

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

October 16, 2017

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 Jerry Montgomery – Immanuel Baptist Church
- D. PLEDGE OF ALLEGIANCE**
- 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; C.T. Eagle, Public Works Director; Mike Burske, Parks and Recreation Director; Chief Chris McKinstry, Police Department; Wendy Then, Senior Planner; and Nancy Slaton, Deputy Town Clerk

- F. PUBLIC COMMENTS:** Mayor Richards asked if there were any comments from the audience. There were no comments.
- G. ANNOUNCEMENTS:** No announcements.
- H. PROCLAMATION:**

1. Proclaiming the Week of October 23-29, 2017 as Florida City Government Week 2017 (Mayor Richards)

Mayor Richards read the proclamation proclaiming the week of October 23rd to the 29th as Florida City Government Week 2017.

2. Proclaiming the Week of October 23-31, 2017 as Red Ribbon Week (Mayor Richards/Michael Manley of Atlantic Coast Young Marines)

Mayor Jim Richards read the proclamation proclaiming the week of October 23rd to the 31st as Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment.

Town Manager Kris Kollgaard stated that representatives of the Atlantic Coast Young Marines were unable to attend this meeting, and the proclamation will be mailed to them.

I. CONSENT:

3. Minutes – October 2, 2017 – Commission Meeting

Upon a motion by Commissioner Kussard and a second by Commissioner Hannan, the Commission approved the minutes of the October 2, 2017 Commission meeting as presented by a vote of 5 to 0.

J. OLD BUSINESS: No old business.

K. NEW BUSINESS:

4. Consideration of Approval for the Lady Lake Driving Range to Construct a 34'x 4' Sidewalk to Connect the Existing Sidewalk to the Ball Shack (Mike Burske)

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Clerk's Office). He stated that the Lady Lake Driving Range is asking for permission to connect their ball shack to the sidewalk built from the parking lot to the tees. This sidewalk will give those who may have disabilities a firm walkway to the shack. The project will be funded by the Lady Lake Driving Range and the quote from Robert C. Robey Concrete was included in the packet. Photos of the area where sidewalk will be constructed were also included in the packet.

Mr. Burske stated Mr. Corso of the Driving Range is present if there are any questions.

Commissioner Kussard stated she would like to thank the Driving Range, also known as the American Legion Post #347 and the Orange Blossom Gardens Lions Club, for funding this project.

Upon a motion by Commissioner Holden and a second by Commissioner Hannan, the Commission granted approval for the Lady Lake Driving Range to construct a 34'x 4' sidewalk to connect the existing sidewalk to the ball shack by a vote of 5 to 0.

5. Consideration of Landscaping Waiver Requests for the Lady Lake Commons Project – A Development Proposing Approximately 81,620 Sq. Ft. of Retail Space and Two Sit-Down Restaurants; Requesting a Development Order for Early Clearing of the Property Prior to the Site Plan approval to Allow a Topography Survey to be Completed to Finalize Civil Engineering Plans – Located on an 18.5-Acre Parcel Just South of Fennell Blvd., East of North Highway 27/441, and West of County Road 25 (Alternate Keys 3305451 & 2607866) (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 Robert F. Robb, President of Robb and Taylor Engineering Solutions, Inc., has submitted a request on behalf of property owner Benchmark Lady Lake 25 Associates, LLC for a development proposing approximately 81,620 sq. ft. of retail space

and two sit-down restaurants on an 18.5-acre parcel located just south of Fennell Blvd., east of North Highway 27/441, and west of County Road 25 (AK #3305451 & #2607866).

Mr. Carroll stated that before submitting a complete site plan, additional surveying must be performed on the property that cannot be done using conventional GPS equipment. The applicant has indicated that the property is predominantly covered with pine trees and small hardwoods that have been established for a while and have created a canopy that does not allow for conventional survey methods. Additionally, there are large grade differences ranging from elevation 115.0 feet along CR 25 down to 71.0 feet near the north side of the property. The waiver requests from Chapter 10 are done primarily to allow clearing prior to site plan approval which will permit a more physically and financially reasonable approach to conduct such necessary surveying.

Mr. Carroll reviewed the proposed site plan, aerial views and photos of the wooded property, as well as landscaping plans. Examples of proposed trees and vegetation were also shown.

