

MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA

June 6, 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 – The Mayor announced that June 6, 2022 marks the 78th anniversary of D-Day and the invasion of Normandy

B. INVOCATION

Reverend Greg Koon from St. Alban's Anglican Church led the invocation

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; Pam Winegardner, Finance Director; Tamika DeLee, Human Resources Director; Thad Carroll, Growth Management Director; Becky Higgins, Planning Coordinator; C.T. Eagle, Public Works Director; Mike Burske, Parks & Recreation Director; Chief Rob Tempesta and two other officers, Lady Lake Police Department; Nancy Wilson, Town Clerk

F. CONSENTⁱⁱ

1. Minutes — May 16, 2022 — Special Commission Meeting
2. Minutes – May 16, 2022 – Commission Meeting

3. Minutes – May 19, 2022 – Commission Workshop
4. Consideration of Acceptance of Continuing Engineering, Architectural, Land Surveying Consulting Services Profession Services Agreements and Fee Schedules in response to RFQ No. 2022-001
5. Consideration of reappointments to the Disciplinary Arbitration Panel
6. Consideration of Approval for the Texas Roadhouse to Host a Spring Bash on July 14th at the Junior Baseball Field.
7. Consideration of the Water, Sewer, and Reuse Utility Agreement for Lady Lake Square Apartments
8. Consideration of the Water and Sewer Utility Agreement for the Villages RV Storage

Commissioner Kussard asked that item F8 be removed from the Consent Agenda to discuss separately.

Commissioner Kussard made a motion to approve Consent Agenda items 1-7; Commissioner Holden seconded. Motion carried 5-0.

8. Consideration of the Water and Sewer Utility Agreement for the Villages RV Storage

Commissioner Kussard said she had a concern about the dump station component of the Utility Agreement and asked for C.T. Eagle, Public Works Director, to address her concerns. Mr. Eagle said the agreement is made separately because the Town only has one other similar agreement. The agreement allows the Town to determine treatment levels and to require a sampling station to ensure nothing is getting into our wastewater treatment system. Commissioner Kussard said if something does get into our system, it could destroy our treatment facility. Mr. Eagle agreed with her but added that it could be a spill from anything not just intrusion from a dump station, however, the agreement presented gives the Town the most control over the facility; it will be strictly monitored.

Commissioner Kussard made a motion to approve the Water and Sewer Utility Agreement for the Villages RV Storage; Commissioner Holden seconded. Motion carried 5-0.

E. NEW BUSINESS

9. **Reconsideration of approval for 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. (Thad Carroll)

Growth Management Director Carroll said this is a major modification to the site plan and the proposal is to convert the existing Van Patton Building into seven residential dwelling units on the second floor and provide 16 parking spaces that include the ADA accessible spaces. This item was put before the Commission on May 2, 2022, and the matter was discussed at length. The application has not changed since that time. A plan was submitted that pictured 16 designated parking spaces adjacent to the Van Patten building thus showing that parking will not be taken away from those who frequent the Square. As a review, Mr. Carroll went over the specifics of the site plan adding that on May 2, 2022, the Commission voted to deny the site plan by a vote of 3-2. On May 16, 2022, the matter came back before the Commission to consider placing it on a future agenda to be reconsidered; reconsideration was approved by a 3-2 vote. It is at this June 6, 2022 meeting where the site plan for the Van Patten House Apartments will be discussed.

Commissioner Hannan said Commissioners Freeman and Holden do not have a dog in the fight but 9000 Villagers are affected by the removal of our most valued amenities. He reviewed the results from the petition that had been circulated over a month ago illustrating how many Villagers are in what Wards and how the majority voted against the apartments. He said he works for his constituents in Ward 4, not the Commission though he holds them in high regard.

Commissioner Kussard said she works very hard for her constituents, but she has to follow the law and per zoning in the area, apartments are allowed. We all work hard for our constituents, but we must follow the law. It does not matter if we do not want apartments.

Commissioner Holden enjoyed Katie Belle's and he frequents the Square and he agreed that the law must be followed. The apartments are allowed so he must vote in favor of them.

Commissioner Freeman commented on the petition report that Commissioner Hannan referenced pointing out that many of those counted live in Sumter County. He contacted some of the people who did not want the apartments and explained to them that the Town would likely be sued by the Villages for around \$500,000 if we prohibited the apartments; they had not realized that. Bottom line is, he does have a dog in the fight because he does not want to saddle his constituents with a half million-dollar lawsuit. Further, even if the Town won this round, the apartments would eventually be built. Katie Belle's is not coming back, with or without the apartments. He thinks there will probably be more

apartments along Main Street. People who rent the apartments will know that there is entertainment in the Square before they move in and that may be the reason they chose the area. Spanish Springs may be dying but there are other reasons why that may be happening.

Mayor Rietz is sad about The Villages future and Spanish Springs Town Square. Many feel it is their town square. It is not just Katie Belle's, it is the entire area. Many people purchased property in Spanish Springs because of activities at the Square and paid premium prices to be near it and those homes will have diminished values because of the proposed apartments. Will the developer compensate those homeowners? The developer hosted a meeting at the Sharon Center to which it was next to impossible to get tickets to attend. Even being a resident, it is required that people joined The Villages Homeowners Association to get access to the page on their website where tickets were sold – why wasn't the meeting livestreamed.

