

MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA

May 1, 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. Debbie Casanzio from the Lady Lake United Methodist Church gave the invocation:

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; Wendy Then, Senior Planner; Rebecca Higgins, Planning Coordinator; Aly Herman, Library Director; C.T. Eagle, Public Works Director; Mike Burske, Parks & Recreation Director; Tamika DeLee, Human Resources Director; Nancy Wilson, Town Clerk

Town Attorney Derek Schroth was also in attendance.

A. CONSENT

- 1. April 17, 2023 – Special Commission Meeting Minutes**
- 2. April 17, 2023 – Town Commission Meeting Minutes**

Upon Commissioner Freeman's recommendation, verbiage was added to the minutes to memorialize Hammocks Oaks Development's commitment to incorporate into the plan some real estate for the purpose of erecting Welcome to Lady Lake signage at the intersection of 466 and Cherry Lake Boulevard.

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

B. NEW BUSINESS

3. Consideration of Approval to Put the Lady Lake Train Depot and Train Cars Paint Project Out to Bid

Parks & Recreation Director Burske said that his department has budgeted up to \$45,000.00 for this project. The Town has invested in a new roof for the building and the Parks and Recreation staff has done a lot of rot restoration to the deck and to the building. Previously, the Commission discussed using the original CSX colors for the train cars, but the bid will go out specifying the colors the depot and cars are currently painted. Going with the original colors would be labor intensive and cost a lot more. The money saved by keeping the Train Depot white may be used to paint the Log Cabin.

Mayor Rietz asked if the Kiwanis Club is involved. Mr. Burske said they have provided us with new signs and they spent a lot moving the cars years ago. Mayor Rietz then asked if CSX might chip in to paint the cars; he would like to see bids for both the current colors and the CSX colors.

Commissioner Gourlie stated that most train cars are covered in graffiti. He questioned if there is a local artist who could paint a mural on the cars which might be less expensive and showcase the Town. Mr. Burske said he could probably find an artist to do that.

Commissioner Kussard wants to save money and keep it the same color – white.

Commissioner Hannan agreed with Commissioner Kussard adding that the reason for painting is more for preservation than appearance.

Commissioner Freeman likes the CSX colors but does not mind the Depot remaining white. He agreed with the Mayor about getting two quotes for the train cars and with keeping the depot white or painted one color. He would like to see the CSX colors or some other colors that would depict Lady Lake. Mr. Burske said he would get with Hunter Signs to price a sticker for the railroad cars which would be less expensive and quicker.

Commissioner Freeman made a motion to approve putting the Lady Lake Train Depot and Train Cars paint job out to bid and to request two quotes for the train car colors; Commissioner Gourlie seconded. Motion carried 3-2. (Hannan, Kussard)

4. Consideration of Granting an Exemption for Use of the Community Building by the Orange Blossom Garden's Lion's Club

At the February 16th Workshop, the Commission discussed how to address fee exemptions in Ordinance 2023-01 for those organizations requesting use of the Community Building. The Commission consented to removing all references to individual groups to which exempt or partially exempt status is granted. Upon adoption of the ordinance, applications requesting exempt or partially exempt status must be presented to the Town Commission at a regularly scheduled meeting for them to decide if an organization provides a benefit to the community. The Orange Blossom Garden's Lion's Club previously utilized our facilities at no charge for periodic meetings. In addition to granting a waiver for their meetings held on the 2nd and 4th Wednesdays of the month, they are also requesting exempt status for special occasions.

Commissioner Kussard asked about the special occasions' waiver request and why those special occasions cannot be dealt with at one of their twice monthly scheduled meetings. She is not in favor of allowing exemptions for special occasions.

Laurie Blum – Orange Blossom Gardens Lion's Club

Ms. Blum gave two examples of special occasions: glasses sorting and packing for distribution to the poor and meeting with district clubs. These special occasions would only occur once every couple of months. Those paying the full fee would preclude the Lion's Club from using the facility. They are unable to handle special occasions at their regular meetings because they have a set agenda.

Mayor Rietz stated that the Lions Club does a lot for the town and Commissioner Hannan stated that he is in favor of the exemption.

Commissioner Kussard commented that by granting this request, it may open the door for others to make the same requests thus invalidating the purpose of the ordinance change.

Commissioner Hannan made a motion granting a fee exemption to the Orange Blossom Garden's Lion's Club for use of the Community Building; Commissioner Gourlie seconded. Motion carried 4-1. (Kussard)

5. Discussion Regarding Lake County's Request to have Lady Lake Participate in the CDBG Program

This item was removed from the agenda. The Town will not be participating in Lake County's CDBG program.

6. TOWN ATTORNEY'S REPORT

Ordinance 2023-04 – 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.

At the April 17, 2023 meeting, Ordinance 2023-02 was denied by a 3-2 vote. The ordinance said that establishments would have to stop serving alcohol at 11pm instead of midnight. The majority of the Commission felt as though establishments should stop serving alcohol at midnight rather than 11:00 pm. Town Attorney Schroth said a new ordinance would be presented at the May 1st meeting indicating a closing time of midnight instead of 11pm.

