

MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA

APRIL 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

Rev. Jim Keough – Congregational Church of Summerfield

PLEDGE OF ALLEGIANCE

Led by Mayor Rietz

ROLL CALL

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

STAFF PRESENT

Bill Lawrence, Town Manager; Thad Carroll, Growth Management Director; Rebecca Higgins, Planning Coordinator; Elisa Pappacoda, Communications Director; Aly Herman, Library Director; C.T. Eagle, Public Works Director; Rob Tempesta, Police Chief; Jason Brough, Deputy Police Chief; Nancy Wilson, Town Clerk

Derek Schroth, Town Attorney was also in attendance.

A. PRESENTATION

1. Retirement/Transfer of Police K9 Lux to Police Officer Higgins Pursuant to the Canine Transfer Agreement

Police Chief Tempesta said K9 Lux is retiring from police service as a narcotics detection dog due to declining health. It is a bittersweet moment because we are losing a canine colleague and a friend. In 2017, Lux came to us from the Lake County Sheriff's Office; he was trained in narcotics and tracking. Officer Higgins formed a solid bond with Lux as his partner, his handler and his guardian. It is a huge responsibility to care for a police K9. Officer Higgins maintained a training schedule so that Lux was always ready for patrol. Lux is credited with removing narcotics from our community, locating people suffering from dementia and tracking down fleeing suspects. We wish Lux the best in retirement at the Higgins family farm.

Officer Higgins thanked those who came to recognize Lux. They have been a team for 6+ years and Lux has been on several hundred deployments. He was always ready for patrol.

Offering the dog for sale to the public is not a recommended option. The Police Department is requesting authorization to sell K9 Lux to his handler, Joshua Higgins, for \$1.00. Police Officer Higgins possesses the necessary training to control the animal and he has established a bond after working with K9 Lux for many years.

If approved, a Canine Transfer Agreement will be executed.

Another K9 has been assigned to Officer Higgins and he is currently under evaluation to ensure his compatibility with the officer.

B. CONSENT

2. March 20, 2023 – Town Commission Meeting Minutes
3. Consideration of the Acceptance, Conveyance, and Payment of the Lady Lake Square Sewer Line Extension Improvements constructed along Griffin Avenue and County Road 25, including Utility Easements on Private Property.

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

C. NEW BUSINESS

- 4. Boulevard Oaks — Preliminary Plat Plan — Proposing a total of 160 lots, on property consisting of approximately 41.23 acres, owned by Palm Property Partners – Haymaker LLC, with the zoning entitlement of Planned Unit Development (PUD), located on the east side of County Road 25 (Teague Trail), lying one-quarter mile north of Marion County Road, referenced by alternate key numbers 1739438, 1237815, and 1739454.**

Growth Management Director Carroll summarized the application for Boulevard Oaks Subdivision. They are proposing the construction of 160 Single-Family Residential Lots on County Road 25. The present use of the property is vacant. The typical lot size is proposed to be 50 feet by 112 feet with a five-foot side setback from the property line, a ten-foot rear setback, and a 25-foot front setback to the local road. There are 9.07 acres devoted to stormwater management areas and open space, and 2.28 acres for the park and recreation area. Overall density of the development is 3.88 dwelling units per acre. There are no wetlands on the property. All proposed roadways are public and are to be dedicated to the Town of Lady Lake. All proposed utilities are public and are to be dedicated to the Town of Lady Lake as well as the stormwater infrastructure within the right of way. The proposed stormwater retention pond and other stormwater infrastructure located in tracts shall be maintained by the developer/homeowner's association. All easements will be maintained by the Homeowners Association. All landscaping within the right of way internal to the development will also be maintained by the Homeowners Association; all common areas and retention ponds shall be maintained by the Homeowners Association. According to the Environmental analysis, the subject development sites do not propose impact to any unique or ecologically significant area of vegetation or Wildlife Habitat. The proposal is consistent with the property entitlements as it was written in Ordinance 2021-29. Three trees will need to be removed. They will have 24 months until the next phase which is the improvement plan followed by the final plat plan that will be brought before the Commission. Turn lanes into the development will be added on CR 25. There are a lot of trees in area especially along the periphery and a six foot fence will surround the property. There is a proposed bus stop within the development, but its location will ultimately be decided by the school board. Plat reviews were completed and all requirements were satisfied.

