

COMMISSION MEETING AGENDA TOWN OF LADY LAKE, FLORIDA

All interested persons are cordially invited to attend this public meeting.

Please note that the wearing of masks is currently optional and social distancing is requested due to Covid 19. Please be responsible.

DATE AND TIME

Monday, January 3, 2022, at 6 p.m.

PLACE

Town Hall Commission Chambers, 409 Fennell Blvd., Lady Lake

PROCEDURE

Citizens are encouraged to participate in the Town of Lady Lake meetings. Citizen groups are asked to name a spokesperson. Speakers will be limited to three minutes. Additional time may be granted at the Mayor's discretion. Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone. The order of agenda items may be changed if deemed appropriate by the Town Commission. Please be respectful of others and put your cell phone on silent mode.

AGENDA

A. CALL TO ORDER

B. INVOCATION:

By Reverend Tom Ash – New Song Community Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

E. PRESENTATION (Robert Tempesta)

Presentation Regarding the Retirement of Sergeant Ronald Michaud

F. CONSENTⁱⁱ

1. Minutes — December 20, 2021 — Commission Meeting

G. NEW BUSINESS

2. Consideration of Approval for the Lady Lake Police Department to Accept a Donation of a Fully Outfitted SUV for K9 Usage and a Fully Trained K9; and Consideration to also Accept a Future Donation to the Animal Control Division by the Same Foundation (Robert Tempesta)

H. TOWN ATTORNEY'S REPORT

3. Ordinance 2021-29 (First Reading) - Rezoning – Palm Property Partners-Haymaker, LLC – Rezoning Certain Property being Approximately 41.22 Acres from Lady Lake Unclassified Designation to Lady Lake Residential Planned Unit Development (PUD); Referenced by Alternate Key Numbers 1739438, 1237815, and 1739454, within Lake County, Florida (Thad Carroll)
4. Resolution 2021-111 – Variance – Jerry and Jennifer Pease – Requesting Current Accessory Structure Square Footage of Approximately 839 Square Feet to be Allowed for Property Addressed as 116 East McClendon Street; Referenced by Alternate Key 1260957, within Lake County, FL (Wendy Then)
5. Resolution 2021-112 (First and Final Reading) – Variance – Jerry and Jennifer Pease – Requesting Current Side Yard Setback to Remain at .40 Feet from Property Line for Property Addressed as 116 East McClendon Street; Referenced by Alternate Key 1260957, within Lake County, FL (Thad Carroll)

I. TOWN MANAGER'S REPORT

6. Consideration of Approval of the Interlocal Agreement for Use of Lake County Regional Opioid Settlement Funds (Bill Lawrence)

J. MAYOR AND COMMISSIONER'S REPORT

K. PUBLIC COMMENTSⁱ

L. ADJOURN

Please contact the Town Clerk's Office with any questions at 352-751-1501. This public hearing is being conducted in a handicapped accessible location. Any handicapped person requiring special accommodations or an interpreter for the hearing or visually impaired should contact the Clerk's Office at least two days prior to the meeting. To access a Telecommunication Device for Deaf Persons (TDD), please call 352-751-1565.

If a person decides to appeal a decision made with respect to any matter considered at the above meeting or hearing, he may need a verbatim record of the proceedings including the testimony and evidence, a record of which is not provided by the Town of Lady Lake. (F.S. 286-0105) One or more members of any other Town Board or Committee may be in attendance of this meeting.

Footnotes:

- i. This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda, and it is open to any concern or comments that the public may have.
- ii. 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.

MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA

JANUARY 3, 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

B. INVOCATION

By Reverend Tom Ash — New Song Community Church

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; Bill Lawrence, Town Manager; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Sergeant Jason Brough and Lieutenant Nelson Vargas, Lady Lake Police Department; Nancy Wilson, Town Clerk

E. PRESENTATION (Deputy Police Chief Jason Brough)

Ronald Michaud Retirement

Deputy Police Chief Brough said that the Town was recognizing the retirement of Sergeant Ron Michaud. The Police Department is losing a colleague and a friend. He dedicated himself to the Town of Lady Lake and her citizens – serving proudly for ten years. His background spans five decades: four years in the air force; 20 years as a state trooper in Maine; 14 years in the Kittery,

ME police department and ten years with Lady Lake where he twice won the Officer of the Year award. Sergeant Michaud was then presented with his retirement gift.

F. CONSENTⁱⁱ

1. Minutes — December 20, 2021 — Commission Meeting

Mayor Rietz asked if the Commission had any questions regarding the consent item.

