

MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA

JANUARY 19, 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 Pastor Debbie Casanzio – Lady Lake United Methodist 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; Wendy Then, Senior Planner; C.T. Eagle, Public Works Director; Chief Rob Tempesta and Lieutenant Nelson Vargas, Lady Lake Police Department; Nancy Wilson, Town Clerk

E. CONSENTⁱⁱ

1. Minutes — January 3, 2022 — Commission Meeting

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

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

F. NEW BUSINESS

2. Discussion regarding Water Oak obtaining adequate water flow pressure for the Sales Center as per the Memorandum of Understanding executed with the Town of Lady Lake (Thad Carroll)

In April 2020, the Town Commission approved a Major Modification to Site Plan for a sales office and administrative building for Water Oak Country Club Estates. At the same time, a Memorandum of Understanding was executed with Sun Communities that provided 18 months for the addition of two wells to reach minimum fire flow requirements for the hydrants (1500 gallons per minute at 20 psi). The 18-month period ended on October 20, 2021, at which time another extension was granted. Due to the outfall from Covid-19, they are once again requesting an extension.

Brad Penover, Senior VP of Construction for Sun Communities

Mr. Penover stated that they entered into an MOU with the Town in 2020 and had every intention of completing the project over that 18-month period. However, they ran into significant challenges with Covid-19 based issues which slowed down the process. The project is completely permitted, the wells are in place that are needed for the supplemental water flow and the project is ready to break ground. The challenge was trying to find a contractor he was comfortable with, but they are finally under negotiations and would like another 90-day extension. In the next 30-60 days they hope to break ground.

Commissioner Freeman asked a couple questions to which Mr. Penover responded that the contractor with whom they are negotiating is LPS Contracting out of South Florida. Also, the new water plant will be on a hilltop where it will interconnect with the existing system to provide the additional flow; engineering and plumbing is already in place. Mr. Penover said they have to build a water plant and then pipe from the maintenance building where there is currently a connection. All other infrastructure is existing.

To clarify, Mr. Penover said the water plant will not be built in 90 days, but it will begin within 90 days; the project will not be completed until the end of the year.

Commissioner Holden asked if it would have helped if the Town had run water to Water Oak. Mr. Penover responded that they did not pursue that avenue, but they could still consider it as a backup plan. Commissioner Holden commented that the situation is unique but utilizing Town water should be considered in the future.

Growth Management Director Carroll added that Lake County Fire is near Water Oak and the Fire Marshall feels that the response time is adequate should there be an emergency.

Mayor Rietz stated that on October 5, 2021, Mr. Gibbs, from Atwell LLC, said that the sales center and administration building are located one-half mile from the county fire department but that has changed because there is no way they can get across 441. Mr. Penover said there is actual fire flow next to the buildings, but it flows at 1,050 gpm vs. 1,500 gpm.

Commissioner Kussard said Sun Communities is acting in good faith to get the project off the ground and she is in favor of the extension.

Mr. Penover said that if they are not underway in 90 days, they are going to add sprinklers to the buildings.

Mayor Rietz asked if there were any questions from the public. Hearing none, he asked for a motion.

Commissioner Kussard made a motion to grant Sun Communities an additional 90 days to get the project underway; Commissioner Hannan seconded. Motion carried 5-0.

3. Consideration of Approval for the Lady Lake Square Apartments — New Major Site Plan MJSP 10/21-001 — Proposal of a 288-unit Apartment Complex, consisting of nine buildings, featuring amenities to include a clubhouse and pool, maintenance building, mail kiosk, five garage buildings, dog park area, and children's playground, providing 627 parking spaces, consisting of approximately 24 acres of land, located at the southwest corner of County Road 25 and Griffin Avenue, identified by alternate key numbers 3302494, 3305124, and 3306376 (Thad Carroll)

Growth Management Director Carroll gave an overview of the site plan, which was filed on October 5, 2021 for Lady Lake Square, LLC. He went over traffic impacts, stormwater, design standards and landscaping waivers. After reviews were conducted it was determined that the application is in compliance with the Town's Land Development Regulations and Comprehensive Plan with the exception of granted waivers.

Commissioner Freeman asked about removing all the gopher tortoises. Growth Management Director Carroll said they all have to be removed before a permit is issued; construction is prohibited within 25 feet of tortoise burrows. Commissioner Freeman then asked if there are any large trees on the property that will be removed.

