

COMMISSION MEETING AGENDA TOWN OF LADY LAKE, FLORIDA

All interested persons are cordially invited to attend this public meeting.

DATE AND TIME

Monday, March 21, 2022, at 6 p.m.

PLACE

Town Hall Commission Chambers, 409 Fennell Blvd., Lady Lake

PROCEDURE

Citizens are encouraged to participate in the Town of Lady Lake meetings. Citizen groups are asked to name a spokesperson. Speakers will be limited to three minutes. Additional time may be granted at the Mayor's discretion. 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.

AGENDA

A. CALL TO ORDER

B. INVOCATION:

Pastor Pat Bromberek – Hope Lutheran Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

E. CONSENTⁱⁱ

1. Minutes — March 7, 2022 — Commission Meeting
2. Consideration of Approval to Invest \$5,000.00 from the Tree Bank to Conduct the Annual Tree Raffle for Lady Lake Residents (Mike Burske)
3. Consideration of Approval to Change the Colors of the Lady Lake Train Depot to Historically Accurate Colors (Mike Burske)
4. Consideration of Approval for the First Baptist Church of Lady Lake to Host an Easter Choir Performance at Heritage Park on April 16, 2022 (Mike Burske)

F. NEW BUSINESS

5. Consideration of the mitigation proposal for irreparable harm to an historic tree at the 7-Eleven construction site located at 995 N. Highway 27/441, identified by Alternate Key Number 1237998.

H. TOWN ATTORNEY'S REPORT

6. Ordinance 2022-01 — Conditional Use Permit (CUP) — First Reading — The Church at the Springs, Inc. — To allow for the placement of two RV Trailers in front of the Children's Ministry Building for a period not to exceed 12 months at 1055 Teague Trail, the northeast corner of County Road 25 and Hood Avenue, on a 1.11-acre parcel zoned light commercial, owned by the Church at the Springs, Inc., and identified by alternate key number 1449588.

I. TOWN MANAGER'S REPORT

J. MAYOR AND COMMISSIONER'S REPORT

K. PUBLIC COMMENTS¹

L. ADJOURN

Please contact the Town Clerk's Office with any questions at 352-751-1501. This public hearing is being conducted in a handicapped accessible location. Any handicapped person requiring special accommodations or an interpreter for the hearing or visually impaired should contact the Clerk's Office at least two days prior to the meeting. To access a Telecommunication Device for Deaf Persons (TDD), please call 352-751-1565.

If a person decides to appeal a decision made with respect to any matter considered at the above meeting or hearing, he may need a verbatim record of the proceedings including the testimony and evidence, a record of which is not provided by the Town of Lady Lake. (F.S. 286-0105) One or more members of any other Town Board or Committee may be in attendance of this meeting.

Footnotes:

- i. 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.
- ii. All items listed under consent are considered routing 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.

**MINUTES OF THE COMMISSION MEETING
TOWN OF LADY LAKE, FLORIDA
MARCH 21, 2022**

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 Rietz presiding. The meeting convened at 6 p.m.

A. CALL TO ORDER

Mayor Jim Rietz

B. INVOCATION

Pastor Pat Bromberek – Hope Lutheran Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

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

STAFF PRESENT

Attorney Derek Schroth, Town Attorney; Bill Lawrence, Town Manager; Thad Carroll, Growth Management Director; Wendy Then, Senior Planner; Becky Higgins, Development Coordinator; Pam Winegardner, Finance Director; Tamika DeLee, Human Resources Director; Aly Herman, Library Director; C.T. Eagle, Public Works Director; Chief Rob Tempesta and Deputy Chief Jason Brough, Lady Lake Police Department; Nancy Wilson, Town Clerk

E. CONSENTⁱⁱ

1. Minutes — March 7, 2022 — Commission Meeting
2. Consideration of Approval to Invest \$5,000.00 from the Tree Bank to Conduct the Annual Tree Raffle for Lady Lake Residents (Mike Burske)

3. Consideration of Approval to Change the Colors of the Lady Lake Train Depot to Historically Accurate Colors (Mike Burske)

Commissioner Hannan asked for item 4 be pulled from the Consent Agenda for individual consideration

Commission Kussard mentioned how popular the tree raffle has been over the years.

Commissioner Kussard made a motion to approve Consent Agenda items 1-3;

Commissioner Holden seconded the motion. The motion passed by a vote of 5-0.

4. Consideration of Approval for the First Baptist Church of Lady Lake to Host an Easter Choir Performance at Heritage Park on April 16, 2022 (Mike Burske)

Commissioner Hannan asked Parks & Recreation Director Burske what time the event begins. Mr. Burske responded that it begins at 6:00 pm.