Commissioner Kussard motioned to approve the consent agenda; Commissioner Holden seconded the motion. The motion passed by a consensus vote of 5-0.

G. NEW BUSINESS

2. Consideration of Approval for the Lady Lake Police Department to Accept a Donation of a Fully Outfitted SUV for K9 Usage and a Fully Trained K9; and Consideration to also Accept a Future Donation to the Animal Control Division by the Same

Deputy Police Chief Brough presented the background summary for this agenda item. The Moritz Foundation would like to donate to the K9 unit and Animal Control Division in Lady Lake. They would like to start by donating a K9 that can track individuals. The Foundation feels that the dogs are an asset in the lives of the elderly and a prime tool in searching for those who have wandered off due to dementia. A fully outfitted SUV for K9 usage will also be donated.

Mayor Rietz asked if there were any questions from the Commission. There were no questions.

Commissioner Kussard motioned to approve the donation of a fully outfitted SUV for K9 Usage and a fully trained K9 plus a future donation to the Animal Control Division; Commissioner Holden seconded the motion. The motion passed by a consensus vote of 5-0.

H. TOWN ATTORNEY'S REPORT

3. Ordinance 2021-29 (First Reading) — Rezoning — Palm Property Partners-Haymaker, LLC — Rezoning Certain Property being Approximately 41.22 Acres from Lady Lake Unclassified Designation to Lady Lake Residential Planned Unit Development (PUD); Referenced by Alternate Key Numbers 1739438, 1237815, and 1739454, within Lake County, Florida (Thad Carroll)

Attorney Derek Schroth read Ordinance 2021-29 by title.

Growth Management Director Thad Carroll presented the background summary for this agenda item. The property consists of three parcels along County Road 25. The current zoning designation is unclassified, and the proposed zoning is Residential Planned Unit Development. A couple ordinances were adopted in 2006 at which time the property was annexed and a future land use designation of six dwelling units per acre was assigned. When the ordinance for

rezoning was ready to be brought before the Commission, the owners decided to abandon the project. Therefore, this area has been in limbo since 2006 without an assigned zoning designation. Now there are applicants who would like to rezone the property. Their proposal is for just under four units per acre which is less density than what is permitted with the future land use designation.

There are other residential designations in the area. Permitted uses include single family detached dwelling units and ancillary subdivision amenities. The proposed lot size is 5,600 square feet with a minimum of ten feet between structures which is a fire code requirement.

There was an amendment to the Memorandum of Agreement since the Planning & Zoning Board meeting. The change states that a type "A" buffer shall be provided along CR 25 and a six-foot vinyl fence will be erected along the east, north and south property lines.

Much of the discussion that came about at the Planning & Zoning meeting was from the adjacent property owners some of whom own large tracts of land. They didn't want to look at intense development to the south of them and there are some safety concerns so that is why the six-foot vinyl fencing was been proposed for the entire property except along CR 25.

Regarding traffic, this development is projected to generate 1,602 net external daily trips; the volume allowed on CR 25 to comply with level of service "D" is 14,060. Currently, daily trips are running at about 11,400 so there is still some capacity on CR 25.

Commissioner Hannan had questions for the applicant.

Peter Duke – Orlando - Developer

Mr. Duke clarified that the homes were not going to be manufactured homes. He added that they are proposing 160 homesites with the dwellings ranging from about 1,600 – 1,800 square feet and selling for around \$300,000.

Commissioner Hannan's biggest concern is with another development that is going to add even more traffic on CR 25 especially as the Town continues to grow and with the current construction on US 441.

Commissioner Kussard took a ride to look at the property and then contacted Growth Management Director Carroll and Public Works Director Eagle. She was particularly interested in protecting adjacent properties and that has now been addressed with the addition of the fencing. The level of service on CR 25 was addressed and she is confident it can handle the traffic. Further, she was impressed that sewer and water would have to be run north along CR 25 about 6,700 feet.

Peter Duke added that the infrastructure would have additional capacity for any future development.

Commissioner Holden asked what type of fence is being considered. Mr. Duke responded that they originally proposed a landscaping buffer but to appease the neighbors, a 6-foot vinyl fence is being proposed along with field fencing and a ten-foot buffer.

Commissioner Freeman is concerned about the traffic saying that the road can handle it but can the neighborhood? He said that an apartment building is being built on the corner of Griffin and CR 25 which will add even more traffic. Also, with water and sewer available, the area will be even more attractive for development. Commissioner Freeman would like to see fewer houses, maybe 60.

