

MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA

May 16, 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 & PLEDGE OF ALLEGIANCE

Moment of Silence

C. 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; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Chief Rob Tempesta; Officer Chausse, Lieutenant Vargas, Lady Lake Police Department; Nancy Wilson, Town Clerk

PROCLAMATION

1. Proclaiming May 27th and May 28th as “Poppy Days” in Lady Lake (Mayor Rietz)

Mayor Rietz read the proclamation and presented it to the chairwoman of the Poppy Committee for the American Legion; she passed out poppies.

D. CONSENTⁱⁱ

2. Minutes — May 2, 2022 — Commission Meeting

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

E. NEW BUSINESS

3. Reconsideration of the Van Patten House Apartments – Major Modification to Site Plan MJM 03/22-003 – A proposal to convert the existing Van Patten House Building into seven residential dwelling units on the second floor, providing for 16 parking spaces, including one Florida ADA Accessible parking space, on a .39-acre project area owned by the Villages Operating Company, located at 992 Del Mar Drive, and identified by Alternate Key Number 3840568.

Growth Management Director stated that on Monday, May 2, 2022, the proposal regarding the apartments was brought before the Town Commission for consideration of approval. By a vote of 3 to 2, the motion failed thus denying approval of the site plan. Commissioners Hannan and Freeman, and Mayor Reitz voted against the item. Mr. Carroll added that on Thursday, May 5, 2022, an email was forwarded to Town Manager Bill Lawrence from Town Attorney Derek Schroth. The email stated that Commissioner Freeman would like to discuss placing the Van Patton House Apartments site plan item on a future agenda for reconsideration. If the majority of the Commission agrees, the matter would be reconsidered, and placed on the June 6, 2022, agenda and presented to the Town Commission for another vote.

The matter to be decided is simply if the Commission wants to place this on the June 6, 2022, agenda. Comments are limited to the Commission only and should pertain only to placing the reconsideration on the June 6, 2022.

Mayor Rietz asked if there is new evidence that has come forth that precipitated the placement of the reconsideration on the next agenda. Mr. Carroll said there has been no change to the application since the May 2, 2022, meeting. Mayor Rietz then asked Commissioner Freeman what his reason was for changing his vote. Commissioner Freeman responded that he voted “no” at the last meeting because of the emotion in the room. Upon reflection, he does not feel that Lady Lake taxpayers should pay for a lawsuit that would run about \$500,000 just to settle an argument with the Morse family. There is no good reason why we should deny them their right to build the apartments given that zoning permits them. He made a mistake and wants to readdress matter.

Commissioner Freeman made a motion to reconsider the Van Patten House apartments at the June 6, 2022 meeting; Commission Holden seconded.

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

Motion carried by 3-2 vote

4. Consideration of Award of Bid 2022-0002 for Construction of Phase Two of the Wastewater Treatment Plant Improvements as Recommended by the Town Engineer, Jason Shepler with Mittauer and Associates, Inc.

Public Works Director, C.T. Eagle, stated that The Town Commission previously approved the advertising and bidding for phase two of the Wastewater Treatment Project. Bids have been received and tabulated by the engineer, Jason Shepler with Mittauer and Associates, Inc. Mr. Eagle presented the tabulated results and the engineer's recommendation of award letter for consideration.

Commissioner Kussard made a motion to award Bid 2022-0002 to PWC Joint Venture, LLC as recommended by Mittauer & Associates; Commissioner Freeman seconded. Motion carried 5-0.

5. Presentation and Consideration of Stormwater Master Plan by Wood Environment and Infrastructure Solutions, Inc.

Public Works Director, C.T. Eagle, stated that the Town Commission previously approved utilizing the awarded Lake County Water Authority Stormwater Treatment Grant funds, in the amount of \$65,000, to develop a Stormwater Master Plan (SWMP). Wood Environment and Infrastructure Solutions, Inc. developed the Stormwater Master Plan and presented it for Town Commission consideration of acceptance.

Lance Lumbard – Project Manager – Wood Environment & Infrastructure Solutions, Inc.

Mr. Lombard summarized the Stormwater Master Plan which included:

- Task 1 – Compile Existing Information and Verify Existing GIS Stormwater Structure Inventory Data and Provide/Update Descriptive Information
- Task 2 – Develop Pollutant Loading Model for Two Priority Waterbodies and a Hydrologic & Hydraulic Model for Known Flood-Prone Areas
- Task 3 – Provide a Maintenance Plan and Budget for Existing Stormwater Infrastructure that is Protective of Surface Water Quality
- Task 4 – Provide a Long-Term Improvements Plan and Budget for the Town's Capital Improvement Projects Based on Available Forecasts for Land Use Changes

Commissioner Hannan asked how long Mr. Lombard had worked on the project; he answered, "about two years".