Marty Delabovi – Benchmark Group - Applicant

Mr. Delabovi stated that they remove all tortoises from acreage they own. Currently, there is no place to relocate them for the next month so they will be held onsite until space is available. Mr. Delabovi performed an historic tree survey throughout the entire property and no historic

trees were identified. A sampling was performed to determine the number of caliper inches of trees on the site so they could come up with the formula for what would have to be replaced.

Mayor Rietz asked Growth Management Director Carroll what it means when he recommends approval. Mr. Carroll responded that he starts with the comprehensive plan followed by the Land Development Regulations to ensure the proposal complies with them. If both those elements are satisfied, impacts are studied. Growth Management (GM) works with MPO and Lake County to determine traffic impacts and to perform traffic studies. GM also works with developers to locate central water and sewer. The application is also sent to the Lake County School Board to check capacity. The department coordinates with several entities including St. Johns River Water Management District. Comments from the engineer are also reviewed and sent to the applicant. Basically, they look at all the facts and if they have the right to develop the property and if the property is properly zoned, the Commission does not have the discretion to deny the application, though comments are welcomed. On the other hand, variances and waivers can be denied. Staff tries to take care of any issues before the application is presented to the Commission; they can usually tell if a variance or waiver will be well received by the community.

In response to Mayor Rietz's question about how much time staff has spent on the current project, Mr. Carroll said that the project began in 2019-2020 and that the magnitude of this kind of project requires a lot of time. Time is also spent on these projects by Public Works.

Mr. Rietz also asked about Mr. Carroll's AICP (American Institute of Certified Planners) designation. Mr. Carroll answered that testing is required to earn the national designation which sets standards for Planners.

Again, in response to Mayor Rietz's questions, Mr. Carroll said that he has worked for the Town of Lady Lake for 15 years, has lived in the area since 1979 and has witnessed a lot of growth. He said the area has changed over the years, but he thinks the growth has been responsible. In closing, Mr. Carroll said that he feels good about his recommendations through the years.

Commissioner Kussard made a motion to approve the civil plans, landscaping plans and architectural elevations for the Lady Lake Square Apartments – New Major Site Plan MJSP 10/21-001; Commissioner Holden seconded. Motion carried 5-0.

4. Consideration of Approval for the Narine Commercial Retail Office — New Minor Site Plan MSP 05/21-001 — A Development Proposing a Multi-Tenant 2,115-Square-Foot Commercial Building, with 11 Parking Spaces, Landscaping Buffers, Site Lighting, and Signage; Located at 320 Highway 466, Identified by Alternate Key 1739799 (Thad Carroll)

On May 6, 2021, a Minor Site Plan application was filed with the Town that proposed tearing down existing structures on the property located at 320 Highway 466, and building a new 2,115 square foot commercial building. The zoning is light commercial, so the improvements are permitted per the Town's Land Development Regulations. Growth Management Director Carroll outlined the commercial design standards and landscaping waivers. Landscaping, utilities, and traffic were also summarized. The application has been determined to comply with the Land Development Regulations and the Comprehensive Plan except for the requested waivers and the granted variance. This development will be permitted through St. Johns River Water Management District; construction won't commence until that development permit is received.

This application has been brought before the Commission in the past with the recommendation that the elevation be improved. They have returned with an improved elevation.

Commissioner Freeman said there will be little traffic generated by this development but asked if a U-turn could be made at 466, east of the development, Mr. Carroll answered in the affirmative. Commissioner Freeman is concerned about West McClendon getting any more traffic.

Commissioner Kussard made a motion to approve the civil plans for the Narine Commercial Retail Office MJSP 05/21-001 with the requested waivers; Commissioner Hannan seconded. The motion carried 5-0.

G. TOWN ATTORNEY'S REPORT

Town Attorney Schroth stated that the Chris McKinstry lawsuit is scheduled for mediation on March 28, 2022. The Town Attorney would like to hold a closed session, prior to that meeting, with the Town Commission to discuss the direction they would like him to take. Even though this is being handled by PRM, the Town's insurer, the Commission still has a say in the matter. The meeting is closed to the public and there will be a court reporter in attendance. All documentation regarding the case will remain sealed until the case is over at which time it becomes public information.

The Commission decided to hold the meeting just before the February 23rd Regular Town Commission meeting. It will commence at 5:15 pm.

H. TOWN MANAGER'S REPORT

Town Manager Lawrence announced the Art in the Park event that will be held on January 22-23.

Mr. Lawrence said that issues were discovered with the Taylor property regarding the purchase. On December 20, 2021, the Commission approved the contract to purchase a portion of the property owned by Tabitha Taylor. The Town had been negotiating with Tabitha Taylor for many years regarding the purchase of a portion of her property. The Town currently has a 25-foot utility easement on the property and the purchase would add an additional 15 feet. The creation of a 40-foot-wide right-of-way could be used for a roadway in the future. The Town would pay \$8,000 for the purchase of land; \$5,100 for the installation of a fence and all legal fees. A deed search and survey have been conducted to ensure clear title and to create a legal description.

