

MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA

September 7, 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 Rietz presiding. The meeting convened at 6:00 p.m.

CALL TO ORDER

INVOCATION

Pastor George, Tri-County Baptist Church

PLEDGE OF ALLEGIANCE

Led by Mayor Rietz

ROLL CALL

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

STAFF PRESENT

Bill Lawrence, Town Manager; Derek Schroth, Town Attorney; Pam Winegardner, Finance Director; C.T. Eagle, Public Works Director; Nancy Wilson, Town Clerk; Police Chief Rob Tempesta; Robert Chausse, Police Department.

PROCLAMATION

Constitution Week (Mayor Rietz/DAR Chapter Representative, Barbara Byers)

Mayor Rietz read the proclamation and presented it to Nancy Parris, a DAR Chapter Representative.

A. PUBLIC HEARING

- 1. Resolution 2022-117 (First and Final Reading) — Adoption of Tentative Millage Rate for Fiscal Year 2022—2023**

Finance Director Pam Winegardner said this resolution sets the Fiscal Year 2022—2023 tentative property tax millage rate of 3.3962 mills per \$1,000 taxable valuation, which is 9.40% greater than the current years roll back rate of 3.1044.

Per State Statute Chapter 200.065, the Town of Lady Lake must hold a public hearing on the tentative millage rate and proposed budget. At this hearing, the Town Commission will discuss the tentative millage rate, and if changed, re-compute its tentative millage rate and publicly announce the percentage, if any, by which the re-computed tentative millage is greater than or less than the rolled-back rate and approve the resolution.

As a reminder, the Town Commission can increase the millage rate at this meeting, but at the second public hearing on September 19th, it cannot be increased from what was approved at this meeting. This tentative rate, plus any other rate below this rate, requires an affirmative vote of three members of the Town Commission.

This hearing was advertised via the TRIM notice mailed out by the Property Appraiser.

Commissioner Freeman made a motion to approve Resolution 2022-117; Commissioner Holden seconded. Motion carried 5-0.

2. Ordinance 2022-14 (First Reading) — Adoption of Operating Budget for Fiscal Year 2022—2023

Finance Director Pam Winegardner said this ordinance sets the Fiscal Year 2022—2023 Budget estimated revenues, expenditures, and expenses for the General Fund, the Special Revenue Fund, and the Utilities Fund.

Per State Statute Chapter 200.065, the Town of Lady Lake must hold a public hearing on the tentative millage rate and proposed budget. At this hearing, the Town Commission will amend and approve the first reading of the budget ordinance after adoption of the tentative millage rate. This hearing was advertised via the TRIM notice mailed out by the Property Appraiser.

Commissioner Kussard made a motion to approve Ordinance 2022-14; Commissioner Hannan seconded. Motion carried 5-0.

B. CONSENT

All items listed under consent are considered routing by the Town Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Town Commissioner so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.

3. August 15, 2022 - Commission Meeting Minutes

4. Consideration of Request to advertise an RFP for Auditing Services.
5. Consideration of Request to Award RFP 2022-001 for Building Official Services to Charles Abbott Associates, Inc., Upon Contract Negotiations and Due Diligence. (Thad Carroll)
6. Consideration of Approval of the FY 2023 Holiday Schedule (Tamika DeLee)
7. Consideration of Approval of the FY 2023 Fall and Spring Event Schedule (Mike Burske)

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

C. NEW BUSINESS

8. **Consideration of Request to Write-Off Utility Accounts Receivable that are deemed uncollectable (Pam Winegardner)**

Finance Director Winegardner said that she is asking for approval to write-off \$5,763.01 of utility accounts receivable as bad debts. The accounts are from tenants that Florida Law says cannot be held against the landlords nor can the town put a lien on the property. If approved for write-off, these accounts will be added to a list that the Customer Service Representatives maintain for possible collection if the customer returns to the Town and requests utility services in the future. The last time accounts were approved for write-off was 2019. The fiscal impact is \$5,763.01.

Commissioner Freeman made a motion to approve writing off utility accounts receivable that are deemed uncollectable; Commissioner Holden seconded. Motion carried 5-0.

9. **Discussion of Bid received for the Installation and Repair of the Train Depot-Bath House Roof**

Town Manager Lawrence said that at the direction of the Commission, the Parks and Recreation Director put the replacement and repair of the Train Depot-Bath House Roof and Rot Repair out to bid for a second time since the first bid resulted in only one bid that was much higher than anticipated. The second bid request again only yielded one bid from the previous bidder, Lewis Walker Roofing, Inc, at the same cost of \$52,841.00. Town Manager Lawrence recommended reaching out to local roofing companies for quotes.

Commissioner Kussard made a motion to reject the bid received for the repair and replacement of the train depot-bath house roof; Commissioner Freeman seconded. Motion carried 5-0.