Commissioner Gourlie said he knows of a city where if alcohol is served after midnight, the establishment must hire an off-duty police officer to be on the premises. The benefits include being able to offer our officers the opportunity to make more money and would allow the establishments to stay open past midnight.

Commissioner Freeman said he visited Millers Ale House (1:00 am closing time), Applebees (2:00 am closing time), and Margherita Republic (2:00 am closing time) which are the only establishments at this time that would be affected by Ordinance 2023-04. Orlando is adopting new ordinances and permitting for restaurants closing after midnight. They will require metal detectors and security (public or private). Closing early would cause financial hardship for these three businesses. Wait staff from other restaurants frequent the three establishments after midnight. He feels adopting the ordinance may create more problems than it will solve. His suggestion is to rework the ordinance so that businesses are not so adversely affected.

Commissioner Kussard said she is not saying that restaurants should close at midnight, she is just saying that no alcohol should be served after that time.

Commissioner Freeman thinks the ordinance is not addressing the real issues. Perhaps the establishments need more security. He does not think the incident reports reflect a serious problem at those establishments serving alcohol after midnight.

Mayor Rietz recounted an occasion when he could hear music from Spanish Springs at his house in the early morning hours. Commissioner Freeman said in those cases, the police should be called.

Commissioner Kussard commented that a lot of the problems noted in the incident report are caused by people who do not live in The Villages.

Chris Prus – Area Director for Applebees

Mr. Prus said that the proposed change would negatively impact Applebees. Those who come to Applebees late at night are mostly off-duty restaurant people; they need a place to unwind before going home. They are not the ones sitting in the parking lots causing problems. This change would cost Applebees over \$2,500,000 annually in lost revenue and impact employees' earnings. Mr. Prus is not against hiring an off-duty police officer; they have been used at other Applebees locations.

In response to Commissioner Kussard's statement that the restaurants can stay open but must refrain from serving alcohol, Mr. Prus said that 75% of patrons who are there past midnight order alcohol. He imagines all three businesses would lose money if alcohol were prohibited after midnight. He asked the Commissioner to please reconsider the ordinance.

Chris McHugh – General Manager for Millers Ale House

Mr. McHugh outlined the many safety training programs Millers requires their employees to attend. During the day, alcohol makes up about 23% of their sales. This greatly increases at night especially because they are a sports bar and west coast games are not over until early morning. He said that businesses in the area like to support each other. He would like other options to be considered; he feels the community would be negatively impacted by the proposed closing times.

Commissioner Kussard said she is sorry that Millers Ale House was caught up in this, it was mainly disruptions in Spanish Springs that brought this to the fore. She would support having off-duty officers provide security on busy nights in lieu of shutting down alcohol sales.

Commissioner Gourlie said we should help them be safe and not jeopardize their livelihoods. He does not want to have them leave the area because of our mandates. He supports the idea of utilizing off-duty officers or of having some kind of security.

Commissioner Hannan said there are not enough incidents to justify changing the ordinance. He does not want to hurt local businesses.

Town Attorney Schroth said Ordinance 2023-04 can be denied. If the Commission wants to impose a requirement for security, another ordinance would be brought back before them that imposes the security requirement on businesses that want to serve alcohol after midnight.

Town Manager Lawrence said that based on his experience as a police officer who has worked off-duty security in bars, it does help. A change is being requested but there should be some clarification on wording prior to drafting a third ordinance.

Commissioner Freeman made a motion to deny Ordinance 2023-04 on first reading;

Commissioner Gourlie 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)

There was consensus to hold a workshop on this topic. 4-1 (Hannan)

7. Ordinance 2023-03 – Second and Final 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."

Commissioner Hannan made a motion to approve Ordinance 2023-03 on second and final 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 the finance department for their work making the audit process with a new auditor run smoothly and for receiving their Certificate of Financial Excellence award once again.

MAYOR AND COMMISSIONER'S REPORT

Commissioner Hannan asked if someone is proposing a change to our Town logo. Town Manager Lawrence responded that the managers have discussed changing the logo but any changes would be brought before the Commissioner. It is felt that the logo does not reflect the Town.

Mayor Rietz thanked Julia for organizing the volunteer dinner. He reminded the audience of our new Facebook page and suggested that we “like” the content. He has been helping with the flags at the Florida National Cemetery for over eight years and will do so again this year. Anybody wanting to volunteer should meet on May 28th at 9:00 am and again on June 3rd for removal of the flags.

PUBLIC COMMENTS –

Luke Emerson – Chamber of Commerce Board Member

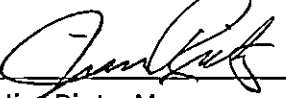
Mr. Emerson stated that the Chamber recently supported two grand openings: one for Latin Flavor Bar & Grill and one for Eustis Roofing. They also made a \$200 donation to the Christian food pantry most of which was collected at the Mac & Cheese Festival. He announced that on May 18th, Life South Community Blood Bank will have their grand opening.

ADJOURN

There being no further business, the meeting was adjourned at 6:58 p.m.



Nancy Wilson, Town Clerk



Jim Rietz, Mayor