

# **MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA**

**April 15, 2024**

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 Freeman presiding. The meeting convened at 6:00 p.m.

## **CALL TO ORDER**

## **INVOCATION**

Given by Reverend Jim Keough

## **PLEDGE OF ALLEGIANCE**

Led by Mayor Freeman

## **ROLL CALL**

| <b>Commissioner (Ward)</b> | <b>Present</b> |
|----------------------------|----------------|
| <b>Regan (Four)</b>        | <b>YES</b>     |
| <b>Roberts (One)</b>       | <b>YES</b>     |
| <b>Gourlie (Two)</b>       | <b>YES</b>     |
| <b>Sage (Five)</b>         | <b>YES</b>     |
| <b>Freeman (Three)</b>     | <b>YES</b>     |

## **STAFF PRESENT**

Bill Lawrence, Town Manager; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; John Pearl, I.T. Director; Mike Burske, Parks and Recreation Director; Police Chief Steve Hunt, Lady Lake Police Department; Deputy Chief Jason Brough, Lady Lake Police Department; Rebecca Higgins, Senior Planner; Elisha Pappacoda, Communications Director; Carol Osborne, Deputy Town Clerk; Nancy Wilson, Town Clerk

Town Attorney Derek Schroth was also in attendance.

## **A. PRESENTATION**

- 1. Presentation of \$500 from the Orange Blossom Gardens Lion's Club to purchase trees for Arbor Day.**

Doris Turlo, Past District Governor Lion, from the Orange Blossom Lion's Club presented Mayor Freeman with a check for \$500 to purchase trees for Arbor Day. She stated that the Lion's Club helps whenever and wherever they can.

## **B. PROCLAMATIONS**

### **2. Proclamation declaring April 25, 2024, as Florida Arbor Day in Lady Lake (Mayor Freeman)**

Mayor Freeman read the proclamation aloud declaring April 25, 2024, as "Florida Arbor Day" in the Town of Lady Lake.

## **C. CONSENT**

- 3. April 1, 2024 – Town Commission Meeting Minutes (Carol Osborne)**
- 4. Consideration of Reappointment of Daniel Russell to the Police Pension Board. (Nancy Wilson)**
- 5. Consideration to Reduce the Amount of the Construction Bond for the Hammock Oaks Subdivision Phases 1A, 1B, and 1C (Thad Carroll)**

**Commissioner Roberts made a motion to approve the Consent Agenda as presented; Commissioner Gourlie seconded. Motion carried 5-0.**

## **D. NEW BUSINESS**

### **6. Consideration of Contract Approval to Award RFP 2024-001 to HP Communications (John Pearl)**

IT Director John Pearl stated that staff would like approval to award the Fiber Optic Cable Outside Plant Construction services to HP Communications, Inc. Two bids were received; HP submitted the lower of the two. This is a phased, pay-as-you-go construction plan consistent with the previously approved Fiber Master Plan. If approved, construction will begin in May.

During the first year of the plan, approximately 2.8 miles of fiber and 2.3 miles of new fiber conduit will be installed. At the completion of the project in year nine, approximately 19 miles of high-capacity, redundant fiber optic backbone will have been constructed that will connect 7 town facilities, 6 town parks, 3 well sites, 21 lift stations and 5 communications towers.

Regarding the ongoing maintenance costs, the bid only covers the equipment replacement costs and not the anticipated costs of additional personnel or what the cost outlay would be to repair a fiber cut. The IT Department has a hardware lifecycle management program where it is anticipated that 20% of the equipment is replaced every year so that every five years all

equipment has been replaced. The lifecycle management program would apply to the terminal equipment needed for any fiber that is installed.

In July, the town will be in possession of the conduits that FDOT has installed. We have recently completed the design, engineering and permitting of the new fiber network that is being presented this evening.

Mr. Pearl displayed on the screen the different elements and details of the project and ultimately how they would all be tied in for the completed fiber optic backbone.

The total contract award of \$2,297,978.48 will be distributed over a nine-year period with the budgeted first year cost of \$323,268 which includes a 20% contingency allowance. The cost will be divided evenly among the OGS account and the water and sewer accounts.

