

MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA

July 3, 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

Father Greg Koon – St. Alban’s Anglican Church

PLEDGE OF ALLEGIANCE

Led by Mayor Rietz

ROLL CALL

Commissioner (Ward)	Present
Kussard (One)	YES
Gourlie (Two)	YES
Freeman (Three)	YES
Rietz (Five)	YES

STAFF PRESENT

Thad Carroll; Growth Management Director; Wendy Then, Senior Planner; Pam Winegardner, Finance Director; C.T. Eagle, Public Works Director; John Pearl, IT Director; Tamika DeLee, HR Director; Interim Police Chief Steve Hunt; Deputy Chief Jason Brough; Lieutenant Rob Tempesta; Town Clerk Nancy Wilson

Town Attorney Derek Schroth was also in attendance.

PROCLAMATION

Proclaiming July 3, 2023 as “Paul Hannan Day” in the Town of Lady Lake

Mayor Rietz talked about his friendship with Paul Hannan and all that Paul has done for the Town. Paul passed away peacefully on July 3rd from complications resulting from a recent

cancer diagnosis. The Mayor read the citation proclaiming July 3, 2023 as “Paul Hannan Day” in the Town of Lady Lake.

A. CONSENT

1. June 19, 2023 – Town Commission Meeting Minutes

2. Consideration of Approval of the Police Pension Board’s re-appointment of Leonard Cieciek to the Board and appoint employee Detective Matthew Duryea to the Police Pension Board with both of the expiration of their terms being April 2025.

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

B. TOWN ATTORNEY’S REPORT

3. Ordinance 2023-05 – (First Reading) — Small Scale Future Land Use Comprehensive Plan Amendment — Hien D. Nguyen and Barbara D. Kleinschrodt — Changing the future land use designation from Lady Lake Mixed Residential – Low Density (MR-LD) to Town of Lady Lake Commercial General - Retail Sales and Service (RET); for property being approximately 0.682 acres; Referenced by Alternate Key Numbers 2801573 and 2515678 within Lake County, Florida.

This item was continued for 60 days.

4. Ordinance 2023-06 – (First Reading) — Rezoning — Hien D. Nguyen and Barbara D. Kleinschrodt — Changing the Zoning Designation from Lady Lake Mixed Low Density Residential (MX-5) to Lady Lake Planned Commercial (CP) for property being approximately 0.682 acres; Referenced by alternate Key Numbers 2801573 and 2515678 within Lake County, Florida.

This item was continued for 60 days.

5. Ordinance 2023-07 (First Reading) — Small Scale Future Land Use Comprehensive Plan Amendment — Hien D. Nguyen — Changing the future land use designation from Lady Lake Mixed Residential – Low Density (MR-LD) to Town of Lady Lake Commercial General - Retail Sales and Service (RET); for property being approximately 0.78 acres; Referenced by Alternate Key Numbers 1698600, 1279593, and 1739845 within Lake County, Florida.

This item was continued for 60 days.

6. Ordinance 2023-08 (First Reading) — Rezoning — Hien D. Nguyen — Changing the zoning designation from Lady Lake Mixed Low Density Residential (MX-5) to Lady Lake Planned

Commercial (CP) for property being approximately 0.78 acres; Referenced by Alternate Key Numbers 1698600, 1279593, and 1739845 within Lake County, Florida.

This item was continued for 60 days.

7. Ordinance 2023-10 (First Reading) - An Ordinance of the Town of Lady Lake, Lake County, Florida; Amending the Town of Lady Lake Comprehensive Plan; Providing for Updates to the Public Facilities Element, Chapter 4; Providing for Amendment to Chapter 4, Exhibit 1-12.3. Town Of Lady Lake Water Supply Work Plan

Growth Management Director Thad Carroll summarized the updates to the comprehensive plan, specifically to Chapter 4, related to the adoption of the water supply work plan.

Mr. Carroll stated that this was contracted to Mittauer and Associates who formulated the work plan in accordance with the statutory requirement. When the Water Management District adopts a regional plan, each municipality or county under their jurisdiction must update their plan too.