When asked about his motivation, Mr. Duke answered that his motivation is to make money, that is what developers do. He said that Lady Lake has put a lot of thought into the way growth happens. The Town is one of the fastest growing communities in the United States and growth has happened in a responsible fashion. However, growth always has a price, but it is coming. Mr. Duke added that there is a market for more affordable family housing. Larger homes on larger lots may not satisfy the current market. Transportation, utilities, and schools have been primed for the upcoming development in the area. He hopes the Commission will see that this project is being done in a manner that is in the plans for the Town of Lady Lake.

Mayor Rietz asked if there are plans for having turn lanes.

Chuck Hiott – Tavares – Engineer

To answer Mayor Rietz's question, Mr. Hiott said that the county is going to require turn lanes, he believes, in both north and south directions. They will be donating some of their frontage to the county for right-of-way dedication. Mayor Rietz then asked about school buses to which Mr. Hiott responded that school buses are now allowed to enter developments, but he doesn't know yet how the school board will handle this.

Dan Vincent – 806 Nelson Drive

Mr. Vincent said that the Commission cannot do anything about the traffic on CR 25 because it is a county road. Mr. Duke responded that there are many people and entities with whom they must deal who provide oversight.

Commissioner Kussard made a motion to approve Ordinance 2021-29; upon no second to the motion, Mayor Rietz passed the gavel to the Vice-Mayor and seconded the motion. The following roll call vote showed a majority rejected the motion by a vote of 2 votes in favor, 3 votes against:

Commissioner	Vote
Hannan	NO
Kussard	YES
Holden	NO
Freeman	NO
Rietz	YES

4. Resolution 2021-111 (First and Final Reading) — Variance — Jerry and Jennifer Pease — Requesting Current Accessory Structure Square Footage of Approximately 839 Square Feet to be Allowed for Property Addressed as 116 East McClendon Street; Referenced by Alternate Key 1260957, within Lake County, FL (Thad Carroll)

Attorney Derek Schroth read Resolution 2021-111 by title.

Growth Management Director Thad Carroll presented the background summary for this agenda item. He said the request is to allow the 839 square foot structure (86.3% of the principal structure) to remain after-the-fact. Allowing the structure would require a variance from Chapter 5 of the Land Development Regulations. The owners had the structure installed fifteen years ago and paid a permit fee; however, the permit was never pulled. They have operated in the best of faith and have invited those who are interested to come see their property. People in favor of the variance have sent emails to the Town.

Mayor Rietz asked if the Commissioners had any questions.

Commissioner Hannan asked if the accessory structure has any impact on adjacent properties to which Mr. Carroll responded there is no encroachment.

Commissioner Kussard drove by the property and talked to the owner about both variances and after talking to the owner and viewing the property, she was in favor of approval.

Both Commissioners Holden and Freeman were also in favor of approval.

In response to a question asked by Mayor Rietz, Mr. Carroll clarified that both the shed and garage are being discussed and added that according to town code, anything in excess of 25% of the primary structure is not permitted. He added that each structure exceeds 25% of the primary structure.

Mayor Rietz then asked about a code enforcement report being made about the two structures. Mr. Carroll answered that there was a complaint at one time that stemmed from a disagreement, but the adjacent property owner knew about the shed and garage when they

purchased their house. Mitigating the location of the garage and shed would cause hardship for the Pease's.

Mayor Rietz said there are two parties involved and he is concerned about the neighbors and asked if it is impacting the value of their house. Mr. Carroll said he cannot answer that question because he is not an appraiser but added that the structures were in place when the current neighbors purchased the property. He doesn't think it is going to diminish the neighbor's property value.

Commissioner Holden commented that in the future if the garage or shed is moved, whatever it is replaced with will have to comply with current codes.

With no further discussion, Mayor Rietz asked for a motion.

Upon a motion by Commissioner Holden and a second by Commissioner Freeman, the Commission approved the first and final reading of Resolution 2021-111, by the following roll call vote:

Commissioner	Vote
Hannan	YES
Kussard	YES
Holden	YES
Freeman	YES
Rietz	YES

5. Resolution 2021-112 (First and Final Reading) — Variance — Jerry and Jennifer Pease — Requesting Current Side Yard Setback to Remain at .40 Feet from Property Line for Property Addressed as 116 East McClendon Street; Referenced by Alternate Key 1260957, within Lake County, FL (Thad Carroll)

Attorney Derek Schroth read Resolution 2021-112 by title.