There was an article in the 2022 VHA Voice that read "If you build it, they will come." In the article, the developer said that the apartments are in the best interest of the residents. The developer sends a court reporter but does not send anybody to our meeting who can answer questions. Developers should give people some indication of where this is all heading.

The mayor concluded by saying he is done with The Villages. He cannot stop them but he will do his best to make Lady Lake the best it can be for the residents.

Jim Cipollone - 2162 Medaro Drive

Mr. Cipollone said nothing is forever. The Villages is here, and it will stay here. Taking away Katie Belle's took away the hospitality that the business brought to Spanish Spring Square but they never replaced what was taken away. The hospitality is what made the area prosperous. The apartments will be built, and they will determine if that plan worked. People in the apartments in Brownwood are complaining about the noise. In the end The Villages will do what they want because they can.

Jeanette Wolfrom - 747 Hernandez Drive

Ms. Wolfrom said her complaint is not about the departure of Katie Belle's. She is concerned about the decline of property values. She added that the community feeling will be lost once the apartments are rented.

Robert Marion – 924 Oleander Street

Mr. Marion said to Commissioner Freeman that he changed his mind about voting against the apartments because of the cost of a lawsuit but what about his other constituents in Lady Lake; he should be concerned about them too. Mr. Marion agreed that the apartments will be built but thinks the Town should put up a fight. Seven apartments is just the beginning.

Commissioner Kussard asked if anybody had attended the State of The Villages meeting. She said the developer did talk about Spanish Springs and their vision for Spanish Springs; it is not going away.

Karen Hedlund - 315 Gonzales Place

In response to Commissioner Kussard, Ms. Hedlund said the speaker would not tell them what the developers had in mind for the Villages. When asked questions he would say that he cannot answer. He did talk a lot about the southern part of The Villages. She is concerned about property values and commented that they are losing amenities but paying higher fees. Ms. Hedlund concluded by saying that Katie Belle's was a very good social place.

Carol Nichols - 2671 Collington Drive

Ms. Nichols enjoys the events at Spanish Springs Square. She added that at the State of The Villages meeting, questions could not be asked. They tell people what they want them to know and what they think the people want to hear. They just do what they want.

David Sheiman - 1321 Arredondo Drive

Mr. Sheiman asked Commissioner Freeman if he asked the people he called if they had ever been to Katie Belle's. He imagines that a lot of Lady Lake residents go to Spanish Springs, and it would be in the Town's best interest to keep it an active Square. They expect Brownwood to be more active. He asked why the commission does not just change the law to make it more difficult for The Villages to build what they want to build.

Steve Stone - 913 Medira Drive

Mr. Stone said that Spanish Springs will eventually be all apartments which will decrease the enjoyment of The Villages and devalue property.

Victoria Desilets - 726 Heathrow Avenue

Ms. Desilets said that it is no secret that the developer plans to put apartments on the second and maybe the third floor of four buildings. In the lawsuit that was filed against Lady Lake, the developer talked about the 45 apartments and the 100 reserved parking

places. We will end up with apartments, but parking is still a huge concern. Who will enforce where the new residents park? There will be issues and we will not have anybody policing the Square.

Marilyn Davis - 1225 Dustin Drive

Ms. Davis commented that if they keep building apartments, they will need more services, restaurants, etc. She asked about the Rialto Theatre and said The Villages should put their money where their mouths are and try to make people happy.

Karen Hedlund - 315 Gonzales Place

Ms. Hedlund commented that entertainment will be banished once the apartments are inhabited.

David Sheiman - 1321 Arredondo Drive

Mr. Sheiman asked for the Commission to postpone the vote for 30-60 days to fully understand what the apartments will do to Spanish Springs and how the parking will affect visitors to the Square.

Mayor Rietz said all the property is either owned by The Villages operating company or the VCCDD. This includes the streets, the Square, all the buildings around the Square, and parking in the back of all the buildings.

Peggy Stone - 913 Medira Drive

Ms. Stone concurred with Mr. Sheiman about delaying the decision. She said the vote was changed to approve the apartments based on fear of a lawsuit by the developer. She asked about what the lawsuit would cover.

Town Attorney Schrock said he does not know what The Villages lawyers would assert. With the last lawsuit, they asserted that the Town did not afford due process during the application proceedings and that the Commissioners were too biased. The Villages ultimately dismissed that suit. They would probably sue for lost profits based on projected rental income from the delay.

Commissioner Kussard made a motion to approve the Van Patten House apartments major modification for site plan MJM 03/22-003 which satisfies the requirements of the Land Development Regulations as presented; Commission Freeman seconded.

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

Motion carried by a 3-2 vote with Commissioner Hannan and Mayor Rietz casting the dissenting votes.