Mr. Carroll stated that Chapter 163, Florida Statutes (F.S.), sets forth the requirement for local governments to adopt an updated Water Supply Facilities Work Plan and related comprehensive plan amendment within 18 months of governing board approval of the CSEC RWSP. For local governments within the CSEC RWSP planning area, updated Water Supply Facilities Work Plans and related comprehensive plan amendments should be adopted by August 2023.

He stated the report shows that the Town has adequate water supply through the year 2028. The Town's consumptive use permit expires in 2026; therefore, the Public Works Director will be modifying the consumptive use permit. Once that is completed, we will assess the Town's needs with the water management district, and they will inform the town of the water supply allocation based on the Town's population projections.

The Town of Lady Lake's Water Supply Facilities Work Plan was last adopted as part of a comprehensive plan amendment in 2011. Failure to adopt the required updates to the Water Supply Facilities Work Plan and related comprehensive plan amendments by August 2023 may result in the Development of Economic Opportunity (DEO) barring consideration and acceptance of any comprehensive plan amendments and/or future land use map amendments until the Water Supply Facilities Work Plan has been adopted.

The executive summary states that the consumptive use permit was reviewed under the calculation of five percent annualized growth. Currently the Town's permitted capacity is 1.188 million gallons per day, which is sufficient until 2027-2028.

The Commission's second reading of Ordinance 2023-10 is pending transmittal review by Florida DEO and should occur between 45-60 days.

The Local Planning agency voted unanimously to amend the comprehensive plan providing for updates to the Public Facilities Element, and to forward Ordinance 2023-10 to the Town Commission.

Commissioner Freeman made a motion to approve Ordinance 2023-10 amending the Town of Lady Lake Comprehensive Plan on first reading; Commissioner Kussard seconded.

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

Motion carried 4-0

8. Ordinance 2023-09 (Second and Final Reading) - An Ordinance of The Town of Lady Lake, Lake County, Florida; Providing for a text amendment to the Town of Lady Lake Land Development Regulations (Ordinance No. 94-08) Chapter 5, Section 5-4 A), "Zoning District Uses"; Providing for Amendment to the Allowable Square Footage for Accessory Structures; Providing for Amendment to Allow Accessory Structures in the Absence of a Primary Dwelling Unit for Properties Greater than Five Acres.

Growth Management Director Carroll stated that this ordinance will makes changes to the AG-1 zoning designation. Primarily it will allow property with a minimum of five acres to erect structures that do not have a residence on that property. It will also allow larger structures to be placed on those properties. In December of 2019, the Town Commission amended the Land Development Regulations regarding agricultural uses in residential zoning districts. Ordinance 2019-19 eliminated agricultural uses in all the residential districts except Agricultural Residential (AG-1); prior to the adoption of Ordinance 2019-19, agricultural uses were allowed in residential districts provided that the property was a minimum of five acres.

Mr. Carroll advised that some of the properties zoned AG-1 are in excess of five acres, and some property owners have inquired about using their property for agricultural pursuits. Others have requested putting structures on their property other than the primary residence but are presently limited to 35 percent of the primary structure (home). While the Town does not have authority to regulate buildings or the permitting of buildings associated with bona

vide agricultural uses, it does have the authority to regulate the permitting of buildings which do not meet the exemption criteria.

The amendments to Ordinance 2023-09 as proposed would allow accessory structures to be constructed in the absence of a primary dwelling unit, provided the property contains a minimum of five acres.

Commissioner Kussard made a motion to approve Ordinance 2023-09 on second and final reading; Commissioner Gourlie seconded.

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

Motion carried 4-0

9. Resolution 2023-104 (First and Final Reading) - Variance – a Resolution Granting a Variance to Authorize the Removal of 17 Viable Historic Trees in Accordance with The Provisions of Chapter 10, Section 10-5. C). 3). A)., of the Town of Lady Lake Land Development Regulations, On Property Owned by Julian and Diana Malkiewicz, Lugano Development, LLC, And Joseph O'Dell, located within The Reserve at Hammock Oaks Subdivision Phases 1 Through 6, Referenced by Alternate Key Numbers 1283523, 1283582, 1283612, 2877685, AND 2879874, Within the Town Limits of The Town of Lady Lake, Florida.