Mr. Carroll stated the applicant is pursuing the following landscaping waivers:

- Chapter 10, Section 10-3). I). 2).G).1). - Allows only properties 50 acres or more to survey “sample plots.”

Request: Proposing to utilize the sample plot survey method. The applicant proposes two sample plots with dimensions of 100’x100.’

Justification: The 18.5-acre parcel is consistently and uniformly heavily wooded. The applicant feels that two sample plots provide an accurate count of the parcel existing tree/plant material coverage.

- Chapter 10, Section 10-3, a). 2).B). - Requires that 25 percent of trees remain on site as part of the development plan.

Request: To be allowed to clear all necessary trees and plant material as required for excavation and filling throughout the property.

Justification: Due to the topography of the site, which has a 44-foot grade change across the side, it would be nearly impossible to preserve plant material as construction excavation and filling takes place. Providing reasonable slopes for vehicular and pedestrian traffic to safely travel throughout the site is the essential reason for the excavation and filling.

- Chapter 10, Section 10-5, a).1) - Development Order requirement prior to clearing.

Request: A Development Order has been requested by the applicant just for the purpose of tree clearing prior to site plan approval.

Justification: Due to the considerations discussed on the first two waivers as specified in the memo submitted by the applicant.

Mr. Carroll stated that if these waivers are approved, the applicant can commence tree removal and clearing, and begin the surveying so they can move forward on the site plan application.

Mr. Carroll stated that both John Rehak of Benchmark, and Robert Robb, engineer, are present to answer any questions.

Commissioner Kussard asked if the applicant is planning on totally clearing the 18.5-acre property or just small sections in order to do the survey.

Mr. Robb replied that the plan is to survey two 100'x100' areas, and quantify the trees in those areas, and interpolate the number of trees that exist on the entire property as a first step. He stated he believed most or all of the trees will have to be removed because of the topography of the property, including a 44' drop across the site, and filling and excavating will need to be done.

Town Manager Kris Kollgaard stated that the applicant will still need to meet the landscaping requirements for planting when they come back to the Commission for site plan approval.

Mayor Richards commented that only the trees along the outside edges of the property will probably be left.

Mr. Carroll stated that the Parks, Recreation and Tree Advisory Committee voted 4-0 to forward the waiver requests to the Town Commission with the recommendation of approval at their special meeting on September 19, 2017. At the regular Town Commission meeting held on October 2, 2017, the landscaping waiver request was tabled at the request of the applicant.

Mayor Richards asked if anyone from the public wished to comment on this, and hearing none, asked for a motion.

Upon a motion by Commissioner Kussard and a second by Commissioner Holden, the Commission approved the Consideration of Landscaping Waiver Requests for the Lady Lake Commons Project by a vote of 5 to 0.

J. TOWN ATTORNEY'S REPORT:

6. Ordinance No. 2017-37 – Second/Final Reading – Rezoning and Establishing a Memorandum of Agreement (MOA) for the Planned Commercial (CP) District – GTMJ Investment Group, LLC and Lazy B Cattle Venture, Ltd. – for 6.9± Acres Located at La Grande Boulevard, Northwest of the Intersection of Griffin Avenue and East of Hwy 27/441, Lake County, FL (Alt. Key 3857645 and 2814365) (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 an application has been filed by Martin L. Dzuro on behalf of Lazy B Cattle Venture, LTD. and GTMJ Investment Group, LLC to rezone two parcels located northwest of Griffin Avenue and east of Highway 27/441, containing property east and west of La Plaza Grande Boulevard. The application involves 6.9 +/- acres of property, and proposes to establish a Planned Commercial (CP) Memorandum of Agreement, which will govern the allowable land uses on the two properties. Upon having the property rezoned, the project will include the demolition of five buildings, the construction of three new buildings, and reconfiguration of much of the parking in the La Plaza Grande North development. The new parking configuration is intended to improve the overall circulation in the development, and reduce traffic impacts on La Grande Boulevard through the development.

Mr. Carroll stated that the subject properties were originally annexed in 1984 under Ordinance 84-11-113 and zoned C-1 (commercial). Then in 1990, under Ordinance 90-16, the properties were

designated the zoning of CPC, the Commercial Planned Concept District. In 1994, under 1994-08, the properties zoned CPC were then reclassified as Planned Commercial (CP) properties. Over the course of adoption of these prior ordinances, at no time was a Memorandum of Agreement adopted which would govern the specific land uses on the property. Given that the applicant wishes to redevelop the properties in the very near future, he is seeking to establish the zoning entitlements for the proposed uses at this time, and for uses which may be sought in the future.