Growth Management Director Thad Carroll presented the background summary for this agenda item. He stated that the owners of the property are requesting a variance to increase the setback to another lot to .40 feet instead of six feet. This would allow an after-the-fact covered concrete/carport encroachment to remain. Resolution 2021-112 regards the setback from the side yard requirement of six feet. The previous resolution had to do with the size of the accessory structure.

With no further discussion, Mayor Rietz asked for a motion.

Commissioner Kussard made a motion to approve the first and final reading of Resolution 2021-112 with the stipulation that should the shed or carport be removed at any time in the future, subsequent structures will need to comply with code by having a six-foot setback. Commissioner Holden seconded the motion. Resolution 2021-112 was approved by the following roll call vote:

Commissioner	Vote
Hannan	YES
Kussard	YES
Holden	YES
Freeman	YES
Rietz	YES

I. TOWN MANAGER'S REPORT

6. Consideration of Approval of the Interlocal Agreement for Use of Lake County Regional Opioid Settlement Funds (Bill Lawrence)

Town Manager Lawrence presented the background summary for this agenda item. He reported that on September 8, 2021, the Town Commission approved Resolution 2021-109 authorizing the Town to join the State of Florida and other local governments as a participant in the Florida Memorandum of Understanding and formal agreements implementing a unified plan regarding opioid litigation.

Lake County Attorney Melanie Marsh contacted Town Attorney Schroth to request that the Town and other municipalities move the Interlocal Agreement forward as it must be in place no later than February 1, 2022. This agreement will allow Lady Lake to share in a plan to distribute settlement proceeds from litigation against manufacturers, distributors, and retailers of opiates.

Upon a motion by Commissioner Kussard and a second by Commissioner Holden, the Commission approved the Interlocal Agreement with Lake County, by the following roll call vote:

Commissioner	Vote
Hannan	YES
Kussard	YES

Commissioner	Vote
Holden	YES
Freeman	YES
Rietz	YES

J. MAYOR AND COMMISSIONER'S REPORT

Commissioner Hannan said the development discussed earlier on CR 25 that was not approved is a good example of the burden on town roads now and in the near future. He would like to have a discussion on placing a moratorium on new development for a period of time. When Benchmark Management Corporation finishes their project on Griffin and CR 25, the impact on that road will be substantial. He added that he is not even including any other future building projects. This would not affect any projects already in the pipeline.

Commissioner Freeman said he finds a moratorium to be draconian. He would rather see builders tone it down and not have such dense developments. He said bigger houses will also sell. It is a beautiful piece of property and if it is managed correctly, the developer could make just as much money.

Commissioner Hannan wants all the development in the pipeline to shake out now.

Commissioner Freeman thinks the same thing can be accomplished with the Commission, but Commissioner Hannan said he does not want people to spend a lot of money on development applications when they may be turned down.

Commissioner Kussard is completely against a moratorium. Before any development goes in, there is a traffic analysis. She also said the massive infrastructure that Palm Property would pay for would help others along CR 25.

Commissioner Holden was also in favor of a moratorium.

Mayor Rietz does not want a moratorium but would like to hold a workshop to discuss the matter further.

Commissioner Hannan asked Town Attorney Schroth if the Town could issue a moratorium to which he responded that the Town has the discretion to do so. They are usually issued for a period of six months but can be extended. He added that Eustis had a moratorium in 2008.

Mayor Rietz asked if the roads were not an issue, would Commissioner Hannan have a problem with building developments. Commissioner Hannan answered that he would not.

Commissioner Kussard repeated what Mr. Carroll had said about the level of service on CR 25 being able to handle 14,000 average daily trips. The proposed development would add about

1,600 trips which still falls below the permitted 14,000 trips. The traffic analysis indicates the road can handle the volume of traffic. Commissioner Hannan commented that he is looking into the future when there may be too much traffic for that roadway.

Commissioner Kussard commended Mike Burske and his team for the wonderful job they did on the construction of the playground equipment on Guava. The area is wonderful for children.

Mayor Rietz commented on the last manager's report saying that the Town is in very sound financial condition.

A workshop to discuss future development will be scheduled an hour prior to the Commission meeting on February 7, 2022. This may change based on another meeting yet unscheduled.

K. PUBLIC COMMENTS

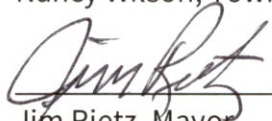
Dan Vincent suggested putting the ball in the developer's court. Make him go to the county to nail down issues with roads and schools. Why wait until we have the problem then try to resolve it.

L. ADJOURN

There being no further business, the meeting was adjourned at 7:01 p.m.



Nancy Wilson, Town Clerk



Jim Rietz, Mayor