

MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA

November 18, 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

Pastor Keith Johnson

PLEDGE OF ALLEGIANCE

Led by Mayor Freeman

ROLL CALL

Commissioner (Ward)	Present
Regan (Four)	YES
Gourlie (Two)	YES
Roberts (One)	YES
Sage (Five)	Excused
Freeman (Three)	YES

STAFF PRESENT

Bill Lawrence, Town Manager; Nancy Wilson, Town Clerk; Thad Carroll, Growth Management Director; Becky Higgins, Senior Planner; C.T. Eagle, Public Works Director; Police Chief Steve Hunt, Lady Lake Police Department; Deputy Chief Jason Brough, Lady Lake Police Department; Pam Winegardner, Finance Director; Taika DeLee, Human Resources Director; Elisha Pappacoda, Communications Director; and Carol Osborne, Deputy Town Clerk.

Town Attorney Derek Schroth was also in attendance.

COMMISSION SWEARING-IN CEREMONY:

John Gourlie, Ward Two

Ed Regan, Ward Four

The Town Clerk officiated the swearing in of the Commissioners.

CONSIDERATION OF SELECTION OF MAYOR AND MAYOR PRO-TEM FOR 2021-2022

Mayor Freeman asked the Commissioners for their nominations for Mayor and Mayor Pro Tem.

Commissioner Roberts nominated Commissioner Ed Freeman to the position of Mayor.

Commissioner Gourlie nominated Commissioner Treva Roberts to the position of Mayor. Motion died for lack of a second.

Commissioner Regan seconded the motion to elect Commissioner Ed Freeman to the position of Mayor. The motion passed by a vote of 4-0.

Commissioner Gourlie nominated Commissioner Roberts to the position of Mayor Pro Tem.

Commissioner Roberts seconded the motion. The motion passed by a vote of 4-0.

CONSIDERATION OF SELECTION OF COMMISSION LIAISONS FOR 2024-2025

Mayor Freeman asked the Commissioners for their input regarding the liaison assignments. After discussion, the following changes to the liaison list were made:

Chamber of Commerce Liaison – Commissioner John Gourlie

Florida League of Cities: Commissioner Treva Roberts

Lake County School Concurrency Representatives – Commissioner Treva Roberts; Derek Schroth, Attorney

Lake County Technical Advisory Committee – Becky Higgins, Primary; C.T. Eagle, Alternate

Metropolitan Planning Organization – Mayor/Commissioner Ed Freeman

MPO Citizens Advisory Committee: Vacant

Parks, Recreation & Tree Advisory Committee – Commissioner Mike Sage

Police Pension Liaison– Commissioner Ed Regan

The Villages Elementary School Liaison – Commissioner Treva Roberts

A. CONSENT

1. November 4, 2024 – Town Commission Meeting Minutes

Commissioner Roberts made a motion to approve the Consent Agenda as presented;

Commissioner Gourlie seconded. Motion carried 4-0.

B. NEW BUSINESS

1. Consideration of Approval of Stormwater Utility Feasibility Study Findings. (C.T. Eagle)

Public Works Director C.T. Eagle presented this agenda item stating the Town Commission previously approved Surface Water Professionals to conduct a feasibility study, now completed, for

the possible implementation of a new Stormwater Utility. Town staff supports the recommendations, utilizing non-ad valorem assessments, establishing the ERU of 2,000 square feet, and setting the rate to \$4 per ERU for the Enhanced Tier of Service. The commission has discretion to set the rate higher or lower. If approved, town staff will begin preparing the necessary documents to implement the new Stormwater Utility and begin the required proper public noticing and advertisement efforts. The related ordinances and documentation will be presented to Town Commission for final approval prior to implementation.

Mayor Freeman asked Mr. Eagle to define ERU.

Mr. Eagle explained that ERU means Equivalent Residential Unit, which is the basis for the assessment. He explained further that the assessment is based on 2,000 square feet of the structure and impervious surface.

Mayor Freeman asked Mr. Eagle if the annual assessment is \$4 per ERU.

Mr. Eagle clarified that the monthly assessment is \$4 per 2,000 sq. feet, equating to \$48 annually.

Ron Hart, Chief Limnologist, Surface Water Professionals, LLC

Mr. Hart stated that the Town of Lady Lake is one of just a few large municipalities in Lake County that has not implemented a Stormwater Utility Assessment. He stated that they contacted and surveyed the municipalities within Lake County, collecting information regarding their utilities' practices. The research found that many municipalities were utilizing their existing utilities to generate the revenue to bill the citizens. He advised this practice would not work for Lady Lake due to some properties having wells and septic tanks, and those residents are not paying a utility bill to the Town.

