

MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA

February 6, 2023

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 Rietz presiding.

CALL TO ORDER

The meeting was called to order at 6:00 p.m.

INVOCATION

Reverend Dr. Paul Harsh – First Baptist Church

PLEDGE OF ALLEGIANCE

Led by Mayor Rietz

ROLL CALL

Commissioner (Ward)	Present
Hannan (Four)	YES
Kussard (One)	YES
Gourlie (Two)	YES
Freeman (Three)	YES
Rietz (Five)	YES

STAFF PRESENT

Bill Lawrence, Town Manager; Thad Carroll, Growth Management Director; Rebecca Higgins, Development Coordinator; Mike Burske, Parks & Recreation Director; C.T. Eagle, Public Works Director; Aly Herman, Library Director; Tamika DeLee, Human Resources Director; Rob Tempesta, Police Chief; Julia Harris, Administrative Assistant to Town Manager; Nancy Wilson, Town Clerk

Derek Schroth, Town Attorney was also in attendance.

A. CONSENT

1. January 18, 2023 – Special Conceptual Town Commission Meeting Minutes

2. January 18, 2023 – Town Commission Meeting Minutes
3. Approval to Advertise Bid Documents to construct Phase Two of Well 4 & 5 Water Treatment Plant Expansion Project
4. Approval to Advertise Bid Documents for engineering services and for a grant administrator to comply with CDBG requirements

Commissioner Kussard made a motion to approve the Consent Agenda as presented; Commissioner Hannan seconded. Motion carried 5-0.

B. NEW BUSINESS

5. Consideration of two applications for an open seat on the Planning & Zoning Board

The Planning and Zoning Board currently has one member vacancy due to the recent resignation of Chairman William Sigurdson. The appointment of whomever is chosen will begin his or her term on February 13, 2023 for two years.

The Town has received two applications for the open position. The first one was submitted by Betty Cantelmo who currently sits on the Parks & Recreation Board. The second one was submitted by Robert Galloway who applied for the Citizens Advisory Task Force in 2022.

Ms. Cantelmo introduced herself and gave a brief statement about why she would like to sit on the Board.

Mr. Galloway introduced himself and also gave a statement about why he would like to sit on the Board.

The Commission members wrote their candidate choice on a piece of paper and submitted them to the Town Clerk. There were 3 votes for Robert Galloway and 2 votes for Betty Cantelmo.

Commissioner Kussard made a motion to appoint Mr. Galloway as a new member on the Planning & Zoning Board; Commissioner Gourlie seconded. Motion carried 5-0.

6. Consideration of Proposal from Mittauer and Associates for Bidding, Construction and Inspection Services for Phase Two of Well Number 4 and Well Number 5 Water Treatment Plant Expansion Project

Public Works Director Eagle explained that the proposal from Mittauer and Associates was for bidding, construction, and inspection services related to phase two of the well number four and well number five water treatment plant expansion project. He added that the

Commission gave their approval earlier in the evening to advertise the bid documents for the project.

Commissioner Kussard made a motion to approve the proposal from Mittauer and Associates for Phase 2 bidding, construction, and inspection services; Commissioner Gourlie seconded. Motion carried 5-0.

7. Consideration of the Lady Lake Chamber of Commerce to Use Snooky Park on November 3-5, 2023 to host Art in the Park

Jeanne Lazo, president of the Lady Lake Chamber of Commerce, said they are seeking permission to host the Annual Art in the Park on November 3rd, 4th and 5th of this year. November 3rd will be for set-up only. The proposed location is Snooky Park. The event will be fully programmed and staffed by the Chamber. The Chamber will also be responsible for all logistics and labor. The new location is off Hwy 27/441, so the Chamber also requested permission to display banners and signs to inform drivers of the date and location of the event.

Commissioner Kussard stated that she appreciated the early notice. She also asked if the Chamber will utilize the entire Park, if they will provide their own security and if a special events permit will be acquired so the Town is not held liable. Ms. Lazo answered in the affirmative for all three questions.

Commissioner Kussard said that rules for the park will need to be established. The Town Attorney stated that permission could be granted to the Chamber even though no formal rules are in place.

Commissioner Gourlie made a motion to approve the use of Snooky Park by the Lady Lake Chamber of Commerce; Commissioner Freeman seconded. Motion carried 5-0.

8. Consideration of changing the Town Charter so that elections are only held in even numbered years (Nancy Wilson)

At the Budget Workshop on July 28th, the matter of restricting elections to even-numbered years was suggested by Commissioner Hannan. He said this in the context of saving money because the Town must absorb all the costs associated with our elections in odd-numbered years while the County absorbs all the costs in even-numbered years. For the 2021 elections, our bill from Lake County SOE was about \$23,000. The proposed cost for the 2023 elections is almost \$32,000.