Mr. Carroll reviewed the permitted uses under the MOA as follows: Offices; personal services; convenience stores with or without fuel operations; laundry and dry cleaning retail stores; financial services; office supplies; retail sales and services; business services; post office; office complex; medical offices/clinics; banks; furniture and appliance stores; health/exercise clubs; pet boarding; pet grooming; contractors office; motor vehicle service centers/stations; sit down and fast food restaurants with or without drive through and/or alcohol; shopping centers; veterinary clinics; and car washes. He noted that *post office* has been added to the MOA since first reading.

Mr. Carroll reviewed the parking requirements as follows: There shall be a parking space ratio of not less than one parking space per one 150 sq. ft. of habitable building area, regardless of the use of building.

- Parking spaces shall have a minimum dimension of 20' x 10'. If a parking space is directly adjacent to a sidewalk with a minimum width of seven feet, the minimum dimension may be 18' x 10'.
- Bicycle Parking - Bicycle parking shall be evaluated at the time of site plan.
- Loading Areas - Hours of use shall be restricted by the tenant leases to cause all trucks serving the premises to load and unload at hours other than the regular business hours and to ensure that large truck service, including semi-tractor trailer deliveries and garbage collection, does not occur between the hours of 10:00 p.m. and 7:00 a.m. Trucks shall not be permitted to unload through the front entrance of the premises except when no other entrance is available.
- Handicap Parking - Handicap parking will be provided pursuant to applicable law, and can count towards total counted parking spaces.

Mr. Carroll stated that buffering is not required from contiguous property zoned for any use other than residential. Buffering is also not required from contiguous property zoned residential if a buffer already exists on the contiguous property on the effective date. No buffering is required between parcels within the property. If any buffering is required, a "Class A" buffer as defined in Chapter 10 of the Town's Land Development Code is sufficient. If a permanent fence/wall with an average height in excess of five feet exists on either the property or any contiguous property, further buffering is not required. No buffering is required for any portion of the property along U.S. Highway 441/27 or any portion of the property along Griffin Avenue.

A rendering of the conceptual plan was shown, as was a map of the property, an aerial view of the property, and photos of the postings.

The subject properties lie in Section 07, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a conceptual plan of the property have been included with the submitted application.

The application was received on Wednesday, August 23, 2017, and has been reviewed and determined to be complete, satisfying the necessary criteria as required for rezoning. 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 consideration by the Town Commission.

Zoning

Subject Property	Lady Lake Planned Commercial (CP)
Zoning of Adjacent Properties	
West	Lady Lake Planned Commercial (CP)
East	Lake County Residential Medium (RM) and Lady Lake (MX-8)
North	Lake County Residential Medium (RM) and Lady Lake (MX-8)
South	Lake County Planned Commercial (CP)/Lady Lake Planned Commercial(CP)

Mr. Carroll reported that notices to inform the surrounding property owners (44) within 150 feet of the properties proposed by annexation request were mailed Monday, August 28, 2017, and the properties were also posted this same date. Only one inquiry was received at time of posting at the job site.

The Technical Review Committee (TRC) members individually reviewed the application and determined it to be complete and ready for transmittal to the Planning and Zoning Board. At the September 18, 2017 special meeting, the Planning and Zoning Board voted 3-0 for approval of Ordinance No. 2017-37. At the October 2, 2017 meeting, the Town Commission voted 5-0 for approval of this ordinance upon first reading.

Mr. Carroll noted the post office is a current use in operation, and is foreseen as a future operation. He stated it has come to his attention that the developer, the local post master and the regional US Postmaster out of Atlanta will be meeting regarding the post office services that will be available at the new office.

Mayor Richards asked if anyone had any questions or comments.

Commissioner Hannan asked how the Commission will learn the outcome of the meeting regarding the post office.

Martin R. Dzuro, representing the applicant, replied that they will learn from the postal service what they desire out of the space, and will then notify staff of the outcome of the meeting.

Commissioner Kussard asked when the meeting will be taking place. She stated there has been an unbelievable amount of interest and concern expressed by residents about the post office.

