

MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA

May 15, 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

Pastor Matt Malott – New Life Christian Church

PLEDGE OF ALLEGIANCE

Led by Mayor Rietz

ROLL CALL

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

STAFF PRESENT

Thad Carroll; Growth Management Director; Wendy Then, Senior Planner; Rebecca Higgins, Planning Coordinator; Elisha Pappacoda, Communications Director; C.T. Eagle, Public Works Director; Mike Burske, Parks & Recreation Director; Steve Hunt, Interim Police Chief; Jason Brough, Deputy Chief; Nancy Wilson, Town Clerk

Town Attorney Derek Schroth was also in attendance.

A. PROCLAMATION

Proclaiming May 26th and May 27th as “Poppy Days” in Lady Lake (Mayor Rietz/Joan Halstead from American Legion Auxiliary Unit 347)

Mayor Rietz read the Proclamation and presented it to Joan Halstead from the American Legion. Ms. Halstead explained the history of the poppy tradition and how poppies became a symbol for remembrance. She announced where poppies could be purchased on “Poppy Days” and passed out Flanders Field poppy seeds.

B. CONSENT

- 1. May 1, 2023 — Special Commission Meeting Minutes**
- 2. May 1, 2023 — Town Commission Meeting Minutes**
- 3. Consideration of Approval to Readvertise a Request for Proposals (RFP) for Enterprise Resource Planning (ERP) Software**

Commissioner Freeman made a motion to approve the Consent Agenda as presented; Commissioner Kussard seconded. Motion carried 4-0.

C. NEW BUSINESS

- 4. Consideration of Approval to Host a Kids Back to School Party on August 5th at The Guava Street Athletic Street Complex**

Parks & Recreation Director Burske said that his department is seeking approval to host a back-to-school party for the kids. Their goal is to have different organizations come and pass out school supplies to the children. The Town will provide a D.J., bounce houses and hot dogs and drinks. This is the first year for this event so specifics are not available. \$1,000 is being earmarked for the event and it is coming out of the Parks & Recreation budget. Julia Harris is spearheading the event.

Commissioner Kussard made a motion to approve Parks & Recreation Director Burske’s request to host a back-to-school party for children on August 5th; Commissioner Gourlie seconded. Motion carried 4-0.

D. TOWN ATTORNEY’S REPORT

- 5. Resolution 2023-103 — First/Final Reading — Variance — Linden Street Development, LLC Historic Tree Removal — Pursuant to Chapter 10, Section 10-5). c). 3). A., of the Land Development Regulations (LDRs) which requires a variance for the removal of historic trees.**

Growth Management Director Carroll said the variance application is in accordance with the provisions of Chapter 10, Section 10-5). c).3)., of the Town of Lady Lake Land Development Regulations which requires a Historic Tree Removal variance for any property owner who desires to remove a healthy historic tree on commercial property.

The variance request is to allow the removal of three historic trees located at 925 South Highway 27/441, owned by Linden Street Development, LLC, within the town limits of the Town of Lady Lake, Florida.

On Thursday, July 28, 2022, the Town of Lady Lake received a new major site plan application on behalf of property owner, Linden Street Development, LLC for the construction of six apartment buildings with a total of 330 units; a clubhouse, and amenities. This has come before the Town Commission during conceptual workshops in the past.

On January 21, 2022, Joe Brinson, a Certified Arborist, completed an arborist report on the subject property which evaluated all historic trees proposed to be removed. A total of 20 trees with a diameter at breast height (DBH) at or above 36" are located within the site. Of the 20 historic trees, the certified arborist determined that fifteen of the trees have significant abiotic disorders and/or arboricultural deficits which makes them unsuitable for retention. One of the trees is in an area where it can be saved and protected. The remaining fourteen non-viable trees will be removed. Of the five healthy trees, two live oaks will be saved. Two live oaks and one cedar tree are being requested for removal with the following diameters: 51-inch cedar; 56-inch live oak; 38-inch live oak.

On Tuesday, April 18, 2023, a variance application was filed with the Town of Lady Lake, by Joe Schofield, on behalf of Linden Street Development, LLC, for the removal of three viable historic trees located at 925 South Highway 27/441.

The subject property is approximately 27.77 acres of land located in Section 28, Township 18, and Range 24. The property is zoned Lady Lake Planned Commercial (CP) and the future land use is General Retail Sales and Services (RET).

The Town of Lady Lake Land Development Regulations requires 160 tree inches per acre. Based on the size of the site, the applicant will be required to provide 4,450 tree inches. The applicant will be providing 10,432 tree inches on the site which is 234.45% of the required tree inches.

The application proposes to retain three historic trees totaling 115 caliper inches. The three viable historic trees to be removed are in the areas of the proposed drive aisle, stormwater retention pond, and building pad.

Should the Town Commission approve the applicant's request for tree removal, the applicant shall at the time of application for tree removal pay to the Town Tree Bank, three thousand six hundred dollars (\$3,600.00) for each thirty-six-inch DBH tree, plus one hundred dollars (\$100.00) for each additional inch over the thirty-six (36) inches totaling \$14,500. This mitigation fee is to offset the loss of each historic tree.

Developers of any non-residential or multi-family developments requiring site plan approval are not required to apply for clearing or for tree permits but are required to submit a tree survey and landscaping plans at the time of site plan submittal. This is so consideration can be given to the protection of native trees, historic trees, and vegetation.