Commissioner Roberts asked Mr. Pearl about the connection to the Parks & Recreation facility off Rolling Acres Road. Because the road is slated to be widened in the future, how will widening the road affect the fiber installation. Mr. Pearl said that in year six, building that part of the network (on Rolling Acres Road) will commence. Hopefully, in those six years they will know more about potential construction on that road and can plan accordingly. As a general practice, to accommodate future construction, they are trying to work as far into the right-of-way as possible.

Commissioner Sage asked if the fiber loop is self-healing such that if the fiber is severed in one location the traffic would automatically return to the loop to avoid an outage. Mr. Pearl answered affirmatively, adding that was one of the design goals for the network. The pay-as-you-go concept being implemented will not provide redundancy in the first four or five years. We will get connectivity first then concentrate on redundancy during the second half of the project. There will be full redundancy at all 42 locations by the end of the project so if there is a cut at any location everything will continue to operate.

Commissioner Sage asked if there is any location that will need additional backup such as twisted-pair, cellular, microwave, etc. Mr. Pearl responded that with the investment that is being made they have redundant connections and divergent paths to every host location. Every lift station will have redundant, divergent paths. His hope is that the designed redundancy will be enough. We have the potential to add additional equipment, but it would have to be weighed against the associated maintenance burden. The more equipment we have, the more maintenance we have and the more things we have to worry about securing. Another goal of this network design is to minimize the amount of terminal equipment we need and to minimize the number of connections to the internet.

Commissioner Sage commented that at the end of the project, a lot of the equipment used will be obsolete. Does the contract cover replacing the equipment as the project progresses? Mr. Pearl responded that the contract is for the fiber itself, for constructing the fiber and the fiber conduit and other related equipment; no terminal equipment is provided. Therefore, we have to anticipate equipment obsolescence and it will be treated the same as the equipment in our hardware lifecycle management program.

Commissioner Sage asked Mr. Pearl if he anticipates the need for additional personnel because of this project. Mr. Pearl responded that he anticipates the addition of one position for fiscal year 2024/2025 to administrate the network; that person will not perform maintenance on the network. The plan for repairs is to have an emergency fund that can be used to immediately engage the services of a third-party for repairs then in the case of a cut line, they would go after the person responsible for reimbursement.

Commissioner Sage stated that once this network is installed, we become the telephone company, and outages would need to be fixed immediately. Mr. Pearl said he is the only person fixing the problems now, which is why another employee would be beneficial as backup.

Commissioner Sage stated how the local loop going into the police department is vital. He asked if we have another path for the local loop. Mr. Pearl responded that multiple paths are part of the design specifications. A lot of our services in the police department are hosted by the Lake County Sheriff's Office. We still need to be able to connect to them which we do over an IP connection. We have built, designed, and recently improved our redundant connectivity for that particular service so when the officers are driving around town, they have access to all the services they need to do their jobs.

Commissioner Sage asked if there is redundancy at all locations. Mr. Pearl responded that there is currently no redundancy at all locations, in fact, there is no network connectivity at their lift stations. They are still using radio connectivity and it is not working well. The new plan, when fully conceived in year nine, will provide full redundancy to all locations.

Commissioner Sage asked Mr. Pearl if down the road he anticipates any regulations by Homeland Security that will require this type of system to combat cyber-attacks. Mr. Pearl answered that security is a consuming part of his job and he sees this network as a security benefit. He also discussed the benefits of having such a network in place, noting that the town could be shielded from liability if we are in compliance with certain standards in the case of a data breach, for instance. It will also reduce the number of connections to the internet, those connections increase network vulnerability. Nearby locations with a fiber loop

like the one being proposed are Leesburg, The Villages and Clermont and other municipalities in the area are in different stages of development.

**Commissioner Sage made a motion to approve award RFP 2024-001 to HP Communications, Inc; Commissioner Roberts seconded. Motion carried 5-0.**

#### **E. TOWN ATTORNEY'S REPORT**

Town Attorney Derek Schroth advised that he and the mayor received an email asking if a commissioner has a conflict approving annexations because they work for a material supplier and that company may supply materials for proposed construction projects. Attorney Schroth advised that there is no conflict as there must be evidence that the elected official would profit from the sale of the materials.