Mr. Dzuro replied that the meeting should be taking place in the first or second week of November, well before the site plan stage.

Mayor Richards asked if anyone from the public wished to comment on this, and hearing none, asked for a motion.

Upon a motion by Commissioner Vincent and seconded by Commissioner Kussard, the Commission approved the Second/Final reading of Ordinance No. 2017-37 by the following roll call vote:

HANNAN	YES
KUSSARD	YES
HOLDEN	YES
VINCENT	YES
RICHARDS	YES

7. Ordinance No. 2017-38 – Second/Final Reading – Annexation – The Villages of Lake-Sumter, Inc. – Annexing Two Lots (0.26 +/- Acres Referenced by Alternate Key Numbers 1482186 and 2669420) – Located within Orange Blossom Gardens Units 1 And 3.1b, Lake County, FL (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 annex property consisting of two lots located within Orange Blossom Gardens Units 1 and 3.1B. The application involves annexing 0.26 +/- acres of property from unincorporated Lake County into the Town of Lady Lake.

The lots are addressed as follows:

- 1308 Teakwood Lane
- 738 Royal Palm Avenue

A map of the properties was shown, as were aerial views of the property, photos of the postings, and the survey map submitted by the property owner.

The subject properties are in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the properties have been included with the submitted application. The 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 properties into the Town that are non-contiguous to the existing municipal boundary.

The annexation application was received on Tuesday, August 22, 2017, 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 consideration by the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (45) within 150 feet of the property proposed by the annexation request were mailed Monday, August 28, 2017, and the properties were posted this same date. There have been no objections or letters of support received to date.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-38, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the September 18, 2017 special meeting, the Planning and Zoning Board voted 3-0 for approval of Ordinance No. 2017-38. At the October 2, 2017 meeting, the Town Commission voted 5-0 for approval of this ordinance upon first reading.

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

Mayor Richards asked if anyone had any questions or comments, and hearing one, asked for a motion.

Upon a motion by Commissioner Kussard and seconded by Commissioner Vincent, the Commission approved the Second/Final reading of Ordinance No. 2017-38 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>

8. Ordinance No. 2017-39 – Second/Final Reading – Small Scale Future Land Use Comprehensive Plan Amendment – The Villages of Lake-Sumter, Inc. – Change from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density for Two Lots (0.26 +/- Acres Referenced by Alternate Key Numbers 1482186 and 2669420) – Located within Orange Blossom Gardens Units 1 And 3.1b, Lake County, FL (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 amend the future land use comprehensive plan designation for properties consisting of two lots located within Orange Blossom Gardens Units 1 and 3.1B, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves 0.26 +/- acres of property and the lots are addressed as follows:

- 1308 Teakwood Lane
- 738 Royal Palm Avenue

A map and an aerial view of the properties was presented showing the future land use of the subject parcel and adjacent properties.

The Small Scale Future Land Use Map Amendment application was received on Tuesday, August 22, 2017, 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 consideration by the Town Commission.

Future Land Use

Subject Properties	Lake County Medium Urban Density
Future Land Use of Adjacent Properties	
West	Lake County Medium Urban Density (738 Royal Palm Avenue)/Lady Lake Manufactured Home High Density (1308 Teakwood Lane)
East	Lake County Medium Urban Density (738 Royal Palm Avenue)/Lady Lake Manufactured Home High Density (1308 Teakwood Lane)
North	Lake County Medium Urban 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.

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 proposes to remove the existing manufactured homes on the lots to construct conventional built homes. There will be no increase in utility services, traffic, population, or recreation use.

Mr. Carroll reported there will be no impact on Town services as shown below:

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 homes will be replaced with new homes. 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 the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

Mr. Carroll stated that notices to inform the surrounding property owners (45) within 150 feet of the property proposed by the SSFLUM Amendment request were mailed Monday, August 28, 2017, and the properties were posted this same date. 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. 2017-39 and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the September 18, 2017 special meeting, the Planning and Zoning Board voted 3-0 for approval of Ordinance No. 2017-39. At the October 2, 2017 meeting, the Local Planning Agency voted 5-0 for approval, and the Town Commission voted 5-0 for approval of this ordinance upon first reading.

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

Mayor Richards asked if anyone had any questions or comments, and hearing none, asked for a motion.

