

MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA

APRIL 17, 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

Rev. Tom Ash – New Song Community 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, Planning Coordinator; Elisha Pappacoda, Communications Director; Aly Herman, Library Director; C.T. Eagle, Public Works Director; Mike Burske, Parks & Recreation Director; Rob Tempesta, Police Chief; Nancy Wilson, Town Clerk

Town Attorney Derek Schroth was also in attendance.

A. PRESENTATION

1. Certificate of Recognition presented to Reese Ponds for her service as a Florida's Hometown U.S.A. Program High School Representative

Mayor Rietz presented a Certificate of Recognition to Reese Ponds in honor of her outstanding service and dedication due to her many hours of serving children, the elderly and the hungry and for being selected to serve as a Florida's Hometown U.S.A. Program High School Representative for 2022-2023. In response to a question asked by the Mayor, Ms. Ponds said she collected over 2,000 pounds of food for the Leesburg Food Bank last year.

2. Proclaiming April 27, 2023, as Florida Arbor Day in Lady Lake

Mayor Rietz read the Arbor Day proclamation to the audience. Parks & Recreation Director Burske announced that on April 27th, Lady Lake will hold their annual Arbor Day celebration at the First Baptist Church. Three or four orange trees will be planted, and the church will match what the town purchases.

B. CONSENT

3. April 3, 2023 – Town Commission Meeting Minutes
4. Interlocal Agreement Amendment between Lake County and Lady Lake relating to the provision of library services.
5. Request to participate in the annual Lake County Food for Fines program.

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

C. NEW BUSINESS

6. Consideration of Request to Award RFP 2023-001 to Fox Enterprises for Grant Administration Services and RFQ 2023-001 to Mittauer & Associates for Engineering Services required for the CDBG Grant the Town was Awarded in December 2022.

Public Works Director Eagle stated that the Town applied for FFY 2021/2022 CDBG Neighborhood Revitalization Funding last summer and was awarded \$750,000 of funding through the CDBG program on December 21, 2022. At the February 6, 2023 meeting, the Commission approved the request to advertise bid documents for engineering services and for a grant administrator to comply with CDBG requirements.

Both Fox Enterprises and Mittauer will be paid out of the \$750,000 grant plus the Town's match of \$50,000.

Both RFQ 2023-001 (Engineering Services) and RFP 2023-001 (Grant Administration Services) were advertised in the Orlando Sentinel on February 12, 2023 and posted on DemandStar on February 14, 2023. In addition to those two postings, the advertisement was sent via email to approximately 4,000 minority owned companies in our region.

We received only one response to each bid. For RFQ 2023-001, Mittauer & Associates was the sole bidder and RFP 2023-001, Fox Enterprises was the sole bidder. The Town has worked with both organizations in the past with great success and they are well versed in the CDBG process.

Commissioner Kussard made a motion to award RFP 2023-001 to Fox Enterprises for Grant Administration Services and to award RFQ 2023-001 to Mittauer & Associates for Engineering Services both for the awarded CDBG grant; Commissioner Freeman seconded. Motion carried 5-0.

7. Consideration of Award of Bid #2023-0001 for Construction of Phase Two of the Water Treatment Plant and Well Expansion Project as Recommended by the Town Engineer, Jason Shepler with Mittauer & Associates, Inc.

Public Works Director Eagle stated that the Town Commission previously approved the advertising and bidding for phase two of the Water Treatment Plant and Well Expansion Project. Bids have been received and tabulated by the engineer, Jason Shepler with Mittauer and Associates, Inc. Attached to this cover sheet are the tabulated results and the Engineer's Recommendation of Award letter for consideration. Mr. Eagle added that Finance Director Winegardner asked that the accompanying budget adjustment request be included in the motion so she does not have to bring the matter back before the Commission,

Commissioner Kussard made a motion to award Bid #2023-0001 for Construction of Phase Two of the Water Treatment Plant and Well Expansion Project to PWC Joint Venture LLC in the amount of \$4,670,000 as recommended by the Town Engineer with an accompanying budget adjustment; Commissioner Freeman seconded. Motion carried 5-0.

D. TOWN ATTORNEY'S REPORT

8. Ordinance 2023-02 – First Reading – Amending Ordinance No. 2012-05, Chapter 3, Section 3-2 of the Code of Ordinances Regulating the Time for Sale of Alcoholic and Intoxicating Beverages.

Chief Tempesta said that at the April 3, 2023 commission meeting, he asked for commission input regarding hours of operation for businesses serving alcohol with the goal of shortening the hours establishments are permitted to sell, serve or permit to consume alcoholic beverages. His suggestion is for those establishments open after midnight that they be prohibited from selling or serving alcoholic beverages. This restriction would be for all businesses holding a license from the state for the sale of alcoholic beverages within the town limits. This restriction would not apply to businesses whose licenses allow for package sales as those sales would be permitted during regular operating hours. Increased incidents and reported crime between midnight and 2:00 a.m. are problematic and have become a public safety issue.

Commissioner Kussard stated that at the previous meeting, she did not know that the earlier closing time of 11:00 pm that was changed in the ordinance, would apply to businesses outside of the Spanish Springs area. The problem area is in Spanish Springs and others should not be punished for what happens at the establishments in that location. She said there are three reasons she thinks the cutoff time for serving alcohol should be 12 midnight:

- 1) Chief Tempesta suggested 12 midnight.
- 2) Sumter County does not allow the serving of alcohol after 12 midnight.
- 3) The time is consistent with State Law.

Commissioner Kussard said the proposed ordinance should not make it a hardship and penalize businesses, rather, it should be a deterrent for crime.