Mr. Hart discussed the various rate charges and revenues received by several municipalities in Lake County. He explained that the ERU is a standard unit of measure applied to all homes by using an approximate square footage for the average home in Lady Lake. He advised each municipality sets different ERU rates. The revenue generated offsets what is currently being collected and is then entered into its current budget category.

Mr. Hart stated that multi-family structures are assessed individually to each dwelling unit, i.e., an apartment building will be assessed for each apartment unit. Commercial or non-residential properties are assessed one ERU per square footage of impervious area. With a shopping mall, for example, the total impervious area would be measured and the square footage divided by the adopted ERU. Vacant land is typically not assessed.

Mr. Hart stated that a stormwater utility assessment is a fair assessment across the board. The properties that generate the most runoff, that cause the most problems pay their fair percentage of the cost to manage stormwater runoff.

Mr. Hart stated that most cities do not offer exemptions as it creates opportunities to challenge the city's policy. He stated that roads and highways are generally not billed in a stormwater utility. He further explained that government facilities could be exempt because they cannot be sold to collect taxes. Mr. Hart stated that some cities have applied credits to existing on site facilities that provided stormwater treatment. He does not recommend this practice.

Mr. Hart identified three potential options to enhance the stormwater program:

Maintain the Current Program at the existing funding rate. These figures are generated from the budget at the beginning of the year, with amendments made throughout the year.

Enhanced Stormwater Program includes changes that would increase the total funding for activities such as street sweeping. This program could be operated frequently as the seasons change.

Superior Stormwater Program benefits larger, more affluent communities that have larger budgets and larger organizations such as Clermont and Mount Dora.

Mr. Hart commended Town staff for providing the land use map from which the total number of single-family parcels, multi-family parcels, and nonresidential parcels was generated. He stated these are the main categories of importance. The nonresidential category encompasses commercial, industrial, institutional, and agricultural.

Mr. Hart discussed the revenue calculations. He recommended implementing the stormwater utility to enhance the resilience to flooding, protecting water quality, and promoting sustainable growth and development. He recommends a 2,000 sq. foot ERU with a rate of \$4 per ERU to fund an Enhanced Stormwater Program, and to utilize the existing non-ad valorem tax system to collect the annual fee.

Commissioner Roberts stated that she lives The Villages, and the amenities fees already include water and stormwater fees. She stated that if the stormwater utility is implemented, she would be paying a fee to the Town and to The Villages.

Mr. Hart stated that he did not know that The Villages currently has an assessment for stormwater.

Mr. Eagle clarified that the amenities fees include a stormwater charge for The Villages Community Development District's (VCDD) common properties, not personal property. He clarified that the Town's costs are separate from The Villages costs.

Commissioner Roberts asked Mr. Eagle if the Town is processing the water coming from the properties inside The Villages.

Mr. Eagle explained that it is more than simply processing stormwater. He stated that the stormwater utility includes street sweeping, mowing, general maintenance, and those costs are

currently being paid through the general fund. He stated the stormwater utility fund is an offset fund, an enterprise fund that is self-funding. As the stormwater utility revenue increases, costs will no longer be taken from the general fund. He stated that The Villages is a separate entity, and the assessment being charged to its residents is completely unrelated to the Town's costs. He stated that The Villages does not maintain Lady Lake roads and retention ponds.

Commissioner Roberts asked how mobile home communities would be assessed.

Mr. Hart explained that mobile home communities are assessed per individual unit. He stated that the assessment is paid by the property owner based on the total number of units in the development.

Mr. Eagle reiterated that a stormwater utility is its own revenue fund, such as the Town's water fund and sewer fund which are both enterprise funds and are self-sustaining. He stated that if the stormwater plan is approved it will be part of the maintenance department initially and will slowly grow into a true stand-alone utility department. The department will function like the maintenance department with street sweeping, mowing rights-of-way, and cleaning out storm drains. He stated that the Enhanced Stormwater Program will provide additional services because there will be staff specifically for stormwater management issues. He explained that many properties have a storm pipe under their driveway and, when it gets clogged it is up to the property owner to clean it out. The maintenance crew maintains the Town's storm pipes as time permits. Having a true stormwater program would include creating and maintaining swales and pipes. He noted that as the fund grows the Town could purchase its own streets sweeper for regular street sweeping maintenance.