Commissioner Freeman referenced one of the presented drawings and asked if anything ever drains out. Mr. Lombard answered that all the basins in his model are isolated, nothing leaves and that it is an interesting situation. He added that as more and more impervious systems come into the Town, there are fewer places for the water to go. Lady Lake must be careful about what is coming into the basins and where it is going. In response to a question asked by Commissioner Freeman, Mr. Lombard recommended a Stormwater Utility which is a mechanism to fund future stormwater projects. The estimated annual cost is \$739,000 which is based on ongoing annual projects.

Mr. Eagle said if the Town Commission likes the idea of creating a Stormwater Utility it would be a good idea for Lady Lake. A stormwater utility fee is billed annually as a non-ad valorem charge on the property tax bills and is collected through the County Tax Collectors Office. Non-ad valorem charges are those not based on the value of the property. No fees per household have been determined; those fees could be structured at a Workshop. Both commercial and residential properties would pay the fees with commercial carrying more of the load since they generally have more impervious surfaces. A Stormwater Utility would necessitate the need for three additional employees.

Commissioner Hannan asked if adding a utility would require a referendum to which Town Attorney Schroth responded that it would be a special assessment which would require two readings of an ordinance.

Commissioner Holden said that with all the underground retention ponds that the state has installed within the last two years, he does not see the need for a Stormwater Utility.

The Commission continued to discuss stormwater in the Oak Grove area until Mr. Eagle added that the program is not just about Oak Grove, it would be a Utility that would keep up with all the retention areas, do the maintenance on rights-of-way, do the street sweeping and pay NPDES. It is a shift of general fund money to stormwater fund money. A separate utility is more important now that we have had, and will have, increasing development. The Town will have to pay more attention to impervious surface areas and new stormwater areas.

Commissioner Hannan asked Mr. Lumbard to estimate the amount of funding dollars that grants would contribute. He answered that the Master Plan being discussed was funded by the Lake County Water Authority Stormwater Treatment Grant funds. Their primary objective is to maintain surface water quality. They may be interested in ground water and potentially sustainability but that would be something that the Town would have to discuss with them because that is not the core purpose of their stormwater share cost program. There are other funding agencies like the St. John's River Water Management District that does have cost sharing opportunities for innovative projects. For flooding and infrastructure maintenance, it is difficult to find cost sharing grant programs. Generally, that is a burden that municipalities have to assume.

Commissioner Freeman asked if this is a pay-as-you-go situation. Mr. Eagle answered that if the Town implements a Stormwater Utility, it would start out small to cover expenses and progress to bigger projects. We would be more proactive than reactive and have personnel dedicated to those activities. If the Master Plan is approved at this meeting, there would be no cost associated with that approval. Mr. Eagle said he will bring options to the Commission with associated costs at a later date.

Commissioner Freeman made a motion to approve the Stormwater Master Plan by Wood Environment and Infrastructure Solutions; Commissioner Kussard seconded. Motion carried 5-0.

6. Discussion of redefining the Town Commissioner Ward boundaries based upon the population data collected from the 2020 U.S. Census to establish a roughly equivalent representation of residents within each ward.

Growth Management Director Carroll projected the old and new ward maps that indicated major shifts in Wards 4 & 5 and explained those shifts. He did his best to balance the map to

give the Wards equivalent populations and attempted to keep the boundaries as similar to the 2011 boundaries as possible. Mr. Carroll would like to draft an ordinance to adopt the new Commission Ward boundaries and deliver it to the Supervisor of Elections so they can create voter rolls.

Commissioner Kussard made a motion to draft an ordinance to adopt the proposed Commission Ward boundary map based upon the 2020 U.S. Census population data; Commissioner Hannan seconded. Motion carried 5-0.

7. Discussion of creating an ordinance to limit the hours of operation for construction activities within residential zoning districts within the Town of Lady Lake. (Thad Carroll)

Growth Management Director Carroll said that at a previous Town Commission meeting, Mrs. Kathleen Wolfarth stated under public comment that construction activity that is near her residence is occurring at all times of the day. She inquired if we had a noise ordinance to prohibit such activity in the overnight hours. Staff informed her that while we do not have a noise ordinance codified at this time, staff would look into potentially creating a noise ordinance based upon researching how neighboring communities regulate such activity in their jurisdictions.

This ordinance will only pertain to construction activity.

Commissioner Freeman suggested prohibiting construction work on Sundays and he prefers establishing set hours.

Commissioner Hannan asked if police would be on call for noise after hours; he is concerned about enforcement. The Code Enforcement Officer would handle issues during the day and the Police Department could be called after hours.

Commissioner Freeman made a motion to have staff draft a Construction Activity Noise Ordinance with amendments as discussed; Motion died for lack of a second.

Commissioner Kussard made a motion to have staff draft a Construction Activity Noise Ordinance; Commissioner Freeman seconded. Motion carried 4-1 with Commissioner Hannan casting the dissenting vote.