Growth Management Director Carroll stated that 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 the submittal of a Historic Tree Removal variance application for any property owner who desires to remove a healthy historic tree from commercial property.

On March 3, 2023, Laurie Hall, a Certified Arborist, completed an arborist report on the subject property which evaluated all historic trees proposed to be removed and scored them from 0-5, with 0 being the worst score and 5 being the best. The 273-acre project contains a total of 172 trees, considered historic with a diameter at breast height at or above 36". The total caliper inches of those trees is 7,085. Of the 172 historic trees, 62 are proposed to be removed, 17 are viable trees and 45 are non-viable trees. The 45 trees to be removed scored 2.5 or lower or are Laurel Oaks that are not in a condition to save as evidenced in the Arborist Report. As such, only 17 viable historic trees, totaling 731 caliper inches are proposed for removal or

approximately 10% of the overall historic tree count. It's worth noting that 110 historic trees with 4,657 caliper inches are being saved and incorporated into the open space and project amenities.

Some of the 17 viable historic trees requested for removal are being removed to accommodate the proposed roadways, stormwater management facilities, and other required infrastructure. Others must be included in the mitigation calculations because they are located on lots. Whenever possible the trees located on the lots were strategically located on lot lines or at the rear of lots to increase their chances of being preserved. The project layout and design were thoughtfully put together with the goal of saving as many of the historic trees as possible and integrating them into the development.

Developers of all new subdivisions are required to apply for a clearing and tree permit along with a tree inventory at the time of initial submittal of the preliminary subdivision plan so that consideration can be given to the protection of native trees, historic trees and vegetation.

Commissioner Freeman said it seems to him that every time a new development is proposed, the developers assume that the Town will approve of the removal of the trees. He finds it disturbing. When he looks at the benefit of having trees versus planting new trees there is no comparison, not to mention the four tons of carbon that will not be removed from the atmosphere. He suggested that they reduce by 17 the total number of proposed homes. He knows it is all about the money, but developers need to start getting more creative about how their projects are designed to preserve more trees.

John Curtis – Kolter Development

Mr. Curtis said that they will save as many trees as they can. He said they are developing a community; his job is to save trees. If trees are impacted by roadways, stormwater ponds or lots they need to be removed. Kolter has tried diligently to avoid cutting down trees. Mr. Curtis said they could have proposed more houses but did not because they wanted to preserve the trees. They will do all they can to save trees and they will build a development that the Town will be proud of. Commissioner Freeman said he would somehow incorporate the trees into the development and lose some of the houses adding that the cars in this development will add 2.5 tons of carbon to the atmosphere per car. The offset does not come close to mitigating the situation. Mr. Freeman is concerned about the environment and the lack of trees makes it worse; trees are valuable.

Mayor Rietz asked if Kolter will do their best to preserve trees. Mr. Curtis agreed that trees are important, and they always do their best to preserve them but, in some areas, trees must come down.

Commissioner Gourlie commented on the development of Snooky Park. In 1940, the population was 340 and it has grown considerably. He likes Lady Lake and all the amenities offered here. Expansion is necessary to keep those amenities. Commissioner Freeman commented that if the population increases, so will expenses.

Commissioner Kussard said she has met with the Kolter Group and they do all they can to accommodate the Town. 17 trees won't make that much of a difference.

Phil Mathias – 1404 Meadow View Way.

Mr. Mathias said he started coming to the area as a kid and it was all trees and cows. Lady Lake became a Tree City about 10 years. Everybody wants to come here to develop and cut down our trees so we will soon look like Orlando. If these trees cannot be saved, the whole project should be cancelled.

Bob Galloway - 925 East Norman

Mr. Galloway agreed with Commissioner Freeman. The developers need to be creative in order to save more trees.

Joseph O'Dell – owner of the subject property

Mr. O'Dell said that about two-thirds of the property on the map belongs to him. There are hundreds of trees on the property and Kolter is doing their best to save the trees. He loves trees and nature but sometimes removal is necessary. Probably some commissioners had trees removed from their properties prior to development.