Mayor Freeman asked which department is currently performing these maintenance duties.

Mr. Eagle replied that the duties are split between the maintenance fund and the utilities fund. He stated that the streets maintenance staff performs all mowing, rights-of-way maintenance, retention pond maintenance, and the utilities staff performs inlet maintenance along with other maintenance activities.

Commissioner Gourlie stated that he agrees with Commissioner Roberts in that The Villages has their own stormwater management program, and The Villages residents would be charged also for the Town's stormwater management. He stated that several commercial areas in town were required to construct retention ponds to capture stormwater runoff. With this proposed utility, those areas would essentially be assessed again.

Mr. Hart stated that retention ponds provide some decrease of the stormwater runoff yet there is still overflow. When there is a heavy rainfall event, retention ponds are made to bleed down allowing stormwater to leave the site. At that point, the runoff from the site becomes the Town's

issue and not the property owner's issue. He stated that one issue on stormwater rolls is it requires that there be no increase to the peak discharge rate prior to development versus post development and does not require control of the total volume coming off site. For example, there may have been two cubic feet of water discharging per minute, peaking and receding, prior to development. After development with a stormwater management system, the discharge can be done steadily for weeks. A lot more stormwater is discharged even though they are meeting the stormwater rolls. He stated that if it is the desire of the commission, another system is to establish a rate for the sites with a treatment facility as a lower rate, and a higher rate for the areas that do not have a treatment facility. This requires analyzing each one and applying the correct taxing rate to each.

Mayor Freeman verified with Mr. Hart that a retention pond is considered stormwater treatment. Mr. Hart answered affirmatively.

Mr. Eagle reiterated that The Villages charge to its residents applies to its infrastructure, not the Town's roads and retention ponds. He stated that this may seem like double-dipping, yet The Villages residents are currently contributing to the general fund. It is a fairer practice to charge the larger developments that contribute the most stormwater. He stressed that the Town has nothing to do with The Villages infrastructure.

Mr. Eagle stated that the Town services The Villages roads and retention ponds within Lady Lake. He stated that over \$441,000.00 has currently been paid from the general fund for stormwater management. If the new fund is established, stormwater management will not be paid from the general fund.

Mr. Lawrence stated the commission will discuss anticipated revenue and expenses during the budget workshops. He acknowledged that there are always unexpected expenses such as the flooding issue at Oak Grove that was paid for from the general fund. He stated that the stormwater runoff within The Villages is coming from their common areas. He reiterated that the Town maintains the roads and drainage within The Villages in Lady Lake. He stated that if the stormwater utility fund is established and when the commission reviews the proposed budget next year, that will be the time to review all revenues and expenses.

Mayor Freeman verified that if the stormwater utility fund is established, there will be new numbers at budget time that can be amended.

Mr. Eagle stated that once the fund is established and revenue begins, it will be approximately one year before expenses can be utilized from the fund.

Commissioner Roberts asked if approved, when would the fund be implemented.

Mr. Eagle confirmed with Town Clerk Wilson that it would be October 1, 2025.

Mr. Eagle stated that there have been more issues with the storm-related infrastructure within The Villages than any other area in Lady Lake because they are over 30 years old.

Commissioner Gourlie stated that he was unaware that the Town serviced The Villages roads and infrastructure.

Mr. Eagle stressed that a main goal to establish a more enhanced system is to have the money to repair or replace this aging infrastructure.

Commissioner Regan asked if the ERU rate would increase in the future.

Mr. Eagle stated that would depend on which services are paid through this fund. If the Town purchases a street sweeper and implements a routine street sweeping protocol, increased staff may be warranted. He stated that the new housing developments will be contributing to the fund as the developments are completed. He speculated that the rate may increase in the future.

Commissioner Gourlie made a motion to approve the Stormwater Utility Feasibility Study; Commissioner Regan seconded. Motion passed 3-1 (Roberts).