Commissioner Hannan made a motion to approve the request for First Baptist Church of Lady Lake to host an Easter choir performance at Heritage Park on April 16, 2022;

Commissioner Kussard seconded. Motion carried 5-0.

F. NEW BUSINESS

5. Consideration of the mitigation proposal for irreparable harm to an historic tree at the 7-Eleven construction site located at 995 N. Highway 27/441, identified by Alternate Key Number 1237998.

In June 2021, M&L Lady Lake, LLC submitted a variance request to remove an historic tree that would allow for the construction of a 7-Eleven convenience store, a gas canopy, and a car wash to be built at 995 North Highway 27/441. The variance request was denied by a vote of 3-2.

Following the meeting, Jessie Heiny, P.E. of Florida Engineering and Surveying made a modification to the design of the site to accommodate the tree and the Commission approved the modification to allow for the development of the property. As part of the development proposal, existing structures on the property needed to be demolished. On January 20, 2022, the contractor for the project obtained a demolition permit to begin work on the property. The demolition plans that were provided to the contractor were not the updated plans that were approved that protected the historic tree. As a result, the contractor damaged the tree to a degree that the tree would not recover if left to grow on the property and certified Arborist William Needham, concluded that the tree should be removed.

Mr. Carroll recommended that a \$4,000 fine be imposed, and options should be provided as to what replacement tree(s) should be planted. The Land Development Regulations state that 3 trees should be provided for the replacement of a tree removed of 36" or greater. Replacement in accordance with the code could be met by planting three canopy trees, or replacement with a larger caliper tree which may be preferred by the Commission. Town code requires that Trees shall have a minimum height of fifteen feet at time of planting or shall have a minimum caliper of four inches and be no less than twelve feet at time of planting.

Jessie Heiny – Engineer of Record - Florida Engineering and Surveying

Ms. Heiny said she made a mistake on her plans that she submitted to the contractors; she never updated the demolition plan. Ms. Heiny apologized, and said it was regrettable that it happened then she asked how the Commission wanted to move forward.

Commissioner Kussard asked if Ms. Heiny was talking about replacing the tree with one large or three smaller trees.

Commissioner Freeman said the first thing that happens when there is a development is that all the trees are removed; there is no regard for trees. At the time, Commissioner Freeman was not on the Commission but, as a citizen, he asked that the developer be more creative in designing the parking lot. He said they assumed they were going to get the variance for the tree during the engineering phase but now, they are having to pay a fine in the same amount as the variance. He feels it would be a good idea if in the future, they look at the trees prior to designing a plan and to not plan on getting a variance. He said it would be rare when he would be in favor of granting a variance for tree removal. He said 33 trees were removed for this project and now there is a drainage problem in that location. Oak trees will flourish when given space.

John Olters – Landscape Architect – Michael Pape & Associates

In response to Commissioner Kussard's question, Mr. Olters said that it would be typical to pay a fine and replace the tree(s). If the variance had been granted, they would have placed trees on the site depending on space or they would have paid into the tree bank. Builders always battle getting the number of trees on site that are required. He has gone to extremes to save trees in the past only to have them die over a period of years. That does not make this right and it is regrettable that it happened.

Mr. Olters said that if they paid the fee of \$4,000 and replaced the tree with four, four-inch oaks, that would not be a very good solution because the trees would be too crowded. He suggested planting one larger caliper tree. He went over prices of different caliper trees.

Commissioner Kussard agreed with planting one larger caliper tree; Commissioner Freeman concurred.

Mr. Olters then asked if they could get a larger tree and forego the \$4,000 fine to which the Commission did not respond favorably.

After further discussion, Mr. Olters suggested that the \$4,000 fine be paid and a 6" caliper tree be planted at a cost of \$1,900.

There was deliberation among the Commissioners, and they came to an agreement.

Commissioner Hannan made a motion to approve the \$4000 fine and for the developer to plant a 6" diameter live oak tree in place of the tree that was removed; Commissioner Holden seconded the motion. The motion passed by a roll call vote of 4-1 with Mayor Rietz dissenting.

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

G. TOWN ATTORNEY'S REPORT

6. Ordinance 2022-01 — Conditional Use Permit (CUP) — First Reading — The Church at the Springs, Inc. — To allow for the placement of two RV Trailers in front of the Children's Ministry Building for a period not to exceed 12 months at 1055 Teague Trail, the northeast corner of County Road 25 and Hood Avenue, on a 1.11-acre parcel zoned light commercial, owned by the Church at the Springs, Inc., and identified by alternate key number 1449588.