#### **7. Ordinance 2024-02 – (Second and Final Reading) An Ordinance Amending the Zoning Classification for Certain Property Being approximately 2.180 Acres Owned by Tree Tops Golf, Inc., Located at the Southeast Corner of the Intersection of Rolling Acres Road and West Lady Lake Boulevard Within the Town Limits of Lady Lake, Florida; Amending the Current Entitlements of the Planned Commercial (CP) Memorandum of Agreement. (Thad Carroll)**

Mr. Carroll presented this agenda item stating the applicant is Alex Girard with Tree Tops Golf, Inc. He stated that the current use of the property is miniature golf and batting cages. He advised that the applicant is requesting to modify the uses under the Planned Commercial classification to allow retail sales of golf carts and golf cart accessories. He stated that the retail sales designation will be limited to the 2.18-acre site. He stated that only three golf carts are permitted to be exhibited in the parking lot and a maximum of 30 vehicles on display at any time on the property.

Commissioner Sage asked why only three golf carts are permitted to be displayed.

Mr. Carroll stated that esthetics is the main reason as he does not want the front parking lot to look like a car lot. Also, it provides an adequate number of spaces needed for customer parking.

**Commissioner Regan made a motion to approve Ordinance 2024-02; Commissioner Gourlie seconded.**

| Commissioner (Ward) | Vote |
|---------------------|------|
| Regan (Four)        | YES  |
| Roberts (One)       | YES  |

| Commissioner (Ward) | Vote |
|---------------------|------|
| Gourlie (Two)       | YES  |
| Sage (Five)         | YES  |
| Freeman (Three)     | YES  |

**Motion passed by a 5-0 vote.**

**8. Ordinance 2024-03 – (First Reading) – An Ordinance Voluntarily Annexing Three Properties Being Approximately 24.02 Acres, Owned by David M. Caudill Life Estate and David M. Caudill; Located on the North Side of Lake Ella Road, Approximately 350 Linear Feet West of Micro Racetrack Road; within Lake County, Florida; Providing for Redefinition of the Land Boundaries of the Town of Lady Lake (Thad Carroll)**

Growth Management Director Carroll gave an overview of the application for annexation filed on behalf of property owner David Caudill. The request is to annex three properties totaling 24.02 acres. The current future land use designation is Lake County Rural, and the zoning designation is Lake County Agricultural. The present use of the property is a residential home and pastureland.

Upon development of the property, the area will be served by the town's water, sewer, and reuse facilities. The subject property is contiguous with the existing municipal boundary and connects to the property referred to as The Reserve at Hammock Oaks which has already been annexed into the town.

Staff support the annexation of the property for several reasons. It gives the town the ability to designate a future land use designation and subsequently a zoning designation. Another reason is that the property would provide connectivity to Lake Ella Road. There are various ways to get out of Hammock Oaks which is closer to 466 and The Reserve at Hammock Oaks has an east-west movement that dump onto Cherry Lake Road and Rolling Acres Road. With this piece of property, the developer could stub out to Lake Ella Road lessening the trips on the east-west roads.

Commissioner Sage stated that he was not at the previous meeting when this item was discussed and he would like to state his concerns, the first one being traffic. He drives on Micro Racetrack Road, Lake Ella Road and Cherry Lake Road frequently and the area is very busy. A traffic signal at Lake Ella and Micro Racetrack roads would turn farmland into a metropolis. The traffic on Rolling Acres Road is extraordinary. The Hammock Oak project started out as 273 acres and it is now at 693 acres, and nobody is living there yet; it has tripled in size. The proposed development will generate a lot of trips when completed and he is

concerned that the roads will not be able to handle it. He does not feel that annexing the property and gaining the Lake Ella Road access point will significantly reduce the traffic problems on surrounding roads.