The location of the three trees in question makes it problematic for the applicant if they are not removed because of the impact they would have on parking.

Commissioner Gourlie said there is one tree at the edge of the retention pond and there is a significant amount of property to the east; could the retention pond be moved farther east? Mr. Carroll responded that he does not know if that is possible since a shift may impact other trees. The site is heavily wooded.

Mayor Rietz said land to the east of the proposed retention pond is marked as wetland preservation. Mr. Carroll confirmed that and added that there are ecological constraints in wetland areas.

Commissioner Kussard is not in favor of reducing parking by ten percent just to save three trees. She added that the applicant is already leaving 10,432 tree inches on the property and they are adding money to the tree bank. Commissioner Kussard said the Commission adopted Ordinance 2021-10 allowing them to build and she would like to see the development move forward.

In response to Commissioner Kussard's comment, Commissioner Freeman said the Commission previously allowed them to move forward but that was before they saw the arborist report. He is concerned about the Live Oak tree on the east side of the property but he is even more concerned about the 51" Cedar tree that could be 400 years old. He thinks they should get creative with the design to preserve the trees and asked if the retention pond could be moved farther east. No number of new trees compensates for the loss of old growth.

Matt Basaraba – Project Manager – Gelcorp Industries

Mr. Basaraba said that the lines on the drawing that are running through the parking lot are emergency fire lanes that need to stay in place. The plan is to create multiple islands throughout the parking lot to save other trees. They have also added substantial retaining walls to the property in strategic areas to save many more trees. Included in the 1000+ inches of remaining trees are a lot of trees in the 36" - 40" range that will grow for many years to come. They do not take lightly the removal of trees. The retention pond slopes up so shifting it puts it onto the bank which would impact the wetlands or the natural habitat to the east.

Mayor Rietz asked if it would be possible to reshape the retention area to accommodate the trees. Mr. Basaraba said reshaping the retention area would still affect the roots of the trees and they would ultimately die because the roots are widespread.

Commissioner Kussard made a motion to approve Resolution 2023-103 on first and final reading; Commissioner Gourlie seconded.

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

Motion carried 3-1 (Freeman)

TOWN MANAGER'S REPORT

Town Manager Lawrence was not in attendance. Mr. Carroll had nothing to report in Mr. Lawrence's absence except to say the interim Police Chief was sworn in earlier that day.

MAYOR AND COMMISSIONER'S REPORT

Commissioner Kussard said she attended the National Peace Officers Memorial Day in The Villages. She and officers from Sumter County, Lady Lake, the Chief read the names of officers who have died in the line of duty including a canine.

Commissioner Freeman attended the Lake County League of Cities luncheon with Communications Director, Elisha Pappacoda. Ms. Pappacoda knew most of the people in attendance.

Mayor Rietz invited everybody to the Coffee with a Cop event at McDonalds. He also reminded the audience about the placement of memorial flags at the Florida National Cemetery on May 28th. The American Legion is having a traditional Memorial Day celebration at the Lady Lake cemetery on May 30th.

The Mayor and the Town Manager discussed the issue of changing the hours that alcohol could be served in Lady Lake. They decided to let the Interim Police Chief investigate the matter and offer suggestions so a workshop will not be scheduled at this time.

PUBLIC COMMENTS

Bob Galloway is a member of the Planning & Zoning Board and he asked to speak about a topic of concern to him. He requested that the Land Development Regulations be changed to

increase minimum road width from 20-foot-wide roads to 24-foot-wide roads. He has seen landscaping damaged, destroyed sprinkler heads and cracked landscaping concrete resulting from cars driving onto lawns when two cars are passing each other. Also, it is difficult to see around worker's vehicles which furthers the potential for accidents. When damage occurs to private property, the owner is responsible for the damage. Safety for our citizens is very important.

Growth Management Director Carroll said that he and Public Works Director Eagle met with Mr. Galloway and discussed some reasons for having narrower streets, one of which is that they provide street calming. Also, most subdivisions have curbs and gutters installed which prevents damaged landscaping, however, those curbs do tend to make people park farther away from the curb negating the extra width benefit. He admitted that drivers could use more common sense by how they park their vehicles when parking on streets. The benefits of wider streets can be argued either way.

Public Works Director Eagle added that the current shift is to be more green meaning less impervious surfaces. Less impervious surfaces would result from more pavement, and it would require more maintenance and expense. The roads in Water Oak are private as is the case in many developments so the Town could not do anything about the issue anyway.

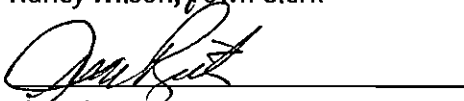
Mr. Galloway asked how this matter will be handled, he would like to see the code changed. Mayor Rietz said narrow roads are only a concern in the Water Oak area and newer roadways are abiding by approved design standards for residential roads. A code change would likely not change any outcomes in Lady Lake.

A representative from the Lady Lake Chamber of Commerce reminded the audience of three upcoming ribbon cuttings: Lifestyle Blood Center; Pulse MD; and, Ashley's Cottage for female veterans in Fruitland Park.

ADJOURN

There being no further business, the meeting was adjourned at 6:49 p.m.



Nancy Wilson, Town Clerk

Jim Rietz, Mayor