D. TOWN ATTORNEY'S REPORT

10. Ordinance 2022-08 (First Reading) — Annexation — An Ordinance Annexing One Lot Being Approximately 0.15 Acre, located within Orange Blossom Gardens Unit 3, Owned by Martha K. Friedman, Referenced by Alternate Key Number 2684232.

Growth Management Director Carroll summarized the application for annexation submitted by Martha Friedman. Her request is to annex property at 990 Tarrson Boulevard in Orange Blossom Gardens Unit 3 totaling approximately 0.15 acres from unincorporated Lake County into the Town of Lady Lake. After the Villages purchased some properties in the area there were owners who wanted to be annexed into Lady Lake, this is one of those properties that was not annexed at that time. The property will be served by the Village Center Community Development District Central Water and Sewer System and the District's Fire Department. The subject property is non-contiguous with the existing municipal boundary, but annexation is allowed.

Commissioner Kussard made a motion to approve Ordinance 2022-08 on the first reading as presented; 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 2022-09 – First Reading - Small Scale Future Land Use Comprehensive Plan Amendment - An Ordinance Amending the Lady Lake Future Land Use Comprehensive Plan of One Lot Being Approximately 0.15 Acre, Located in Orange Blossom Gardens Unit 3, Owned by Martha K. Friedman, Referenced by Alternate Key Number 2684232, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density.

Growth Management Director Carroll summarized the SSFLUC plan amendment and noted that this is the second part to Ordinance 2022-08 and is an application to amend the Future Land Use designation for the same .15 acres owned by Ms. Friedman. Surrounding property is Lake County Medium Urban Density which provides a range of residential development at a maximum of seven dwelling units per one buildable acre. The proposed Future Land Use designation is Lady Lake Manufactured Home High Density which is limited to manufactured

homes; densities cannot exceed nine units per acre.

There is no impact to town services since utilities would be provided by VCCDD. Neither will schools or transportation be affected since the property is in an adult community and the previous home will be replaced by a new one. The project will be required to adhere to St. Johns River Water Management District guidelines and the Lady Lake Floodplain Management Ordinance.

Commissioner Holden made a motion to approve Ordinance 2022-09 on first reading as presented; Commissioner Hannan seconded.

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

Motion carried 5-0

12. Ordinance 2022-10 – First Reading – Rezoning - An Ordinance rezoning one lot being approximately 0.15 acre, located in Orange Blossom Gardens Unit 3, owned by Martha K. Friedman, referenced by Alternate Key Number 2684232, from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8).

Growth Management Director Carroll said this is the last ordinance for this property which is a rezoning. The existing zoning is Lake County Mixed Residential Medium Density, and the proposed zoning designation is Lady Lake Mixed Residential Medium Density which is consistent with other lots in the Villages that are presently within the Town of Lady Lake.

Commissioner Kussard made a motion to approve Ordinance 2022-10 on first reading as presented; Commissioner Holden seconded.

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

Commissioner (Ward)	Vote
Freeman (Three)	YES
Rietz (Five)	YES

Motion carried 5-0

13. Ordinance 2022-11 (First Reading) — An Ordinance of the Town Commission of the Town of Lady Lake, Florida; Voluntarily Annexing Property Being Approximately 172.707 Acres Owned by Joseph H. O'Dell and Julian and Diana Malkiewicz; Referenced by Alternate Key Numbers 1283582 And 1283523; Located Approximately 1,500 Feet North of Lake Ella Road and East of Cherry Lake Road in Lake County, Florida

Growth Management Director Carroll summarized the annexation application. There are two parcels being annexed totaling 172 acres of land. The present use of the property is Residential/Agricultural. Adjacent to the property is an area that has already been annexed into the town. The annexed property will be serviced by Lady Lake water, sewer and reuse which requires annexation at some time in the future. Prior to the second reading of the ordinance, the application will need to be reviewed by the Department of Economic Opportunity; this is required when the property is over 50 acres. In response to the notices mailed to the surrounding property owners, there were some comments regarding the transportation component of the applications.

The second and final reading will not be scheduled until comments are received back from the Department of Economic Opportunity which is a requirement for Large Scale Future Land Use Amendments (over 50 acres).

Commissioner Kussard made a motion to approve Ordinance 2022-11 on first reading as presented; Commissioner Hannan seconded.

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

Motion carried 3-2

14. Ordinance 2022-12 (First Reading) – Large-Scale Future Land Use Comprehensive Plan Amendment — Changing the future land use designation from Lake County Rural to Lady Lake Single Family Medium Density for property owned by Joseph H. O’Dell and Julien and Diana Malkiewicz; being approximately 172.707 acres; Referenced by Alternate Key Numbers 1283582, and 1283523, within Lake County, Florida.