Commissioner Sage talked to previous commissioners who were around decades ago. One of them told him that widening Rolling Acres Road was discussed in the 1990's and the request was turned down. He went to the site today and commented that if we were to widen Rolling Acres Road now, it would take many years and we would have to get rights-of-way from every property owner which would require a lot of negotiation before the widening could begin.

Commissioner Sage's other concern is schools. Already approved are 2,174 units for this development of which 827 are age restricted leaving 1,347 not age restricted. He performed calculations to determine the potential number of school age children this development could bring in addition to the overall population increase. Lady Lake has proven that we are in favor of development but there is a point where we need to catch-up and see how the units that are already on the books affect the town. If we keep annexing property, what kind of life will we have in Lady Lake.

Commissioner Roberts stated that she too sits in traffic sometimes and she is also concerned about the school situation, so she did some research regarding the growth rate in Lady Lake. In the 1980's, there was a lot of growth up until 2000; we went from 1,100 to 12,000 people during that period. Since the year 2000, the population has increased by 4,657 people, which is almost a 28% increase. Lake County's population during that same time period doubled and Florida's population has exploded. She feels we have practiced responsible growth while keeping our millage rate low.

Regarding schools, Commissioner Roberts researched what triggers the building of new schools. She found out that building a new school does not happen unless schools are already overcrowded. So as long as we stay under 100% capacity, we are not getting another school. From the Marion County Line to near Mascotte, Leesburg is the high school students attend from that entire area. The student generation rate for single family homes in excess of 800 square feet is .132 for all grades thus it takes three households to generate one student. We are not talking about a giant development; we are simply adding a small piece to an existing development that abuts Fruitland Park.

Commissioner Gourlie stated that the Water Oak community has two exits from the property, and he asked the Mayor, who lives there, if another exit from the property would have been advantageous. His point being that another exit would benefit the residents and reduce traffic on the roads where the other exits are located.

Commissioner Regan stated that the upcoming ordinance relates to 296 acres where the zoning designation will be changed. It is not just 24 acres. He too is concerned about traffic and schools and shares Commissioner Sage's sentiments.

Commissioner Roberts asked Growth Management Director Carroll if the 296 acres mentioned by Commissioner Regan is new acreage or is it 24 acres added to the acreage that is already zoned for the development. Mr. Carroll responded that the request is just for an additional 24 acres. If the application for annexation were to be denied, the development still has entitlements to develop the other 272 acres. No entitlements would be taken away.

Kathy Wolfarth – 363 Conch Key Lane

Ms. Wolfarth is opposed to the development for numerous reasons including additional traffic, increased noise, loss of green space, effect on wildlife and pollution. She is in favor of holding off on annexations to see what the impact of housing already on the books will bring. Ms. Wolfarth is further concerned about the overtaxed aquifer.

Mayor Freeman stated that he agrees with Commissioner Roberts' position on building in Lady Lake. The development under discussion is already in place. The addition of 24 acres is not going to make a difference one way or another. He suggested that those who are concerned about traffic should drive the area; it is not that bad. This annexation will not make much of an impact. Also, regarding the proposed Walmart, they would not continue to build them if they were not bringing in the shoppers.

Responding to Mayor Freeman's Walmart comment, Commissioner Gourlie added that the new Walmart will add \$41 million dollars to the tax base.

**Commissioner Gourlie made a motion to approve Ordinance 2024-03; Commissioner Roberts seconded.**

| Commissioner (Ward) | Vote |
|---------------------|------|
| Regan (Four)        | NO   |
| Roberts (One)       | YES  |
| Gourlie (Two)       | YES  |
| Sage (Five)         | NO   |
| Freeman (Three)     | YES  |

**Motion passed by a 3-2 vote. (Regan, Sage)**

**9. Ordinance 2024-04 – (First Reading) – An Ordinance Pertaining to Comprehensive Planning in the town of Lady Lake, Florida; Amending the Town of Lady Lake Ordinance**

**81-1-(83), Which Established the Town of Lady Lake Comprehensive Plan; providing for a Small-Scale Future Land Use Map Amendment. (Thad Carroll)**

Mr. Carroll presented this agenda item stating that the request is to change the property from Lake County Rural Density to Lady Lake Single Family Medium Density, which allows up to six dwelling units per acre. He advised that at the April 1, 2024, Local Planning Agency meeting, that applicant agreed to adhere to a limitation to four dwelling units per acre, at the request of the board. Mr. Carroll stated this is a policy specific amendment because the Town does not have a comprehensive plan category that is between three and six dwelling units per acre.