Commissioner Kussard made a motion to approve Resolution 2023-104 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

10. Resolution 2023-105 (First and Final Reading) – Variance – a Resolution Granting a Variance to Authorize the Removal of Four Viable Historic Trees in Accordance with The Provisions of Chapter 10, Section 10-5. C). 3). A)., of the Town of Lady Lake Land Development Regulations, On Property Owned by SK Hammock Oaks, LLC, Referenced by Alternate Key Number 3325451, Within the Town Limits of The Town of Lady Lake, Florida.

Growth Management Director Carroll said this 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 the submittal of a Historic Tree Removal variance application for any property owner who desires to remove a healthy historic tree from a commercial property. Historic trees are classified as trees with a diameter at breast height (DBH) of 36” or greater. The variance request is to allow the removal of four historic trees located within the Hammock Oaks Multi-Family development, owned by SK Hammock Oaks, LLC.

On April 17, 2023, William Needham, a Certified Arborist, completed an arborist report on the subject property which evaluated all historic trees proposed to be removed. The 23.05-acre project contains a total of 220 trees, of which 15 trees are considered historic. Of the 15 historic trees, it was determined that 12 of those trees are viable. The applicant is requesting the removal of four of the viable historic trees to allow for the development. Of the 3,377 total viable tree inches on site, the removal of 190 tree inches is being proposed.

The application proposes to retain 8 historic trees, or roughly 75% of the total viable, historic trees, with a total of 339 caliper inches saved.

Commissioner Kussard made a motion to approve Resolution 2023-105 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

11. Resolution 2023-106 (First and Final Reading) — Declaration of Qualifying Dates for the Office of Town Commissioner for Wards One, Three, and Five for the November 7, 2023 General Election; and Authorization to Request that the Lake County Supervisor of Elections Conduct the Election.

Town Clerk Wilson requested the adoption of Resolution 2023-106, which announces the qualifying dates for Town Commissioner candidates for the general election to be held on November 8, 2023. The qualifying period will begin August 14, 2023 at 12 noon and end on August 18, 2023 at 12 noon.

In addition, a request is being made to authorize the Town Clerk to request that the Supervisor of Elections for Lake County conduct the November 8, 2023 general election for the Town of Lady Lake.

Commissioner Freeman made a motion to approve Resolution 2023-106 on first and final reading; Commissioner Gourlie seconded.

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

Motion carried 4-0

TOWN MANAGER'S REPORT

Town Manager Lawrence commended Corporal Heather Couch and Officer Erica Orr of the Lady Lake Police Department for being first on the scene of a shooting incident last Friday. He advised that they rendered first aid and unfortunately the victim succumbed to his injuries. He stated that this case is under investigation.

Mr. Lawrence commended the teamwork among the Lady Lake Parks and Recreation department staff, the Lady Lake Police department staff, the Lady Lake Public Works department staff, and the Lady Lake Growth Management department staff for the fireworks event on July 1st. He stated that this event was a team effort that has been in the works for over a year. It was a very successful event.

MAYOR AND COMMISSIONER'S REPORT

Commissioner Gourlie mentioned that the Lion's Club along with other organizations were on site and contributed to the success of the event. Commissioner Gourlie also commended Lady Lake staff on their teamwork. A lot went on behind the scenes.

Commissioner Kussard concurred with the other commendations adding that she heard a lot of positive comments. She said it was a wonderful small-town event.

Commissioner Freeman said that the Snooky Park dedication was wonderful. He watched the fireworks from his property.

Mayor Rietz was at the baseball park which was ground zero for the July 1st events. He said the entertainment was good and he was amazed by all the children in attendance. Some of the food truck vendors even sold out of food. Everybody seemed to have a good time. He

gave a shout-out to Julia for her awesome newsletter and agreed that the Snooky Park ribbon cutting was great.

PUBLIC COMMENTS

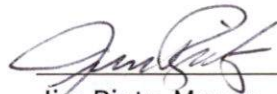
Bill Berg – Chamber of Commerce

Mr. Berg announced recent and upcoming business openings and the Snooky Park dedication. He passed out fireworks glasses and only heard positive remarks about the Independence Day event.

ADJOURN

There being no further business, the meeting was adjourned at 6:45 p.m.



Nancy Wilson, Town Clerk

Jim Rietz, Mayor