Growth Management Director Carroll summarized the annexation applications which were filed by Charles Brashier with CHW Professional Consultants on behalf of the property owners. The request is to change the future land use designation from Lake County Rural to Lady Lake Single Family Medium Density involving 172.707 acres. The proposed future land use designation allows for a maximum density of six dwelling units per acre which is limited to detached single-family dwelling units unless a PUD is implemented which would limit the overall density to about four dwelling units per acre.

The proposed development will be tying into the town’s potable water and sewer. Adjustment to the town’s Consumptive Use Permit will ensure there is adequate capacity, at the appropriate time, to serve the development.

Schools will be evaluated on a case-by-case basis as the plats come through depending on how the project is phased.

Maximum development would generate an estimated 5,694 daily new net trips. A traffic analysis was submitted with the application which finds that the requested PUD rezoning is not projected to cause Level of Service deficiencies.

Mr. Carroll addressed something that was mentioned at the earlier Local Planning Agency meeting about how staff evaluates applications. He said beginning in 2007, water and sewer were run down Rolling Acres Road. With that infrastructure in place, residential development could be accommodated. Since that time, a lot of commercial development has occurred along the CR466 corridor. On the other side of Cherry Lake Road, the density is about 6 units per acre. Looking at applications, Mr. Carroll looks at wetlands. In this case there are no wetlands on the property so there are no sensitive habitats where development would disturb those habitats. He also looks at how the developer preserves what is already on the property such as the effort to preserve trees. In closing, he said that he evaluates applications on their compliance with our Land Development Regulations in addition to the aforementioned considerations and does so on a case-by-case basis.

Commissioner Kussard said four dwelling units per acre makes a big difference when water and schools are factored in. She asked if the schools have reserve capacity and if that capacity is based on four dwelling units or six dwelling units per acre.

Greg Beliveau – Owner – LPG Urban and Regional Planners, Inc.

Mr. Beliveau said the analysis is based on four dwelling units per acre. He also said that the analysis used for utility impacts is likely higher than what will be required because some of the build out will consist of age restricted residences; those residences use less water and require less sewer capacity than family residences.

Commissioner Kussard was concerned about the town having enough water to accommodate the project and after talking to staff in Public Works, she is confident that there will be enough water since the project will take a number of years.

John Curtis – Land Development Manager – The Kolter Group

Mr. Curtis said Hammock Oaks will be a five-to-seven-year phased project that realistically will mean an eight-to-ten-year project. Infrastructure needs will be addressed along the way.

Pam Madison – 818 Abeble Road

Ms. Madison is concerned about traffic and asked how Rolling Acres Road is going to be fixed to accommodate the added traffic. She and her neighbors are also worried about the water table since they have wells. Questions are answered but they do not really address the problem. There are too many maybes. What will happen to the people in that area who want to live on agricultural land and have animals?

Public Works Director C.T. Eagle said the new development will be served by the town's central services. There are wells located at different areas so the areas surrounding the development will not be affected though irrigation wells could be affected.

John Curtis added that the goal is to tie into the town's water supply and ultimately use only reclaimed water for irrigation. In the short term, irrigation wells will augment reclaimed water.

Commissioner Kussard then asked about Ms. Madison's concern regarding traffic.

Mr. Curtis responded that the proposed roundabouts should calm traffic on both Rolling Acres and Cherry Lake and improve access to the development.

Commissioner Kussard made a motion to approve Ordinance 2022-12 on first reading as presented; Commissioner Hannan seconded.

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

Motion carried 3-2

15. Ordinance 2022-13 — First Reading - Rezoning - An Ordinance redesignating zoning classification for certain property being approximately 330.397 acres owned by Lugano Development, LLC, Joseph O'Dell, and Diana and Julien Malkiewicz; Referenced by Alternate Key Numbers 1283311, 1283523, 1283582, 1283612, 1585031, 2877685, 2879874, and 3493737; Located south of County Road 466, north of Lake Ella Road, and East of Cherry Lake Road in Lake County, Florida; Rezoning Subject Property from Lake County Agriculture and Town of Lady Lake Planned Unit Development to Town of Lady Lake Planned Unit Development (PUD).

Growth Management Director Carroll summarized the rezoning application. The proposal is to rezone the properties owned by Lugano Development, Joseph O'Dell and Julien/Diana Malkiewicz encompassing 329.96 acres (Lugano property is 157.25 acres and is in Lady Lake; the O'Dell/Malkiewicz is 172.71 acres and is currently in Lake County). The goal is to have the subject parcel consisting of eight parcels on 329.96 acres all to be zoned Town of Lady Lake Planned Unit Development.