F. TOWN ATTORNEY'S REPORT

10. Ordinance 2022-02 — First Reading — An Ordinance of the Town Commission of the Town of Lady Lake, Florida; Repealing Chapter 8, Article II of the Code of Ordinances Pertaining to Local Business Tax and Business Tax Receipts; Repealing Conflicting Ordinances; Providing for Severability; and Providing an Effective Date. (Nancy Wilson)

Town Clerk Wilson recounted that at the May 16th meeting she listed the pros and cons of eliminating the collection of local business taxes and how not requiring them would indicate the Town's support of local businesses. The benefit to the community outweighs any revenue loss. The Commission voted in favor of having Ms. Wilson draft an ordinance to that effect. While working on the draft, she received input that since both the Code of Ordinances and the Land Development Regulations would require changes, two ordinances would be required. Therefore, Ordinance 2022-02 and Ordinance 2022-03 both address the same issue of repealing language that supports the collection of local business taxes and the issuance of Business Tax Receipts.

Commissioner Hannan made a motion to approve Ordinance 2022-02 regarding the elimination of language in the Code of Ordinances as it relates to the collection of local business taxes; 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

11. Ordinance 2022-03 – First Reading - An Ordinance of the Town Commission of the Town of Lady Lake, Florida; Amending the Land Development Regulations, Chapter 2, Section 2-2 Definitions; Deleting Chapter 9, Section 9-3b), Section 9-8 C)1, and Section 9-10 G)2 to Eliminate References to Business Tax Receipts; Repealing Conflicting Ordinances; Providing for Severability; and Providing an Effective Date. (Nancy Wilson)

Town Clerk Wilson said that the premise of this ordinance is the same as Ordinance 2022-22 but applies to language in the Land Development Regulations instead of the Code of Ordinances.

Commissioner Hannan made a motion to approve Ordinance 2022-03 regarding the elimination of language in the Land Development Regulations as it relates to the collection of local business taxes; Commissioner Kussard seconded.

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

Motion carried 5-0.

12. Resolution 2022-104 – First and Final Reading - Variance - Green Key Village LLC — Pursuant to Chapter 5). 5-4).e).4).D)., of the Town of Lady Lake Land Development

Regulations which requires the maximum impervious surface ratio of paved areas within the RS-6 Zoning District not to exceed 45 percent of the lot size. The variance request is to allow up to 54 percent of impervious surface ratio for any one lot within the Green Key Village Phases 5 & 6 Subdivisions (Lots 87-179), within an average of 48 percent impervious surface ratio overall, on parcel addressed as 1635 Lake Ella Road, referenced by Alternate Key 3903749, owned by Green Key Village, LLC, within the town limits of the Town of Lady Lake, Florida. (Thad Carroll)

Growth Management Director Carroll said the applicant proposes the impervious surface area to be increased from 45 percent to a maximum of up to 54 percent for any one lot within the Green Key Village Phases 5 & 6 Subdivisions, with an average of 48 percent impervious surface ratio overall for those phases.

The applicant cited that when the original planned community for this parcel (Nine Oaks) was pre-platted, it was for 273 single family residences. The Green Key Village Development is proposing a total of 179 units combined for all six phases, which amounts to almost a 35-percent decrease in the number of units proposed under the original plan. If utilizing a subdivision-wide approach of all phases, the average impervious surface ratio for Green Key Village is 42.8 percent. If utilizing a subdivision-wide approach for only Phases 5 & 6, then the average is 48 percent. The maximum impervious surface ratio that any one lot in Phases 5 and 6 would be allowed is 54 percent.

Commissioner Freeman asked if homes are considered impervious surfaces. Mr. Carroll answered in the affirmative adding that sidewalks, driveways and any other surface that does not percolate is also considered impervious.

Commissioner Kussard made a motion to approve Resolution 2022-104 allowing for a variance to increase the maximum impervious surface ratio of paved areas up to 54 percent for any one lot within the Green Key Village Phases 5 and 6 subdivisions; Commissioner Hannan seconded.

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

Commissioner (Ward)	Vote
Rietz (Five)	YES

Motion carried 5-0.

H. TOWN MANAGER'S REPORT

The Town Manager praised Pam Winegardner and Dawn Woods (finance department), for completing the proposed budget workbook. He and Ms. Winegardner will be meeting with the department heads to review their budgets.

I. MAYOR AND COMMISSIONER'S REPORT

Commissioner Freeman thanked the Town Manager and the Public Works Director for ensuring that the unsightly Utility Dropbox was given a facelift. It looks great.

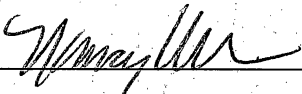
Mayor Rietz said Memorial Day is a special day for him. There was a ceremony scheduled for that day at the cemetery but only three people attended because it had not been adequately advertised. The Town needs to ensure these events are on our calendar. Also, he said the Commission is going to reconsider utilizing social media. We should have the capability to promote local business, list events, post job openings, etc. The town needs an image that is not just about The Villages.

J. PUBLIC COMMENTS¹

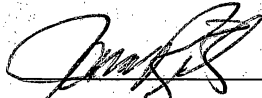
No public comments

K. ADJOURN

There being no further business, the meeting was adjourned at 7:04 p.m.



Nancy Wilson, Town Clerk



Jim Rietz, Mayor