Growth Management Director Carroll said that Ronnie Richardson with Church at the Springs Inc. made a request to place two temporary RV trailers on church property. The Commission

consented to allowing Mr. Richardson to move forward with submitting an application for the Conditional Use Permit (CUP) proposal which he did on March 3, 2022. The Conditional Use Permit was requested with the following special conditions and considerations:

- A. There will be a maximum of two Temporary RV Trailers on premises
- B. The proposed two Temporary RV Trailers will be approximately 8 feet by 40 feet each
- C. The Temporary RV Trailers will follow all required Fire and Building related setbacks in association with the proposed set up
- D. The duration of the Temporary RV Trailers on premises not to exceed 12 months
- E. The Temporary RV Trailers will only be used in conjunction with current church operations during their regular church service hours for a period of 3 hours on Sunday mornings
- F. The Temporary RV Trailers will be setup as depicted by the Conceptual Plan attached as Exhibit "B" hereby attached

Commissioner Freeman asked if it is true that the church is tax exempt to which Town Attorney Schroth responded in the affirmative also affirming that the additions will most likely also be exempt.

Mayor Rietz asked if there will be any water and sewer hook-ups.

Ronny Richardson – Church of the Springs

Mr. Richardson said that there are facilities in the trailers, but they will not be utilized. The plan is to utilize the facilities in the building next to the trailers. Restrooms will be required when the new building is completed.

Commissioner Freeman doubted that 12 months is enough time to construct the new building.

Commissioner Holden made a motion to approve Ordinance 2022-01 on first reading; Commissioner Hannan seconded the motion. The motion passed by a roll call vote of 5-0.

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

H. TOWN MANAGER'S REPORT

Town Manager Lawrence congratulated Aly Herman who is the town's new library director. She has been employed by the Town of Lady Lake since 2014.

The Town Manager proposed scheduling a Workshop to continue the discussion regarding livestreaming specifically discussing if the town should develop a communications program that encompasses social media. The workshop was scheduled for Thursday, March 31st at 10 a.m.

In the past, commissioners were issued Microsoft Surface Pro laptops, but Commissioner Freeman does not have one. Instead of the Surface Pro, he requested an Apple iPad. It was not budgeted but there is money in the IT budget to purchase one. Commissioner Kussard was not in favor of purchasing Apple laptops because they cost too much.

The commission voted on whether to purchase Apple iPads for the commissioners. The vote was 4-1 with Commissioner Kussard dissenting.

I. MAYOR AND COMMISSIONER'S REPORT

Commissioner Kussard said the first ever Mac & Cheese event sponsored by the Chamber of Commerce and the Parks & Recreation department was a huge success. She said there were 18 vendors who brought their mac and cheese, 7,300 samples consumed, and four trophies and prizes awarded – Mayor's Choice, Judge's Choice, People's Choice, and Best Display. \$3,345 was collected for the fifty-fifty drawing. The winner received \$1,672.50. The remaining \$1,672.50 will go toward the 2023 fireworks display. The Chamber of Commerce collected \$1,357 in their donation container that will be used for outreach projects in the community. The event was scheduled to run until 4pm but because of the number of attendees, the vendors ran out of mac and cheese.

Commissioner Hannan said kudos go to Mike Burske.

Mayor Rietz commented that there could have been another 7,000 samples consumed. It was a great event for all involved and he is looking forward to being a participant in 2023.

J. PUBLIC COMMENTS¹

Kathleen Wolfarth - 363 Conch Key Lane

Ms. Wolfarth said that Lake Ella Estates, an all age, rent to own development is being constructed behind her house which is in a 55+ community. There is no wall nor any barrier

between the proposed development and her house. She believes the town should have a noise ordinance especially with all the growth in the area.

Growth Management Director Carroll commented that Lake Ella Estates is currently under construction and their plans were approved by the commission, however, he does understand her concern. He suggested letting the development build out then determine the noise level. Zoning in the area is in compliance with the code regarding landscaping buffers and there are no plans for a wall.

Ms. Wolfarth added that preparation of the property for building goes on 24 hours a day, 7 days a week. They are even working at night utilizing bright lights. She does not feel that the people in her development should be subjected to the noise and lights at all hours.

The Growth Management Director and the Police Chief were not aware of any other complaints stemming from this development but if it is occurring as Ms. Wolfarth says it is, they could probably limit working hours.

Town Attorney Schroth stated that there is no Florida statute regarding noise.

The Commission agreed that the town should look into drafting a noise ordinance.

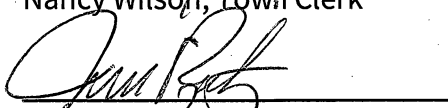
Growth Management Director Carroll said he would check with neighboring communities to find out if they have ordinances.

K. ADJOURN

There being no further business, the meeting was adjourned at 7:02 p.m.



Nancy Wilson, Town Clerk



Jim Rietz, Mayor