Mr. Carroll stated that no threatened species were found within the site. The report also noted that the surveyed property did not contain habitats conducive to Florida scrub jays or sand skinks. He stated if evidence of gopher tortoises and/or sand skinks are found, the applicant must obtain permits to relocate.

Mr. Carroll advised that the property will be required to adhere to St. Johns River Water Management District guidelines, and there is no flood plain located on this property. He stated that based on the proposed uses for this portion of the property, there is adequate capacity for water and sewer utilities. He added that the applicant will be providing parks and recreation and open space amenities with this development.

Mr. Carroll stated that this project has the potential to add 12 new elementary students, 6 new middle school students, and 9 new high school students. He stated that the applicant would need to work with the Lake County School Board regarding the increase in student generation.

Mr. Carroll advised that when he reviews an application, he compares the traffic impact with the road design and what the road capacity is. He stated at the present time, Rolling Acres Road is operating adequately and no longer has the failing segment. He acknowledged that there is more traffic now than ten years ago, yet the road was designed to accommodate more traffic than it is currently accommodating.

**Commissioner Gourlie made a motion to approve Ordinance 2024-04, including a policy specific amendment to only allow up to four dwelling units per acre; Commissioner Roberts seconded.**

| Commissioner (Ward) | Vote |
|---------------------|------|
| Regan (Four)        | NO   |
| Roberts (One)       | YES  |
| Gourlie (Two)       | YES  |

| Commissioner (Ward) | Vote |
|---------------------|------|
| Sage (Five)         | NO   |
| Freeman (Three)     | YES  |

**Motion passed by a 3-2 vote. (Regan, Sage)**

**10. Ordinance 2024-05 – (First Reading) – An Ordinance Amending the Zoning Classification for Certain Properties Being Approximately 296 Acres, Owned by David M. Caudill Life Estate, David M. Caudill, and SK Hammock Oaks, LLC; 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 (A) and Town of Lady Lake Planned Unit Development (PUD) to Town of Lady Lake Planned Unit Development (PUD). (Thad Carroll)**

Mr. Carroll stated the application is the rezoning of the 24 acres, along with the 296 acres. He stated that much of the property already has entitlements under existing PUD ordinance. The applicant is requesting to rezone the subject property from Lake County Rural, which permits one dwelling unit per acre, and the zoning designation being sought is PUD. He stated that the present use of the property is pastureland and single-family dwelling unit. He stated that staff recommends approval.

Mr. Carroll advised that the maximum number of residential units within the development will not exceed 1,105 units, which will consist of 920 single-family detached units, and 185 townhomes. He stated that the non-residential uses that will be permitted by this PUD to support the neighborhood such as on-site day care facilities, convenience store, personal services, and amenity facilities including a mini-warehouse, and outdoor storage for autos, boats, and/or RVs for use of the development residents only. He stated that by allowing storage on the property that could eliminate some traffic on Cherry Lake Road and Rolling Acres Road.

Mr. Carroll stated that there will be a roundabout that will egress onto Rolling Acres Road and Cherry Lake Road, and the third outlet will be on the south side of the development on Lake Ella Road.

Commissioner Regan asked if the townhomes will be detached units.

John Curtis with Kolter Land

Mr. Curtis explained that the townhomes on the large PUD property will have four-plex and six-plex attached units. The 24-acre parcel before the commission this evening will have only single-family detached units.