While saving money is always great, there are two other reasons for considering the change. The first one is that more people turn out for federal, state and county races. In 2021, only 588 out of approximately 6900 registered voters in precincts 11, 49 and 85 turned out for the Ward 3 race – about a 9% turnout. Unfortunately, incumbents have run unopposed for years prior to 2021 so I do not have more voting data. The second reason for considering the change, is voter fatigue. It is as if we are always in an election cycle with a couple months off for good behavior.

This topic was revisited at the January 18, 2023 Commission meeting by Commissioner Freeman and it was agreed by consensus to bring the matter before the Commission at the February 6th Regular Commission meeting.

The supporting information following this summary includes several options to consider to effect change for even-year elections only. The first option is for 2-year election cycles that may be favored by one or more Commissioners, but the terms could not be staggered. The second option is for 4-year staggered terms; for options one and two, a referendum would be placed on the ballot this year. The third option is also for 4-year staggered terms, but the referendum would not be on the ballot until 2024. This option would be the best if 2023 candidates run unopposed since the election will not cost the Town anything in 2024. Whichever option is chosen, charter changes will be required.

Commissioner Kussard said she is still not in favor of four-year terms. She said possible candidates may be comfortable committing to two year but not four year terms. Also, if a Commissioner is not up to par, the next election cycle comes around sooner than four years.

Commissioner Gourlie said he is in favor of the four-year term because of the cost savings. He added that it is the Commission's responsibility to save money for the taxpayers.

Commissioner Freeman agrees with having four-year terms. In response to Commissioner Kussard's comment, he said an undesirable Commissioner only has one vote so that is not a good argument for paying \$32,000 to hold elections in odd numbered years.

Mayor Rietz said the cost could keep going up. He commented that the Department of Elections pays nothing to use our facilities, yet we are paying more and more to hold our odd-year elections.

The Commission members continued to discuss whether to add a referendum to change our Charter to 2023's ballot or whether they should take a gamble that there will not be a candidate election in 2023 and add the referendum to 2024's ballot when there will be no charge levied for the election (even year).

Commissioner Gourlie made a motion to approve having the Town Clerk draft an ordinance to change the Charter so that staggered elections are held every four years and to hold the referendum election in 2024; Commissioner Freeman seconded. Motion carried 4-1 (Kussard dissenting).

C. TOWN ATTORNEY'S REPORT

10. Resolution 2022-120 – First and Final Reading - Variance – Pine Brook Village MHP – Pursuant to Chapter 5, Section 5-4. h).7).D).3)., of the Land Development Regulations (LDRs) which requires the rear-yard setback within the MH-9 zoning district be a minimum of 10 feet. The variance request is to allow a minimum of a 5-foot rear yard setback for the entire Pine Brook Village Mobile Home Park for lots addressed as 601-690 Pine Brook Circle, referenced by Alternate Key 1584922, owned by Pine Brook Management, LLC, within the town limits of the Town of Lady Lake, Florida (Thad Carroll)

On Monday, December 12, 2022, a variance application was filed with the Town of Lady Lake, by Steven Bickford, on behalf of Pine Brook Management, LLC, for the Pine Brook Village MHP located along Griffin View Drive approximately three-fourths of a mile east of the intersection of Highway 27/441 and Griffin View Drive.

The variance application involves the entire Pine Brook Village Community (40 lots) in a 7.58-acre parcel zoned MH-9, within the Town limits of the Town of Lady Lake.

The variance request is pursuant to Chapter 5, Section 5-4. h).7).D).3)., of the Land Development Regulations (LDRs) which requires the rear yard setback within the MH-9 zoning district to be a minimum of 10 feet. The variance request is to allow a minimum of 5-foot rear yard setback for all lots located within the Pine Brook Village Mobile Home Park.

In October 2019, the applicant received the Development Order, approved by the Lady Lake Town Commission, to proceed with improvements. Since then, the developer has been placing homes on the properties but has recently identified a market preference for larger homes. By moving the modular homes to within five feet of the rear lot line, the mobile units can be moved back from the street so that cars are not parked in the street or across the sidewalks due to the larger size of the unit.

The lots in Pine Brook Village are 50 feet wide by 100 feet deep and now the largest mobile home is 30 feet wide by 64 feet deep. The setback requested is five feet, but it will end up being about six feet in the rear. There is an additional ten-foot landscaping buffer around the perimeter of the property which combined with the setback equals sixteen feet that will lie

between where the mobile unit ends and the next lot. The interior lots have a retention area in the rear of the property that can allow for between 10 feet and 25 feet of clearance providing even more open space than the perimeter lots.