Commissioner Hannan asked if the only entrance/exit is on County Road 25. Mr. Carroll answered in the affirmative explaining that was the reason for the boulevard entrance that provides two access points to the development. In the future, there could be access on the north end of the property but there is currently no easement dedicated for that. Line Road is depicted as a tract but it is south of the fence line so properties to the east will still have access to their properties; it is not incorporated into the subdivision.

Commissioner Kussard asked if the owner of the property has a utility agreement with the Town. Mr. Carroll responded that they do not have an agreement with us and that it is up to the developer to elect to have one. State statute allows them to pay impact fees when the building permit is acquired. Some developments in the past, both residential and commercial, have paid us in advance to ensure they have adequate capacity. At this time, it is their risk if the utilities capacity is available when they begin development. There is not a draft agreement in the works.

Commissioner Gourlie asked if a traffic study has been conducted since the Commission often talks about the impact of new developments on our roads. Mr. Carroll responded that a traffic study was conducted and there were some comments regarding traffic at the Planning & Zoning Board meeting. Conversation regarding traffic on County Road 25 has centered on the volume of traffic but it is not at a failing level of service and the new development will not cause a failing level of service. There is concern about Marion County Road and the number of accidents that have occurred over the years. Stacking does occur there, but it is the County's road and they have provided the turn lanes for northbound and southbound access into the subdivision. Any other improvements will take place at a later time. The developer has met all the County's concerns. Commissioner Gourlie suggested a traffic light be placed at Marion County Road to slow down traffic and to give those using the road safer access. Mr. Carroll said the County does monitor and study their roads and once a predetermined threshold has been tripped, they remediate.

Commissioner Freeman and Mr. Carroll discussed how many and what species of trees are being removed and their viability. Commissioner Freeman stated that he was also concerned about the bus stop; he wondered if the school board will allow the bus to enter the subdivision. Mr. Carroll responded that once the property is developed, the school board will make that determination, but the plan is for school buses to enter the subdivision.

Commissioner Kussard made a motion to approve the Preliminary Plat Plan for the Boulevard Oaks PUD; Commissioner Gourlie seconded. Motion carried 3-2 (Hannan, Freeman).

5. Discussion regarding Code of Ordinances Chapter 3- Alcoholic Beverages, specifically section 3.2- Hours of sale and operation (Chief Tempesta)

Police Chief Tempesta stated that the purpose of this discussion is to determine how the Commission feels about shortening the hours establishments are permitted to sell, serve or permit to consume alcoholic beverages. This restriction would be for all businesses holding a license from the state for the sale of alcoholic beverages within town limits. If the commission prefers, this restriction can be solely for restaurants and bars. Other establishments such as stores within gas stations would still be able to sell alcoholic beverages until 2:00 am. Currently, Sumter County and the City of Wildwood have hours for alcohol sales from 7:00 am until 12:00 midnight except for New Year's Eve where they allow sales until 2:00 am in Sumter County and in Wildwood until 1:00 am.

There is a trend of increased patronage between midnight until the close of some establishments, many times after 2:00 am. Officers on patrol have reported that crowds will continue to come to these establishments right up until 2:00 am. Increased incidents and reported crime between midnight and 2:00 am are problematic and have become a public safety issue.

If the Commission agrees with the staff's request, Ordinance 2012-05 will be modified and brought back before the Commission for adoption after two public hearings.

Commissioner Hannan said for the first three months of this year, there were five incidents. Before modifying the ordinance, he would like to see statistics for the next three months; he believes there will be fewer than five. He said that closing two hours early will hurt affected businesses.

Commissioner Kussard said this has been a serious problem for many years. Those frequenting the restaurants that stay open past midnight are not from Lady Lake. We do not need any more trouble in that area. In Spanish Springs, entertainment stops at 9:00 p.m.

Commissioner Gourlie commented that most responsible people will have consumed all they need by midnight.

Commissioner Freeman asked Chief Tempesta if he has a sense of where the people come from who are arrested. The Chief said some are from out of the area. Our town is a destination for those wanting to continue drinking. Our officers are spread thin and being tied up with incidents at drinking establishments takes services away from citizens in the Town. Chief Tempesta said the offenders are younger than those who live in the surrounding area.

Mayor Rietz said the state statute reads that alcohol can be sold from 7am to midnight. Ordinance 2012-05 changed the hours and extended the closing time to 2:00 a.m. The Mayor received an email from a neighbor in Paradise Lakes who drove to the area where he heard music playing at 1:30 a.m. It had been playing since 10 p.m. and was very loud. The Mayor heard it from his house which is even farther away. When he arrived, he found about 100 people playing music behind Kilwins. A Police Officer said he was trying to get them to stop but they ran away every time. Mayor Rietz said that we can remove the Ordinance from our Code and follow state statute or modify the ordinance.