8. Discussion of potentially modifying the minimum setback requirements for certain residential zoning districts within the Town of Lady Lake.

Growth Management Director Carroll said that at a previous meeting, Commissioner Holden stated that the Town Commission approved the Applebee PUD Plan where the houses will

only have 10-foot setbacks. There is a graphic which indicates a 10-foot rear setback and text which indicates the same on the plan. The typical lot depth is 112 feet. The front setback on the plan is 25 feet from the right-of-way. In speaking with a representative of the project, Mr. Carroll confirmed that the homes would be oriented toward the front minimum setback. Mr. Carroll said the Commission may want to create a separate setback requirement for accessory structures and the primary structure.

Commissioner Holden wanted the setbacks to be moved back. There are houses in his ward where the base of the house is ten feet from the fence meaning there is no room to build anything behind their houses. He would like to have ten feet added to the rear setback requirement.

Dan Vincent – 806 Nelson

Mr. Vincent said that every time he turns around, the Town is approving variance. He said Lady Lake is developing so much that we will not have any impervious areas. We should tell the builders what the standard lot size will be so we will not be so crammed in. People should not move here if they cannot afford it; why do we need to make Lady Lake more affordable? Mr. Vincent thinks that developers are overstepping their boundaries.

Commissioner Kussard made a motion to keep the minimum setback requirements for certain residential zoning districts as they are; Commissioner Hannan seconded. Motion carried 4-1 with Commissioner Holden casting the dissenting vote.

9. Consideration of drafting an Ordinance to Repeal Ordinance 95-08, Chapter 8, Article II, Sections 8-26 thru 8-34 of the Code of Ordinances pertaining to Business Tax Receipts (BTR's) whereby business tax receipts would no longer be required in the Town of Lady Lake.

Town Clerk Wilson stated that several staff members who deal with business tax receipts met to discuss the process of issuing the receipts. We shared stories and it was remarkable how much time is spent issuing, renewing, and tracking down delinquent BTR's every year. The process for renewing begins at the end of June when letters are generated and processed, and we are now in May and two departments are still working to close out the year.

The process of issuing BTR's is laborious and for new business applicants it can be frustrating. Every year the Clerk's office compiles a list (ongoing project) of all active businesses in town. A mail merge is conducted and approximately 1,000 renewal notices are sent. When payments are received, a receipt is created and mailed to the business owner. New

applications for BTR's require a few more steps. First the applicant fills out an application with help from staff. Their licenses, etc., are copied and payment is collected. They are then sent to Growth Management where they pay a fee of \$25 to verify zoning and requirements, such as fire inspections, are determined. If an inspection(s) is required, it must be scheduled. The BTR application is on hold until Growth Management and Utilities ensure all requirements have been met. After January 1st of each year, those who have not paid their renewal fee are sent late notices. This year instead of sending the names of the delinquent owners to Lori Crain (Code Enforcement Officer), Jackie Schilling (Clerk's office) spent several days tracking down people and she was able to eliminate 22 businesses from the list so Lori ended up with 27 businesses for which she would need to create case files. This process is more formal and detailed and requires certified mailings. If there are any businesses that still have not paid, they are brought before the Special Magistrate and further filing and recording is necessary.

This year there is an additional expense associated with processing BTR's and that is the implementation of the new software Citizenserve. While the Clerk's office would not be a heavy user of the program, we nevertheless must factor in that expense.

Finally, there are the tangible items that includes preprinted, perforated paper, postage, envelopes, and letterhead.

During the last fiscal year, the revenues derived from Business Tax Receipts was \$47,000. The expenses associated with Business Tax Receipts include staff time, supplies, certified mailings and recordings, Special Magistrate fees and software. Though expenses fall short of revenue, the goodwill shown to business owners by the Town will be more than worth that shortfall.

Commissioner Kussard said that the Town should not be in the business of hurting our mom-and-pop businesses. She also commented that a lot of businesses are corporate, and their headquarters are out of state and the fact that we only accept cash and checks makes it more difficult for them to pay. The Town Clerk confirmed that the individual chain stores receive the renewal but are not authorized to pay the fee and the renewal notice enters a black hole.

Growth Management Director, Thad Carroll, added that we are hitting business owners with another fee that others are not imposing. Currently, we have the right to impose that fee, but he thinks that since this is a topic for discussion during every legislative session in Tallahassee, the power will be taken away from local governments to impose such a tax.

Town Attorney Schroth stated that if the drafting of an ordinance is approved, he recommended making the repeal effective beginning with the next fiscal year on October 1, 2022.

Commissioner Kussard made a motion to draft an ordinance to eliminate the Business Tax Receipt effective October 1, 2022; Commissioner Holden seconded. Motion carried 5-0.

