

MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA

August 21, 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

Moment of Silence

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

Bill Lawrence; Town Manager; Thad Carroll, Growth Management Director; Wendy Then, Senior Planner; Becky Higgins, Development Coordinator; Pam Winegardner, Director of Finance; John Pearl, IT Director; Steve Hunt, Police Chief; Jason Brough, Deputy Police Chief; Robert Chausse; Town Clerk Nancy Wilson

Town Attorney Derek Schroth was also in attendance.

A. CONSENT

1. August 7, 2023 – Town Commission Meeting Minutes

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

B. NEW BUSINESS

2. Consideration of application for the open seat on the Planning & Zoning Board

Town Clerk Wilson said that the seat on the Planning & Zoning Board was vacated by Ed Regan when he had to resign as Chairman to run for the open commission seat. Mr. Regan's term expires in February 2024. If appointed, Mr. Brinson will begin his term on September 11, 2023.

Commissioner Kussard said Mr. Brinson would be an excellent addition to the Board.

Commissioner Freeman said Mr. Brinson was his competition in the 2021 race, and he knows him to be a good man. He is a good choice.

Commissioner Freeman made a motion to appoint John Brinson to the Planning & Zoning Board for the term expiring February 2024; Commissioner Kussard seconded. Motion carried 4-0.

3. Consideration of Dates and Times for the First and Second Public Hearings to Set the Millage Rate and Approve the Budget

Finance Director Pam Winegardner said the proposed millage rate for fiscal year 2023-2024 was submitted to the property appraiser on Monday, August 1, 2023, along with the date, time, and place of the tentative millage and budget hearings. The proposed tentative millage rate approved can be increased or decreased on September 6, 2023, however on September 18th at the final public hearing, the tentative millage rate can be decreased but not increased. The current year rolled-back rate is 3.1017 mills. The proposed budget is based on 3.3962 mills, which is an increase of 8.67% than the current rolled-back rate. Any millage rates up to 3.1898 would require three affirmative votes of the total Town Commission. A rate of 3.5088 mills would require a two-thirds vote or three affirmative votes of the Town. These votes are based on the total membership of the Town Commission rather than the membership present at the meeting.

Set the tentative millage rate at 3.3962 mills for Fiscal Year 2023-2024, and set the date, time, and place of the first public hearing for the tentative millage rate on Wednesday, September 6, 2023, at 6 p.m., in the Commission Chambers. To set the date, time, and place for the second public hearing for adopting the final millage rate and budget on Monday, September 18, 2023, at 6 p.m., in the Commission Chambers.

Commissioner Kussard made a motion to approve the dates and times for the first and second Public Hearings to set the millage rate and approve the budget; Commissioner Freeman seconded. Motion carried 4-0.

4. Consideration of Mutual Agreement for Fiber Optic Installation and Maintenance for the 2023 Fiber Wide Area Network Construction Project

IT Director John Pearl said the Fiber Master Plan was approved last year; it was a ten-year plan. This project is for year one of that plan for the construction element. They are in the process of completing the design for the entire ten-year project. It will be brought back before the Commission in September for Request for Proposal approval. This project will "piggyback" onto

the current procured and executed contract by the City of Cocoa with Danella Construction Corporation. This is a budgeted item, and the mutual agreement has been reviewed and approved by the Town Attorney.

Commissioner Freeman made a motion to approve the Mutual Agreement for Fiber Optic Installation and Maintenance for the 2023 Fiber Wide Area Network Construction Project; Commissioner Gourlie seconded. Motion carried 4-0.

- 5. Consideration of Approval for the Lady Lake Luxury Apartments New Major Site Plan MJSP 07/22-003 - Proposing a 330-Unit Multi-family Gated Apartment Complex spread out amongst six buildings featuring: Clubhouse, Amenity Area, Tree Preservation Area, Trash Compactor and Loading Zones, Maintenance Building and Car Wash, landscaping buffers and 648 parking spaces, including 15 Florida ADA Accessible parking space, on a 27.82-acre parcel zoned Planned Commercial (CP-Ord. 2021-10), owned by Linden Street Development LLC, Identified by Alternate Key Number 1771421.**

Growth Management Director Carroll summarized the Major Site Plan application by Jeff Gelman with Linden Street Development, LLC. The property has come before the Commission previously for a variance for the removal of three healthy historic trees. Mitigation has not been satisfied but prior to any development order, they will need to pay approximately \$14,500.

There are 330 units: 150 units are 1-bedroom and 180 units are 2-3 bedroom. Highway access comes off Highway 27/441 and the property has rectangular circulation throughout the complex.

There are adequate landscaping islands as required by the Town Code and a great deal of tree coverage remains, almost double what is required in the Code. To the rear of the property there is a wetland flood area so a lot of the trees on the east side of the property will remain undisturbed.

The applicant is in compliance with the Town's commercial design standards; the buildings are limited to three stories as required in the Memorandum of Agreement.

Traffic was evaluated and the number of daily trips is 2,192 with 162 pm peak hour trips (102 entering the site and 60 exiting). There are also 125 am peak hour trips (30 entering and 95 exiting). The distribution of the proposed development trips indicates that approximately 55 percent of the trips are likely to be directed to/from the north while the remaining 45 percent will likely be directed to/from the south. There will not be capacity issues because it fronts Hwy 27/441 and none of the impacted corridors have a failing of service.