**Commissioner Roberts made a motion to approve Ordinance 2024-05; Commissioner Gourlie seconded.**

| <b>Commissioner (Ward)</b> | <b>Vote</b> |
|----------------------------|-------------|
| <b>Regan (Four)</b>        | <b>NO</b>   |
| <b>Roberts (One)</b>       | <b>YES</b>  |
| <b>Gourlie (Two)</b>       | <b>YES</b>  |
| <b>Sage (Five)</b>         | <b>NO</b>   |
| <b>Freeman (Three)</b>     | <b>YES</b>  |

**Motion passed by a 3-2 vote. (Regan, Sage)**

#### **TOWN MANAGER'S REPORT**

Town Manager Bill Lawrence commended Communications Director Elisha Pappacoda who met her goal of implementing a new Town website. He also acknowledged System Analyst Leon Platt who helped and the department heads who supplied content for the website. He stated that the pictures are fabulous, it is easier to navigate.

Mr. Lawrence stated that tomorrow is the last Farmer's Market for this season and will start again in October. He stated it has been a huge success and congratulated Parks and Recreation Director Mike Burske and his staff.

April 25, 2024 - Arbor Day Tree planting celebration will be at the Lake County Fire Station at 10AM.

May 4, 2024 – Survivor the Mother-Son edition at Snooky Park from 10AM – 2PM.

Mr. Lawrence stated that a commission workshop on Cyber Security will be held in May.

#### **MAYOR AND COMMISSIONER'S REPORT**

Commissioner Gourlie suggested adding the land use designation of four dwelling units per acre to our Land Development Regulations.

Mr. Carroll stated that is at the commission's discretion. He stated that it is enacted by a text amendment to the comprehensive plan.

Commissioner Roberts stated that she attended the Institute for Elected Municipal Officers Level 2 Course in Altamonte Springs, sponsored by the Florida League of Cities. She stated they reviewed the land development regulations, revenue, budgeting, along with other topics that she felt duty bound to educate herself for the upcoming budget cycle. She stated it was

excellent training with many talented and articulate teachers, and she recommended this training to all the commissioners.

Commissioner Sage stated that he, too, likes the new website and asked when live-streaming will be implemented.

Mayor Freeman stated that it is his understanding that a few of the cameras need to be relocated and readjusted prior to live-streaming implementation.

Mayor Freeman stated that he was recently appointed to the Keep Lake Beautiful Advisory Committee. He stated that he believes when the Hammock Oaks Development project is completed, there will be more trees there than what is there currently. He stated that he is confident that the developer will incorporate a lot of vegetation to make the project appealing.

Mayor Freeman stated that there was an article in the Daily Commercial on April 3, 2024, titled, "A show of unity on Horseback: County-line residents ride for pastures and hobby farms". He stated that the people were riding horses in opposition to the proposed development at Grand Oaks. He stated that there is innuendo in the article suggesting that there is "back room" stuff going on with the commission. He stressed that this is the furthest thing from the truth. He stated that Thad Carroll was quoted having said to the residents, "you have nothing to worry about." Mayor Freeman stated that he does not believe Mr. Carroll said that. Also, there was a reference to Commissioner Roberts having a meeting with the developer.

Mayor Freeman stated that the reporter, Julie Garisto mentioned that this commission passed an ordinance to bypass mandatory public notices. He stated that the pictures shown during Mr. Carroll's ordinance presentations this evening showed the property had orange notices posted on the property. He stressed that the Town does not bypass public notices and there is no such ordinance. He stated Ms. Garisto did not call Town Hall to get this information.

Mayor Freeman acknowledged that the commissioners do not always agree on issues. Yet they are all on the same page when doing what they feel is best for the town. He commended the staff who work in town hall as dedicated employees who play by the rules, and there are many rules. He stated that if anyone is going to talk to the newspaper, to get their story straight.

## **PUBLIC COMMENTS**

Richard Masso, 373 Carriage Lane

Mr. Masso commended Commissioner Regan and Commissioner Sage for voting against the annexation. He stated his concerns regarding annexations, traffic, and the impact on schools.

Kathy Willis, 40101 Orange Circle

Ms. Willis stated that she is in support of more non-age restricted housing.

**ADJOURN**

There being no further business, the meeting was adjourned at 7:37 p.m.



Carol Osborne, Deputy Town Clerk



Ed Freeman, Mayor