Upon a motion by Commissioner Holden and seconded by Commissioner Vincent, the Commission approved the Second/Final reading of Ordinance No. 2017-39 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>

9. Ordinance No. 2017-40 – 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) – Two Lots (0.26 +/- Acres Referenced by Alternate Key Numbers 1482186 and 2669420) – Located within Orange Blossom Gardens Units 1 And 3.1b, Lake County, FL (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 property consisting of two lots located within Orange Blossom Gardens Units 1 and 3.1B. The application involves rezoning 0.26 +/- 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 that are presently in the Town of Lady Lake’s jurisdiction. The proposed properties are addressed as follows:

- 1308 Teakwood Lane
- 738 Royal Palm Avenue

A map of the properties and a map of the zoning designations of the parcels and adjoining parcels was shown.

The Rezoning application was received on Tuesday August 22, 2017, 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 consideration by the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (45) within 150 feet of the property proposed by the rezoning request were mailed Monday, August 28, 2017, and the properties were posted this same date. No objections or letters of support have been received to date.

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) (738 Royal Palm Avenue)/Lady Lake MX-8 (1308 Teakwood Lane)
East	Lake County Residential Medium (RM) (738 Royal Palm Avenue)/Lady Lake MX-8 (1308 Teakwood Lane)
North	Lake County Residential Medium (RM)
South	Lake County Residential Medium (RM)

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No 2017-40, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the September 18, 2017 special meeting, the Planning and Zoning Board voted 3-0 for approval of Ordinance No 2017-40. At the October 2, 2017 meeting, the Town Commission voted 5-0 for approval of this ordinance upon first reading.

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

Mayor Richards asked if anyone had any questions or comments, 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. 2017-40 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>

M. TOWN MANAGER’S REPORT:

10. Consideration of Allowing Payment of a Bonus to Six Salaried Employees Due to the Hours Worked During Hurricane Irma (Kris Kollgaard)

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Town Clerk’s office). She stated that due to Hurricane Irma, six salaried employees that worked overtime were not compensated for it due to being salaried employees. All non-salaried employees were compensated for any overtime that they performed during and after Hurricane Irma.

Ms. Kollgaard stated that due to the demands placed on the employees by the storm response and dealing with the aftermath, she would like to request that these six salaried employees receive a bonus equal to what their overtime pay would have been. She asked that the Commission keep in mind that an emergency event such as Hurricane Irma required some employees to be away from their families during the hurricane, and unable to deal with the damages to their own homes, while they were taking care of the Town. She stated that the Town is currently working on putting a policy in place so that the Town may be able to get reimbursement from FEMA for overtime of salaried employees due to an event such as a hurricane in the future.

Ms. Kollgaard reported that she contacted other area cities and received the following responses concerning this issue:

- Wildwood paid overtime (1 ½ x rate of pay) to salaried employees during the emergency, both pre-event and post-event.
- Clermont paid the overtime rate to salaried employees during the emergency, but only for hours worked after 50 hours.
- Eustis only gives Admin time for salaried employees working overtime during the emergency.
- Orlando will give Admin time for salaried employees, only after working over 50 hours during the emergency.

Ms. Kollgaard stated that a Commission workshop needs to be held to draw up a policy for future emergencies, which may allow for reimbursement by FEMA. She stated that two Public Works supervisors worked a lot of overtime because the lift stations were down and had to be run by generators which had to be checked every two hours. She stated two police captains had to man the EOC around the clock from Saturday through Wednesday. She asked that the Commissioners consider compensating these salaried employees for their extra duty during this extraordinary situation.

Commissioner Hannan stated that he is in favor of having a workshop to come up with a policy for the future, although he stated he is not in favor of giving bonuses to salaried employees, as being salaried has its own privileges and perks.

Ms. Kollgaard explained that she used the word bonus rather than overtime so as to be within the guidelines of FLSA (federal Fair Labor Standards Act).

Commissioner Kussard commented she agonized over this item because she feels that the Town's employees are hardworking, dedicated people, who do an excellent job. However, she stated that it is the job of department heads and salaried employees to do whatever it takes to get the job done, regardless of whether it takes longer than their regularly scheduled work day. She stated they have never been entitled to a bonus or overtime pay because of it, and that is the reason they are paid more than hourly worker, because so much more is demanded of them and is part of their job. Commissioner Kussard stated she fears it would be setting a bad precedent, and although she would like to see something done for these employees, she is not in favor of paying a bonus.