C. TOWN ATTORNEY'S REPORT

2. Ordinance 2024-20 —Second and Final Reading – an Ordinance of the Town of Lady Lake, Florida; Amending the Hammock Oaks Community Development District (CDD) pursuant to Florida Statutes 190.046 and 190.005, encompassing portions of land in Sections 19 and 30, Township 18 south, Range 24 East, Lake County, Florida; Incorporating an additional 118.15 acres, totaling an amended CDD boundary of 767.805 acres; Providing for repeal of ordinances in conflict herewith; Providing for severability; Providing for an effective date. (Thad Carroll)

Growth Management Director Thad Carroll presented this agenda item stating that there have been no changes since the first reading at the November 4th meeting. He stated that the developer is adding approximately 118 acres to the existing CDD and advised that this is the third change to this property. He stated that the CDD was originally established with Hammock Oaks, added more acreage known as The Reserve, and this property is known as The Highlands.

Commissioner Gourlie made a motion to approve Ordinance 2024-20 on second and final reading; Commissioner Roberts seconded.

Commissioner (Ward)	Vote
Gourlie (Two)	YES
Roberts (One)	YES
Sage (Five)	YES
Freeman (Three)	YES

Motion passed by a 4-0 vote.

3. Ordinance 2024-23 — Second and Final Reading – An Ordinance of the Town of Lady Lake, Lake County, Florida; Providing for a Text Amendment to the Town of Lady Lake Land Development Regulations (Ordinance No. 94-08) Chapter 3, “Developmental Procedures and Regulations”; Providing for amendments to add Section 3-2. A, titled “Annexation”. (Thad Carroll)

Growth Management Director Thad Carroll presented this agenda item stating that there has been no change since the first reading at the November 4th meeting. He stated that this ordinance prevents someone from reapplying for an annexation that was denied until a 12-month period elapses. A waiver provision is included allowing the commission to hear annexation proposals in fewer than the 12-month period. He clarified that this ordinance provides consistency with what is currently in our code as it pertains to rezonings and comprehensive plan amendments that was omitted in 1994 when the other policies were put in place. He stated that rezoning, comprehensive plan amendments and annexations will now be subject to a 12-month bar to-refile.

Commissioner Regan clarified with Mr. Carroll that if an application is denied, the applicant could not bring forward litigation for one year.

Mr. Carroll stated that if a proposed annexation is denied, and the applicant submitted an annexation request for a different zoning entitlement, he would advise the applicant to wait twelve months. However, if the applicant was insistent, they could apply for a waiver if they feel the project is beneficial to the town.

Commissioner Regan stated that this ordinance shores up the issue if an application is denied. He verified with Mr. Carroll that if the applicant requests an amendment to the original application, it would be presented to the commission for consideration. He asked if the waiver could be granted without repercussion.

Mr. Carroll replied affirmatively adding that the commission must grant a waiver allowing the applicant to submit their proposal within one year.

Town Attorney Derek Schroth stated that the ordinance language gives the commission discretion: “...should it determine (the commission), by a majority vote, that a waiver is necessary to prevent injustice or to promote the health, safety, and general welfare of the Town of Lady Lake.”

Commissioner Roberts made a motion to approve Ordinance 2024-23 on second and final reading; Commissioner Gourlie seconded.

Commissioner (Ward)	Vote
Gourlie (Two)	YES

Commissioner (Ward)	Vote
Roberts (One)	YES
Sage (Five)	YES
Freeman (Three)	YES

Motion passed by a 4-0 vote.

TOWN MANAGER'S REPORT

Town Manager Bill Lawrence congratulated the newly re-elected commissioners, John Gurlie and Ed Regan

He announced the upcoming events:

The annual Christmas Tree decorating at Town Hall by The Villages Elementary School students is Thursday, December 5, at 9 a.m.

The Lady Lake Christmas Parade is Saturday, December 7, at 10 a.m.

Light Up Lady Lake is Friday, December 13, at 6 p.m. Please arrive early as a very large crowd is anticipated.

Mr. Lawrence asked the Commissioners for their approval to close down Town services from 12 noon – 3 p.m. on Wednesday, December 18, for the employee Christmas Party. All Town services will resume at 3 p.m.

It was the consensus of the Commissioners to close down Town services from 12 noon – 3 p.m. on Wednesday, December 18.

The workshop to review the proposed Strategic Plan is set for 4 p.m. on Tuesday, December 10th.

MAYOR AND COMMISSIONER'S REPORT

Mayor Freeman thanked everyone for attending the meeting and wished all a Happy Thanksgiving.

PUBLIC COMMENTS

There were no public comments.

ADJOURN

Being no further business to discuss, the meeting adjourned at 7:09 p.m.



Carol Osborne, Deputy Town Clerk



Ed Freeman, Mayor