The issue discovered is with the owner's mortgage company. The owner is listed as survivor on the mortgage which is in the late husband's name. Ms. Taylor will not give the title company permission to contact the mortgage company and she does not have the means to apply for a new mortgage. If the purchase is contingent on any dealings with the mortgage company, she is not interested in pursuing the sale of the vacant piece of land. The Town could buy the first right of refusal so the land is not sold to someone else later or the Town could purchase the mortgage and own the entire property.

Commissioner Freeman asked about the cost of buying the entire property to which C.T. Eagle said it would cost \$130,000; the property value is much higher than when this was discussed years ago.

Mayor Rietz asked how important the strip of land is as a connector. C.T. Eagle answered that all roads are important especially when trying to connect isolated subdivisions. He added that the Town has an easement on the property where our utilities run. In response to Mayor Rietz, Town Attorney Schroth answered that the Town could lease part of the land; he added that we have emergency access through the property because of a previous court case. Mr. Schroth then said that if the Town was to proceed with the \$8,000 sale, it would be subject to the mortgage so if Ms. Taylor ever defaulted, the mortgage company could foreclose the Town's ownership interest out of that strip. That would be a risk to the Town.

Commissioner Holden asked if the two properties are joined, and the answer was that the mortgage encumbers all of it. Commissioner Hannan said the Town has lived without this land for many years, he supposes we could continue to live without it. C.T. Eagle said we could live without the extra land, but it would be nice to give the area residents another access to their properties.

Commissioner Holden commented that \$130,000 is a lot of money; is there not another strip of land that could be used for access. C.T. Eagle said they have looked at other options in the past, but he will revisit it.

I. MAYOR AND COMMISSIONER'S REPORT

Commissioner Kussard announced that on the January 27th at 9 am in our Chambers, there will be a civics class for The Villages Middle School students. She thinks it's important for all the commissioners to attend.

Commissioner Freeman had a meeting with FDOT and Southland at Water Oak to discuss the construction of the highway in relation to Water Oak Boulevard. He took the opportunity to ask a lot of questions so he is able to explain what construction will bring. When the bridge is removed, a roadway will be built at grade that will become a temporary northbound lane while they remove the northbound bridge. When that is done, they will begin construction on the entrance to Water Oak; there will only be an entrance from 441, the exits will all be onto Griffin Avenue. The entrance on Griffin Avenue will remain. They are going to look at putting the traffic signal back at Water Oak Boulevard and 441 because people coming out of Water Oak wait too long to venture out onto 441. Also, they are probably going to eliminate left turns at Old Vineyard off 441 southbound.

According to Commissioner Freeman, Marty Delabovi told FDOT that he was going to install a right turn lane on Fennell to mitigate the traffic coming out of his shopping center. C.T. Eagle said the project has been under discussion for many years. The contractor, Southland, is willing to do it, possibly this spring.

To conclude his report, Commissioner Freeman stated that there are a lot of issues to deal with.

Mayor Rietz said he and C.T. Eagle talked earlier about FDOT reopening southbound U-turn lanes. Mr. Eagle said they are planning on reopening southbound left turn lanes onto Rolling Acres Road and Fennell Boulevard. Old Vineyard will remain closed because of a grade problem; they are in the process of bringing it up to grade which is why Water Oak Boulevard will remain closed through bridge demolition. He doesn't think FDOT ever expected the amount of traffic to be what it is. The current construction was initially discussed in 1997.

Chief Tempesta reported that when the new road pattern began, there were 17 crashes within the first 6 days. Citations were issued when left turns were made illegally. There has been a slight decrease in traffic crashes along the construction zone but motorists still need to pay attention to posted signs and make proper decisions when traveling throughout the construction zone. During the past 2 weeks, the police department responded to 12 crashes in

the area of Rolling Acres Road to Fennell Blvd. The police department will continue to enforce traffic violations throughout the construction zone.

Commissioner Kussard commended the Town Manager about all the information provided in his weekly manager's report.

J. PUBLIC COMMENTS

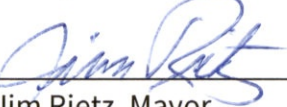
No comments from the public.

K. ADJOURN

There being no further business, the meeting was adjourned at 6:56 p.m.



Nancy Wilson, Town Clerk



Jim Rietz, Mayor