F. TOWN ATTORNEY'S REPORT

10. Resolution 2022-103 - Variance - Cynthia L. Hines-White – Pursuant to Chapter 5). 5-4). F).4).C).1). A)., of the Town of Lady Lake Land Development Regulations which requires the Front Yard Setback Within the MX-5 Zoning District to be 25 Feet. The Variance Request is to Allow the Front Yard Setback to be 18.7 Feet, For Property Located at 223 Gibson Street, Referenced by Alternate Key 1750776; within Lake County, Florida.

Growth Management Director Thad Carroll said that the variance request if approved, would allow the front yard setback to be established at 18.7 feet to preserve an after-the-fact 20'x21' carport erected at 223 Gibson Street by the property owners. Mr. Lester White, who is now deceased, erected the carport prior to requesting a variance and acquiring a permit; the carport was later observed by our Code Enforcement Officer.

In reviewing the Land Development Regulations, Town Staff communicated several times to the applicant the requirement of the 25-foot front yard setback within the MX-5 district for improvements proposed fronting a public right of way. During a Code Enforcement Special Magistrate hearing it was established that the property owners had violated the provisions of the Town's Code and through evidence and testimony establishing the Order of Enforcement for noncompliance was warranted.

The applicant's justification statement indicates that a hardship consideration for approving the front-yard setback variance is that the carport serves to shelter her vehicles and a service dog left behind by Mr. White. Additionally, Mrs. White indicated that whenever she takes care of her younger grandkids and when they visit, they use this space for the children to play outside and away from the elements.

All other requirements, including side yard setbacks, rear yard setbacks, and impervious surface ratio requirements will be adhered to.

At the April 11, 2022, meeting, the Planning and Zoning Board voted 4 to 1 to forward Resolution 2022-103 to the Town Commission with the recommendation of approval.

Both Commissioners Freeman and Kussard discussed the matter with Ms. White prior to the meeting.

Cynthia White – 233 Gibson

Ms. White said the structure has only been on the property for about a year and it is anchored. She said she wants to do what is right and she hopes she is given a chance to make things right because the shed is valuable to her for many reasons.

Commissioner Kussard said it is not the Commission's job to make life miserable for Town residents.

Commissioner Kussard made a motion to approve Resolution 2022-103; Commissioner Freeman seconded.

Commissioner Holden asked if the property is sold could they require that the carport be removed or brought into compliance?

Town Attorney Schroth answered that language to that effect could be added but it could affect the marketability of the property.

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

Motion carried 4-1; with Commissioner Holden casting the dissenting vote.

11. Resolution 2022-105 - First and Final Reading - Special Permit Use (SPU) for Electronic Message Board – Big Dan's Car Wash - Pursuant to Chapter 17, Section 17-3, e). 4). of the Town of Lady Lake Land Development Regulations, William H. Griffin with International Sign, filed an application for the installation of an Electronic Message Board/Marquee Sign on a proposed freestanding sign, on property owned by JJGMEE, LLC, located at 135 North Highway 27/441 (Alternate Key 2933224), within the Town limits of Lady Lake. (Thad Carroll)

Growth Management Director, Carroll summarized the request for the Special Permit Use requested for Big Dan's Car Wash. Zoning does permit the commercial use currently being constructed on the property and the proposed digital LED copy area will be under 14-square-feet which is allowed and complies with code.

Commissioner Hannan verified that the lumens are dimmable.

Commissioner Freeman made a motion to approve Resolution 2022-105 regarding a Special Permit Use for an Electronic Message Board; Commissioner Holden seconded.

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

Motion carried 5-0.

G. TOWN ATTORNEY'S REPORT

Town Attorney Schroth had nothing to report.

H. TOWN MANAGER'S REPORT

In the Town Manager's absence, Mr. Carroll reported on some weather incidents over the weekend and said everything was under control.

I. MAYOR AND COMMISSIONER'S REPORT

Commissioner Kussard said that May 15th – May 21st is National Police Week; be sure to thank the police who serve our community. On Friday, May 13th both she and the Mayor attended the dedication of the Lady Lake Cemetery Historical Marker by the Orange Blossom Chapter of the National Society of Colonial Dames. It was a nice ceremony followed by a program at the American Legion.

Commissioner Freeman thanked Aly Herman, C.T. Eagle and Thad Carroll for the tour he was given of the library. He also thanked C.T. for giving him a tour of the Town's water plant.

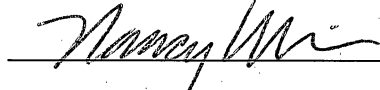
Mayor Rietz also commented on the success of the Colonial Dames event.

J. PUBLIC COMMENTSⁱ

No public comments

K. ADJOURN

There being no further business, the meeting was adjourned at 7:41 p.m.



Nancy Wilson, Town Clerk



Jim Rietz, Mayor