Commissioner Holden agreed with both Commissioner Hannan and Commissioner Kussard. He stated that the Town has been very generous with their pay raises over the last few years; five percent this year, and four percent the previous year. He said no other municipality has given these kind of raises. He stated there should be no bonuses for salaried workers.

Commissioner Vincent stated he was a salaried worker for a time and never received a bonus; salaried employees are aware when they accept the job what the compensation will be.

Commissioner Hannan suggested that the Town offer these employees admin time instead.

Mayor Richards stated that the difference is that this was a declared emergency and lasted a long time, and a policy could be tied to that. He stated that he did receive a bonus as a salaried worker in 1995 by the Town because he saved them a million dollars, and money was set aside at that time by the Commission for that purpose. He stated he is receptive to this.

Ms. Kollgaard stated she understands the Commissioners' hesitancy regarding paying bonuses to department heads, however, she stated the two department heads would be willing to left out of this and perhaps just the four salaried employees (supervisors) could be considered for the bonus as they do not have the same benefits as the department heads.

Commissioner Vincent asked why supervisors were out checking lift stations when they had employees to do this.

Ms. Kollgaard replied that the lift stations had to be checked every two hours and the supervisors stepped in to give their workers a break as the Town does not have a large staff.

Mayor Richards asked for a motion, noting that it could be tied to a declared national emergency event as a one-time item.

Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission denied allowing a payment of a bonus to six salaried employees due to the hours worked during Hurricane Irma by a vote of 4 to 1 (Richards).

11. Consideration of the University of Florida Mutual Aid Agreement (Kris Kollgaard)

Town Manager Kris Kollgaard gave the background summary for this agenda item. She stated that this agreement was just received this past Friday, and is a Mutual Aid Agreement for Operational Assistance and providing security for the Richard Spencer and/or National Policy Institute Event in Gainesville. Ms. Kollgaard stated the University of Florida contacted the police department requesting the Town's assistance, as well as the other municipalities and Lake County, to send some officers to the event they are having on Thursday, October 19th, with Richard Spencer as speaker. They are expecting at least 15,000 people to attend.

Chief Chris McKinstry stated that this Mutual Aid Agreement was received from the University of Florida this past Thursday. He stated he reviewed it and sent it back requesting some clarification, and then received it back on Friday. He stated the University of Florida is requesting contingency from Lake County to support their staff for this Richard Spencer event because they expect a large-scale demonstration. Chief McKinstry stated after review of the Town's staffing, the police department is able to send two officers for the day, as is five other Lake County municipalities. He stated the Lake County Sheriff's Office is sending 10 officers. The plan is to meet here and caravan up to Gainesville for the day. He stated the Town's officers would be in a support position at the event, not on the front lines.

Mayor Richards stated the Town only has 28 sworn officers, and three officers would be 10% of the Town's staff. He asked about the county's participation as they have 50 times the budget and staffing; and wondered how many are needed for an event of this size. He also noted the agreement states the University *may* ask for reimbursement from the state for these officers, although they have agreed to pay for per diem for the officers. He asked where the funds will come from if they do not reimburse for the officers' pay.

Chief McKinstry reiterated that Lake County is sending ten deputies, Fruitland Park is sending two officers, as is Mount Dora, Eustis, and Clermont. He stated that they have sent the University the estimate for the cost of the two officers for the day, and it is his understanding that they will reimburse the Town for the cost.

Ms. Kollgaard asked if the University will be reimbursing the Town for the officers' salaries, or just for the hotel and food.

Chief McKinstry stated the hotel has already been booked and paid for, and meals are provided, so the reimbursement will be for salary and travel.

Town Attorney Derek Schroth agreed with the Mayor that the word "may" is used, not "shall". He stated that it is not specified in the agreement that all of the costs will be reimbursed; it only specifies on page five, item G, that the per diem for breakfast, lunch and dinner will be paid.

Commissioner Hannan stated that the Town should send the officers as requested.

Commissioner Vincent asked if the officers the Chief is considering sending have been trained in crowd control. He stated he would not want to have anyone hurt.

Chief McKinstry replied that two of the Town's officers have been trained in crowd control, although not the two being considered. He reiterated that they will be in a support position with the full force being the state contingent at the University of Florida, the Highway Patrol, and perhaps the National Guard.