If approved, the proposal will allow a bigger and very attractive model that will meet all other requirements of impervious surface, other setbacks, and current Florida Building Codes.

Commissioner Kussard is fine with the setback request but was concerned that without the private road connecting the Lady Lake Mobile Home Park to Pine Brook Village, Pine Brook would be landlocked. Growth Management Director Carroll said they have access off of the private drive where they have ingress and egress rights and they can also access their property off of Griffin View Drive.

Mr. Carroll said that at the Planning & Zoning meeting, the members had concerns about vehicles being parked on the streets and he has since found out that owners' vehicles are prohibited from parking on the street in the Pine Brook Village development.

In response to a question asked by Commissioner Freeman, it was determined that a park manager is on site at all times; he is able to ensure no cars are parked on the roads except on a temporary basis.

Commissioner Gurlie made a motion to approve Resolution 2022-120 on first and final reading as presented; Commissioner Freeman seconded.

Commissioner (Ward)	Present
Hannan (Four)	NO
Kussard (One)	YES
Gourlie (Two)	YES
Freeman (Three)	YES
Rietz (Five)	YES

Motion carried 4-1 (Hannan dissenting)

11. Ordinance 2023-01 – Second Reading – Consideration of Ordinance 2023-01 (Second and Final Reading) An Ordinance Amending Chapter 2, Article VI, Division 3 of the Town of Lady Lake Code of Ordinances; Deleting and Replacing Ordinance 2021-12 in its Entirety; Setting Forth New Procedures for the use of the Town's Community Building and Library Meeting Rooms, Establishing Fees, Deposits, Limitations and Exemptions on Rentals, Providing for Regulations; Enforcement and Penalties; Providing for

Severability; Providing for Repeal of Conflicting Ordinances and Resolutions; Providing for an Effective Date (Mike Burske)

The Parks & Recreation Director and the Library Director made changes to Ordinance 2021-12 regarding who can use the Community Building and library meeting rooms with an exempt status. Other changes to hourly rates and minimum rental times were made along with other housekeeping updates that can be reviewed in the attached draft. Ordinance 2021-12 will be deleted in its entirety.

This Ordinance was approved at the January 18th meeting as presented. Nothing was modified between that meeting and this one.

Commissioner Kussard stated that she talked to a member and the president of the Lady Lake Garden Club. None of us knows what all the garden club does for the Town and to charge them a rental fee for using the Community Building would pose a hardship for them; she would like a fee waiver to be granted to them. They have never asked the Town for anything. They hold meetings from 12:30pm – 3:00pm once a month for eight months of the year.

Mayor Rietz asked Town Attorney Schroth if future changes to fees could be made simply by having a Commission vote. Mr. Schroth responded that the ordinance specifically identifies who is to be exempt but the waiver that Commissioner Kussard requested could be added and read at the next meeting. However, that could be changed so that an applicant could request a fee waiver at a Commission meeting. Mayor Rietz said he knows another request by Alcoholics Anonymous (AA) will be coming before the Commission for a fee reduction. To this the Town Attorney said we could include the Garden Club to the exempt list and add to the ordinance “and any other organization as approved by the majority vote of the Town Commission.”

Commissioner Kussard stated that the reason why the Kiwanis and Lions Clubs were granted a fee waiver is because they have done so much for the Town on multiple occasions. She feels the same way about the Garden Club unlike other organizations that use the facilities and give back nothing.

Mayor Rietz did not disagree with Commissioner Kussard. He just wants to avoid having to rewrite the ordinance whenever a fee change is made.

Commissioner Hannan said that the Commission should review the list of all groups who use the Community Building and determine who deserves to use it without being charged. He suggested scheduling a workshop.

Town Manager Lawrence said that upkeep for the Community Building is budgeted at \$25,000 and the Town is only offsetting that by \$12,000. Those using our facilities were sent letters explaining the new rules; some groups have not paid for years. Change is difficult but we are operating at a loss with fees that are the lowest in the region. The taxpayers are subsidizing those who pay little or nothing to use our facilities.

Commissioner Freeman said AA is just asking for their fee to stay the same. AA saves lives and he feels that saving lives is enough of a payback. Commissioner Kussard added that AA is a noble organization, but their meetings should be held at times when the Community Building is not in demand.

Commissioner Gourlie suggested that the Garden Club be added to the list of exempt organizations and to then entertain other exemptions by having them present their benefit to the community at a Town Commission meeting.

Commissioner Hannan said if he had his way, AA would pay nothing.