All reviews were performed and satisfied. A Lake County School Board Concurrency Capacity Agreement will need to be worked out with Lake County School Board officials. They are negotiating for a proportionate share agreement to address the seating shortage at the high school level.

Commissioner Kussard asked if the problem exists only at the high school level. Mr. Carroll answered that the high school level is what they are mitigating currently. There is still some capacity at the elementary and middle school levels though elementary schools are nearing capacity. For the next couple of years, we will be seeing more and more of these agreements.

Matt Basaraba – Project Manager – Gelcorp Industries

Mr. Basaraba elaborated on the school capacity shortage. He said there are 95 elementary school seats, and they are using 50. There are 99 middle school seats, and they are using 20. The high school capacity is -212 and they need 22. This will cost them \$767,000 to mitigate those 22 high school seats.

Commissioner Freeman commented that the developer is putting in a big parking lot which he assumes will be asphalt. Mr. Basaraba said it will be asphalt and added that it is the minimum amount required. Commissioner Freeman continued; the Town Commission allowed the removal of three historic trees from the property so not only are trees being removed but a heat source is being created with the addition of asphalt. He said developers need to start thinking of reducing carbon emissions and asked if they thought of using solar for this project. Mr. Basaraba said solar was not feasible for the project for financial reasons and because the a/c units are on the roof, but they will install car charging stations. He added that they are not overdoing the parking areas. Commissioner Freeman would like to hear developers present projects where they mitigate carbon emissions.

Commissioner Kussard made a motion to approve Lady Lake Luxury Apartments New Major Site Plan; Commissioner Gourlie seconded. Motion carried 3-1 (Freeman)

C. TOWN ATTORNEY'S REPORT

- 6. Ordinance 2023-10 (second and final 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 Carroll stated that this ordinance is for the adoption of the Water Supply Work Plan and is required by the Water Management District in the state of Florida per Chapter 163. This was to be adopted by August 2023. Not adopting the amendment would mean we could not transmit large-scale comprehensive plan amendments to the state.

This was contracted to Mittauer and Associates who formulated the work plan in accordance with the statutory requirement. The executive summary stated that using the Consumptive Use Permit (CUP) with a metric of 5% annualized growth, the town's allocation will be sufficient until 2027/2028. The town's CUP renewal will occur before 2027/2028.

Once the plan was presented to the Commission, Mr. Carroll had to submit it to the Department of Economic Opportunity (DEO) for evaluation. The other agencies that evaluated the plan are the Central Florida Regional Planning Council, the St. John's Water Management District (SJWMD) and the School Board. Only SJWMD responded because this amendment does not affect the other agencies but they made no comments on our plan.

On Monday, July 3, 2023 both the Land Planning Agency and the Town Commission voted 4-0 for the approval of Ordinance 2023-10. With adoption, the Town will be in compliance with Florida Statutes and we will be able to transmit large scale amendments to the state.

Commissioner Kussard made a motion to adopt Ordinance 2023-10 amending the Lady Lake Comprehensive Plan providing updates to the Public Facilities Element and providing amendment to the Lady Lake Water Supply Work Plan; Commissioner Gourlie seconded.

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

Motion carried 4-0.

7. Ordinance 2023-11 (Second and Final Reading) An Ordinance of the Town of Lady Lake, Florida; Amending Ordinance No. 2019-23, Chapter 10 Section 5-58, Paragraph 3 of the Code of Ordinances Relating to Reemployment after Retirement; Providing for Receipt of Benefits Post Retirement Upon Any Full-Time Employment Period.

Town Manager Lawrence said we have one employee who is retired from the police department and now works in the IT Department part-time. He could not work full-time because he would lose benefits which is not good for him and not good for the Town. Ordinance 2019-23 states that any police officer who has retired under the Police Officers' Retirement Trust Fund system and is subsequently reemployed is ineligible to participate in the system and must discontinue receipt of benefits during any subsequent full-time employment period. The proposed ordinance states that any retiree, including retirees currently employed by the Town, can be reemployed by the Town and still receive retirement benefits.

After the meeting on August 7th at first reading, Town Attorney Schroth modified some wording in the ordinance which is reflected in the attached version.

Commissioner Gourlie made a motion to adopt Ordinance 2023-11 amending Ordinance 2019-23 on final reading; Commissioner Freeman 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 said holding a final budget workshop is necessary to discuss a couple remaining issues: body cams for the PD; Chamber membership and disposition of the Boy Scout trailer.

There was consensus to hold the meeting on Wednesday, August 30th at 2:30.

Mr. Lawrence will attend the Legislative Delegation Session with Elisha Pappacoda where state funding for awarded projects will be discussed. Deadline for submission is in October.

Mr. Lawrence will also attend a meeting with Tamika DeLee and Chief Hunt to view a police recruiting demonstration. Wildwood has had success utilizing the service.

MAYOR AND COMMISSIONER'S REPORT

Mayor Rietz and Commissioner Freeman attended the Florida League of Cities convention and both felt they came away with a lot of good information and inspiration.

PUBLIC COMMENTS

No public comments

ADJOURN

There being no further business, the meeting was adjourned at 6:30 p.m.


Nancy Wilson, Town Clerk


Jim Rietz, Mayor