Commissioner Holden commented that this should be a good exercise for the battalion and National Guard troops.

Commissioner Kussard asked if they are calling out the National Guard for this event. She stated it is scary to put our officers in this type of position. She asked if the officers being sent are volunteering to go.

Chief McKinstry replied he is not aware of the level of support the University has asked for. He asked the Commissioners to consider the flip side, if the Town had a situation here where we required assistance, and would ask under mutual aid for other agencies to send people here. He stated that more than the two officers volunteered to be sent.

Mayor Richards asked if it is definite that the University will be reimbursing the Town.

Chief McKinstry stated that is his understanding, although Mr. Schroth stated it is not included in the agreement; only the per diem is specified for breakfast, lunch and dinner.

Commissioner Hannan stated that it should not matter, as it will be a good exercise for the officers.

Mayor Richards disagreed. He stated this should come under state-mandated funds as it is happening at a state university, and they should be charging for the extra security caused by the event.

Commissioner Holden agreed that the state should be paying for this.

Upon a motion by Commissioner Kussard and a second by Commissioner Hannan, the Commission approved sending two officers from the Lady Lake Police Department in support of the University of Florida Mutual Aid Agreement for operational assistance in providing security for the Richard Spencer Event on October 19, 2017, by a vote of 5 to 0.

N. MAYOR/COMMISSIONER'S REPORT:

Mayor Richards asked if there were any comments from the Commissioners.

Commissioner Hannan stated he received a telephone call from a resident on Aloha Way who is concerned that fish could be killed by lowering the levels of the ponds so quickly. He told her to call the district (The Villages) as it was not an issue for the Town.

Commissioner Kussard asked people to stop by and wish Maria Brady, a volunteer at the library for the past four years, a happy 90th birthday on October 18th. She also reminded everyone about the Not Too Scary Halloween Party scheduled to be held on October 21st, at the Guava Street Sports Complex next to the Lady Lake Library.

Commissioner Kussard stated some of the residents in her ward have asked her to represent them regarding an issue they are having, and she stated she will be representing them personally, not as a Commissioner.

Commissioner Holden asked if she could tell them what the issue is.

Commissioner Kussard replied that it is regarding a homeowner in her ward who built a deck on the back of their house without getting Architectural Review Committee (ARC) approval through The Villages. The homeowner thought that they did not need ARC approval since they were doing the work themselves and not using a contractor. She stated Lake County happened to be doing a sting operation one day looking for unlicensed contractors doing work, and they heard the homeowner working on his deck and caught him. They told him he needed ARC approval, and the homeowner filled out the paperwork and went before the ARC twice, but has been turned down because the deck has encroached on the easement three to four feet. The homeowner has received permission from the back property owner for an additional 50 feet in the back. Commissioner Kussard stated the homeowner has spent thousands of dollars on this deck, and it is beautiful, and it would be a shame if they have to tear it out.

Commissioner Hannan stated he has knowledge of the ARC, and that the deck will have to be torn down if it encroaches on the easement from the property line. He said there is no way around it.

Mayor Richards agreed, stating it is not in the Town's purview. He stated something of this nature happened to a resident on Paradise Drive with his landscaping.

Commissioner Vincent asked about the Lake County contractor stings, and whether the Town has looked into it.

Growth Management Director Thad Carroll stated he believed this was a one-time event that occurred over two to three days. Lake County was driving through subdivisions trying to target unlicensed contractors, and they notified the Town's code enforcement office of potential violations as a result of the sting.

O. PUBLIC COMMENTSⁱⁱ

Mayor Richards asked if there were any comments from the audience.

- Nora Choquette of 212 E. McClendon Street stated she wanted to speak regarding paying bonuses to salaried employees. She stated she is a content area literacy specialist for the school system and works with principals, assistant principals, and teachers, and they are all salaried

employees. She stated when they work evening events such as open houses, they are not compensated as it is expected. However, when they were asked to come in during the hurricane to help man a shelter, etc., they were compensated above and beyond their normal salary because it was not something normally expected of them as part of their job description. She stated the Commissioners may want to take that into consideration if they decide to have a workshop on the issue.

P. ADJOURN: There being no further business, the meeting was adjourned at 6:59 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.*