Commissioner Freeman commented that he is stunned that the Garden Club will be explicitly listed in the ordinance, but AA will not to which Mayor Rietz suggested that other organizations can be added and their exemption determined at future meetings.

Commissioner Kussard made a motion to approve the second reading of Ordinance 2023-01 adding the Lady Lake Garden Club to the exempt list. Motion died for lack of a second.

Commissioner Gourlie made a motion to amend Ordinance 2023-01 allowing the Town Commission to add to the exempt list whomever they chose at a Town Commission meeting. Motion died for lack of a second.

Commissioner Gourlie made a motion to amend Ordinance 2023-01 to state that the Commission can add other organizations to the exempt list. Motion died for lack of a second.

Commissioner Freeman made a motion to table Ordinance 2023-01 and hold a workshop. The motion was interrupted to get input from the Town Attorney who suggested the following verbiage be added to the ordinance: "Any other group may obtain exempt status if approved by a majority vote of the Town Commission at a regular meeting."

Commissioner Freeman modified his motion to approve Ordinance 2023-01 with the verbiage suggested by the Town Attorney (Any other group may obtain exempt status if approved by a majority vote of the Town Commission at a regular meeting); Commissioner Hannan seconded.

Commissioner (Ward)	Present
Hannan (Four)	YES
Kussard (One)	NO
Gourlie (Two)	YES
Freeman (Three)	YES
Rietz (Five)	YES

Motion carried 4-1 (Kussard dissenting)

TOWN MANAGER'S REPORT

Town Manager Lawrence gave a shout-out to Becky Higgins for stepping up to the plate when both Wendy Then and Thad Carroll were absent.

Mr. Lawrence also commented that he is not at all enthusiastic about the Lake County Joint Planning Interlocal Agreement that they are proposing. The fourteen municipalities that make up Lake County are all different and there cannot be a one size fits all agreement. This matter will be discussed further at the next Commission meeting.

MAYOR AND COMMISSIONER'S REPORT

Commissioner Kussard attended the seminar on scams that are being perpetrated in our tri-county area and she reported that it was excellent. She appreciates that the town has so many security seminars to help keep us safe.

Commissioner Gourlie asked about the nine doctor's buildings currently being built on CR 466 and if any concerns remain. Mr. Carroll responded that they got their plan approved and they agreed to meet us halfway by modifying some of the facades on the newer buildings and the shutter designs. At this point, we cannot make them change to one of our four approved designs, but they are going to incorporate elements of the Town's commercial design standards. This will not come back before the Commission, but they are proceeding with the buildout.

Commissioner Freeman thanked FDOT for cooperating with the highway construction at Water Oak Boulevard where there have been some serious problems. They have been amenable to most of Commissioner Freeman's requests. He congratulated Wendy Then on the birth of her new baby boy. He also commented that the Mock Commission Meeting with the Villages Charter School children was a lot of fun.

Mayor Rietz toured Snooky Park and reported that it is marvelous. There will be adequate water and power throughout the park. He agreed that the Mock Commission meeting was great and then suggested that we schedule a workshop to discuss the Town's approved architectural designs and standards.

Commissioner Gourlie asked Mr. Carroll where we went wrong with the doctor's buildings on CR 466. Mr. Carroll responded that the site plan was submitted without the appended architectural detail and in the process of circulating the site plan, it was routed to the fire and building inspectors who approved and stamped it based on what they require. It was then given back to Growth Management staff who were told by the inspectors that the permit was ready to be released. Bottom line is that the permit was released prematurely. The process with staff has been amended so that this sort of thing does not happen again. Mr. Carroll added that if there are a lot of variance requests related to our architectural designs, we may want to make changes to the Code.

Mayor Rietz is concerned that a developer will want to copy the facades of the doctor's buildings to which Mr. Carroll responded that at that point in the process, the Town Commission could deny the request.

Commissioner Hannan said the architectural designs have served us well since 2006 and he is not in favor of changing them. The issue was not that the Land Development Code is outdated, it was an error and since 2006 that error has only occurred once.

Commissioner Kussard said that even if the architectural designs are not adhered to exactly, combinations of styles can be used.

Commissioner Gourlie said he has no issue with adding additional designs.

It was decided that no workshop would be held.

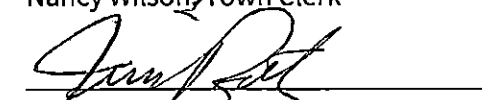
PUBLIC COMMENTS

No public comments

ADJOURN

There being no further business, the meeting was adjourned at 7:09 p.m.


Nancy Wilson, Town Clerk


Jim Rietz, Mayor