The applicant is proposing to develop a residential community consisting of 1,320 units: 670 single-family units, 100 age-restricted units and 550 townhomes. The overall density is four units per acre. As part of the development, 130.36 acres of open space (40%) with 57.2 acres of common area and 7.4 acres of amenities is planned.

The PUD impact on Levels of Service was also reviewed.

The applicant will dedicate 30 feet of right-of-way along Anderson Lane and Abeble Road to the Town of Lady Lake for future roadway improvements. More details were given about turn lanes and access to the development. A five-foot sidewalk will also be placed on the east side of Cherry Lake Road.

Commissioner Freeman asked if zoning is the same on the east and west sides of Rolling Acres Road and the response from Mr. Carroll was that the zoning is the same and that it is all a PUD and has the same future land use of single family, medium density.

Mark Clark - 38445 Groveview Avenue

Mr. Clark said that he and his family own property to the east of the Lagano development. In 2006, they were approached by the Lagano Development Corporation to annex into Lady Lake so that they (Lagano) would then be contiguous with town property and could also be annex into the town. They entered an agreement with Lagano providing access to their property near the Lagano property so the Clark property could also be developed. They are currently on Abele Avenue which is a 30-foot non-maintained road so they would not be able to do anything other than the current use which is agricultural. Mr. Clark wanted to go on record that they are in negotiations with the Kolter Group to provide access and he wants to make sure that the Commission knows of this negotiation in case it is denied in the future. He does not want his property to be isolated and non-developable.

Erik Morrisette – VP of Land Acquisition - The Kolter Group

Mr. Morrisette said he was a little surprised by Mr. Clark's history with Lagano Development. There is a letter from the owners of the property from around 2006, granting the rights Mr. Clark explained. Their intent is to dedicate the needed land for future improvements to Anderson Lane and they will provide access along the eastern boundary up to Anderson. This should not interfere with their development at all, but they will work with Mr. Carroll. They will have perimeter landscaping requirements so in that area they may reduce the amount of landscaping to allow access on that boundary in lieu of providing an easement.

Commissioner Freeman said there is nothing in writing about this agreement and Mr. Clark said he has an agreement from 2006 that may not be recorded. The application, however, states that there is an agreement, so he is fine with it as long as Mr. Clark is fine with it.

Mr. Carroll said the application will be transmitted to state and something more formal will be brought back to the Commission in November.

Mr. Curtis said between now and the second reading, they will work on a revised sketch showing access.

Commissioner Kussard made a motion to approve Ordinance 2022-13 on first reading as presented; Commissioner Hannan seconded.

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

Motion carried 3-2

16. Resolution 2022-115 (First and Final Reading) – Adoption of Special Assessment for Solid Waste Collection and Disposal Services

Finance Director Pam Winegardner said the Commission previously approved Resolution 2022-115 but there were advertising requirements that were not met so it is being revisited; no text changes were made.

Commissioner Freeman made a motion to approve Resolution 2022-115 on the first and final reading as presented; Commissioner Hannan seconded.

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

Motion carried 5-0

TOWN MANAGER'S REPORT

The Town Manager gave shout outs to the Police and Finance Departments. The Police Department received high marks for their accreditation. Officer Chausse played a big role in seeing this through. Mr. Lawrence said the Finance Manager came to him a couple months ago talking about bitcoin (Bitcoin is a new type of digital money that can be stored and exchanged using a decentralized infrastructure) and a case in which the town was involved. The Chief, Detective Duryea and staff explained the problem to the Town Manager and tried to convince him to let them investigate it. There was a victim from Lady Lake who lost a

substantial amount of money via bitcoin. The Secret Service would not investigate the case because too much time had passed. Other roadblocks were also encountered by Detective Duryea but after spending a significant amount of time and effort on the case, he was able to recover a significant portion of the money from the scammer and have it deposited in a special account set up by Finance Director Winegardner. The victim was overjoyed. Lady Lake is the first municipality in Florida to close a bitcoin case.

MAYOR AND COMMISSIONER'S REPORT

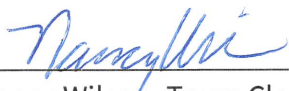
Commissioner Freeman and Town Manager Lawrence went to the Lake County Commissioners Meeting for a Workshop regarding impact fees. It looks like the County Commission is going to raise fees 95% though they can come in lower. The Commissioner who represents Lady Lake is not in favor of raising impact fees.

PUBLIC COMMENTS

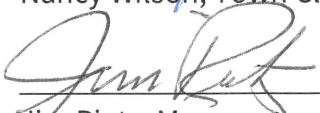
No public comments

ADJOURN

There being no further business, the meeting was adjourned at 7:03 p.m.



Nancy Wilson, Town Clerk



Jim Rietz, Mayor