Commissioner Gourlie was in favor of ceasing alcohol sales at midnight. He does not think the restaurants should close earlier, they should just stop selling and serving alcohol.

Commissioner Freeman asked if there was anybody in the audience who would be affected by the change – nobody responded. He added that Meta Minton received a lot of comments on the Villages-News site. Commissioner Freeman supports the serving of alcohol until midnight every night of the week.

Commissioner Kussard asked the Town Attorney if the ordinance can be denied at this meeting and a new ordinance drafted for the next meeting. Town Attorney Schroth answered that the commission has total discretion on this matter.

Commissioner Hannan said that the hours should stay the same as they have been for several years.

Trevva Roberts – 540 Loma Paseo Drive

Ms. Roberts asked the police if they are positive people get alcohol from the restaurants and then go to the parking lot where trouble ensues. She said that if that is the case, they can buy as much beer as they want before midnight then head outside. Limiting businesses is not necessarily the answer. She asked if any of the commissioners visited the establishments that would be affected by the change. Chief Tempesta said people are not necessarily leaving the outside areas immediately after closing.

Commissioner Freeman's concern is if Lady Lake is becoming a destination for late night drinkers. The Chief stated that the offenders do not live in Lady Lake.

Commissioner Kussard made a motion to deny Ordinance 2023-02 on first reading; Commissioner Freeman seconded.

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

Motion carried 3-2 (Hannan and Rietz)

Town Attorney Schroth said a new ordinance will be presented at the May 1st meeting indicating a closing time of midnight instead of 11pm. This will be the first reading.

- 9. Ordinance 2023-03 – First Reading - Amending the Hammock Oaks Community Development District (CDD) pursuant to Florida Statutes 190.046 and 190.005, encompassing portions of land in Sections 19 And 30, Township 18 South, Range 24 East, Lake County, Florida; Incorporating an additional 271.847 acres, totaling an amended CDD Boundary of 649.655 acres.**

Growth Management Director Carroll stated that Hammock Oaks Community Development District is petitioning the Town Commission to adopt an amendment to Ordinance 2021-30 to revise the District's boundaries and add additional land to the District.

In April 2022, the Town of Lady Lake adopted Ordinance 2021-30, establishing the Hammock Oaks Community Development District (CDD) pursuant to Florida Statute 190.005. Since that time, Kolter Land Partners LLC, has acquired additional property that they wish to incorporate into the CDD.

The CDD at present is approximately 378 acres; the commercial properties along Highway 466 and the multi-family component of the development are not included. On March 13, 2023, Jere Earlywine of Kutak Rock LLP, filed a petition to add an additional 271.847 acres into the district, bringing the total land area of the CDD to 649.655 acres. The present use of the property is largely vacant and is referred to as The Reserve. The property spans from Cherry Lake on the west side to Rolling Acres Road on the east side and stops just north of Lake Ella Road. It does not include the parcel on the west side of Rolling Acres Road but it does incorporate all the properties to the east of Rolling Acres.

A CDD is not a substitute for the local, general purpose government unit, i.e., the Town or County in which the CDD lies. A CDD does not have the permitting, zoning or policing powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating, and maintaining public infrastructure for developments, such as Hammock Oaks.

The applicant's overview statement contends that, "The District is designed to provide public infrastructure, services, and facilities along with operation and maintenance of the same to a master planned residential development currently anticipated to contain a total of approximately 2,142 residential dwelling units following the amendment of the District's boundaries."

The petitioner for the proposed CDD has obtained written consent to amend the District from all owners of the real property located within the proposed District in accordance with Section 190.005 of the Florida Statutes.

Commissioner Kussard stated that the town will only be responsible for water, sewer, reuse, and police protection. Everything else will be self-contained within the

development. With the addition of 272 acres, growing the total to 650 acres, will that change the proportionate share agreement we had.

John Curtis – Koltar Land

Mr. Curtis said that originally a CDD was set up for Hammock Oaks. They were going to create a second CDD for The Reserve but after evaluating management and operation, they felt it was best to have one CDD to maintain everything and have central control.

He said they are working with Lake County to put together a Project Development and Environment (PD&E) agreement that will become a tri-party agreement so they can take funds from Hammock Oaks, The Reserve and possibly a third project and apply those funds toward the PD&E study. Additional funds, about \$1.4 million, will go toward construction design for the expansion of Rolling Acres Road.

Commissioner Gourlie made a motion to approve Ordinance 2023-03 on first reading; Commissioner Freeman seconded.

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

Motion carried 5-0.

TOWN MANAGER'S REPORT

Town Manager Lawrence gave a shout out to Becky Higgins. She picked up the workload in Growth Management during Wendy's absence and did a great job. He announced the annual volunteer driving range cookout being held the next day at Parks & Recreation.

MAYOR AND COMMISSIONER'S REPORT

Commissioner Kussard stated that before a person is recognized in front of the Commission, the matter should be brought to the Commission for approval. She would like to know more about the person and what they have done to receive recognition. She added that is the way it was done in the past.

Commissioner Gourlie mentioned a legally blind person who has moved to his neighborhood. He asked if the town could put up a warning sign saying that a blind person lives in the area. It was decided that the Town Manager would approve the placement of a sign where it would be most beneficial.

Mayor Rietz announced the Volunteer Dinner being held on Thursday evening. He also reminded everybody about Arbor Day on April 27th.

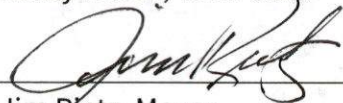
PUBLIC COMMENTS – There were no public comments.

ADJOURN

There being no further business, the meeting was adjourned at 6:39 p.m.



Nancy Wilson, Town Clerk



Jim Rietz, Mayor