He stated more details can be provided by contacting David Cruz of the Florida League of Cities staff.

Commissioner Kussard wished everyone a very Merry Christmas and Happy New Year.

Commissioner Holden stated that tonight's meeting shows that residents' voices will be heard.

Commissioner Vincent also wished everyone a Merry Christmas and Happy New year.

Mayor Richards mirrored that. He also thanked Mr. Schroth for the information he provided on the legal study he is continuing to work on.

N. PUBLIC COMMENTSⁱⁱ

Mayor Richards asked if there were any comments by the public. There were no further comments at this time.

O. ADJOURN: With no further business, the meeting was adjourned at 7:10 p.m.

Kristen Kollgaard, Town Clerk

Jim Richards, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

ⁱ *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.*

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.*