Commissioner Gourlie thinks we should modify the ordinance rather than eliminating it and following state law. It is better to be in control of how we govern our town.

Mayor Rietz said he would like establishments to close at 11pm on Sundays-Thursdays and to close at midnight on Friday and Saturday nights. It is not our residents who are out at 2:00 am.

There have been 98 incidents in the last two years.

Commissioner Freeman asked the Chief if this would help his department and the Chief answered in the affirmative. The Commissioner added that based on the Villages-News article, residents are behind the idea of earlier closures.

There was Commission Consensus (3-2) allowing the Chief to move forward with an ordinance to restrict the hours of alcohol sales and operation from 7am-11pm Sunday-Thursday and 7am-midnight on Friday and Saturday nights.

Commissioner Hannan – No; Commissioner Kussard – Yes; Commissioner Gourlie – No; Commissioner Freeman – Yes; Mayor Rietz – Yes.

TOWN ATTORNEY'S REPORT

Mr. Schroth informed the Commission of the Tort Reform Bill (House Bill 837) signed into law by Governor DeSantis with the goal of reducing insurance premiums. Here are four points that the Town should be aware of:

1. Previously, a plaintiff was entitled to recover a percentage of damages proportionate to the degree of fault of the defendant. Under “modified” comparative negligence, if a plaintiff is more negligent than the defendant, the plaintiff cannot recover.
2. The bill reduces the statute of limitations for general negligence from four years to two years.
3. Evidence offered to prove the amount of damages for past medical bills that have been satisfied is limited to the evidence of the amount actually paid.
4. In a negligent security action against the owner or operator of real property by a person lawfully on the property who was harmed by the criminal act of a third party, the trier of fact is now required to consider the fault of all persons who contributed to the injury or death, including the criminal actor.

TOWN MANAGER'S REPORT

Town Manager Lawrence gave a shout out to Parks & Recreation Director Burske for the very successful Easter Egg Hunt. He also thanked Julia Harris and Jackie Schilling for all their help at the event and at the Farmer's Market. The focus now is on the 4th of July festivities.

A closed executive session was also scheduled for April 17th at 4pm prior to the Special and Regular Commission Meetings. The topic is police officer salaries and whether to open the 2022-2024 contract with the PBA.

MAYOR AND COMMISSIONER'S REPORT

Commissioner Kussard commented on the success of and the large crowd at the easter egg hunt.

Mayor Rietz said he helped with breakfast at the Community Building and commented on the activities and the overall great time had by all.

PUBLIC COMMENTS

Kevin Kelly – Recreation Plantation

Mr. Kelly told the Commission about a problem with a dirt road in his area. The road is Oak Street and it runs between Rolling Acres and Clay Avenue. His property backs up to Oak Street

and it was never an issue until maintenance was performed on the road at which point it became more heavily traveled. People drive down the road at 50-60 mph in a 25-mph zone. At those speeds, the dust is terrible. He has complained to the Lady Lake Police Department but nothing has been done. The problem is going to get worse and there is going to be an accident.

Jan Holly – Recreation Plantation

Ms. Holly said that the fence around Recreation Plantation is nine feet from the dirt road then another nine feet from her trailer. She has had a bike stolen and the speeding is terrible. She has even witnessed a public works employee speeding down the road. If the police would start ticketing people, the word may get out not to speed. She asked about a dust ordinance.

Carol Kelly – Recreation Plantation

Ms. Kelly had similar complaints adding that all of her plants have been run over. She said that the traffic has increased along with cars driving far in excess of the speed limit. She concurred that the dust stirred up by the traffic is awful and the area is dangerous.

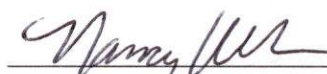
Mayor Rietz said the Town will take a look at the situation to determine if there is a solution.

Jody Wilson – Lady Lake Chamber of Commerce – Board Member

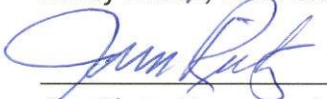
Ms. Wilson gave an update on ribbon cuttings, recent events and community outreach.

ADJOURN

There being no further business, the meeting was adjourned at 6:58 p.m.



Nancy Wilson, Town Clerk



Jim Rietz, Mayor