

MINUTES OF THE TOWN COMMISSION WORKSHOP

TOWN OF LADY LAKE, FLORIDA

December 16, 2024

A workshop 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 Ed Freeman presiding.

The meeting was called to order at 5:30 p.m.

ROLL CALL

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

STAFF PRESENT:

Bill Lawrence, Town Manager; Pam Winegardner, Finance Director; John Pearl, IT Director; C.T. Eagle, Public Works Director; Thad Carroll, Growth Management Director; Becky Higgins, Senior Planner; Steve Hunt, Police Chief; Nancy Wilson, Town Clerk; and Carol Osborne, Deputy Town Clerk. Town Attorney Derek Schroth was also in attendance.

Consideration to remove Staff Recommendations from the Town Commission Agenda Item Staff Reports. (Thad Carroll)

Growth Management Director Carroll stated that when applications are submitted, he evaluates them against the Land Development Regulations, the Comprehensive Plan and concurrency matters, ensuring everything complies.

Mr. Carroll stated that he included staff recommendations at his prior job with Lake County. He stated that it is a common practice, and noted there have been instances when a staff recommendation was not included. He stated that his recommendations are based on his experience and knowledge of the code.

Commissioner Sage stated he is in favor of removing this language because his constituents are not understanding what “staff approval” means. He stated that he met with Mr. Carroll

who explained why he includes his recommendation on agenda items. He suggested using different verbiage.

Mr. Carroll suggested, in lieu of a recommendation, to simply state that the application has been evaluated and all items of concurrency have been satisfied, i.e., impacts on traffic, sewer, water, and schools.

Commissioner Regan stated that his constituents are confused as to who is “staff”. Many think that it is the commissioners.

Mr. Carroll clarified that “staff” is the personnel of the department who are presenting the item.

Commissioner Roberts asked Mr. Carroll if there would be a time when an item meets all requirements, yet he recommends denial. Or, if the item meets all requirements would he automatically recommend approval?

Mr. Carroll stated that if an item meets all the requirements, he would recommend approval knowing litigation would arise if he recommended denial.

Attorney Schroth advised that certain items require commission discretion such as annexations, comprehensive plan amendments, etc. However, when a site plan is presented, commission does not have discretion unless a waiver is requested.

Mayor Freeman stated that he prefers Mr. Carroll’s suggestion that the applicant meets all requirements. He agrees that the verbiage, “staff recommends approval” is vague. He stated that when he is asked about a particular agenda item, he explains that the applicant met all the requirements and that the commission has very little input. He stated changing the language would eliminate the confusion.

Mr. Carroll asked if all departments would use new verbiage as well. Mayor Freeman stated that the policy would need to be consistent among all departments.

Mr. Lawrence stated that a staff recommendation is standard procedure. It is their professional opinion and many municipalities use it. Should the commission decide to remove it, staff will continue to present the background information and answer questions.

Mayor Freeman stated that he is looking for a compromise on this issue.

Commissioner Regan stated that the commission would continue to use their discretion when voting, knowing if an item is recommended and the commission votes against, it could result in possible litigation.

Mayor Freeman stated that because staff has reviewed the background information and verified that it meets our codes, they are obligated to recommend approval of the agenda item. He stated that he was a member of the town commission who voted against The Villages remodeling of the former Katie Belle's restaurant into apartments. The applicant met the code requirements and had the right to do it. The reason the commission voted against it was because of an emotional response from the residents of The Villages.

Commissioner Roberts stated that there is a distinction between a property owner in the town who is within their right to change their business because the zoning is in place versus annexing a property such as Grand Oaks that is not within the town limits. The staff may recommend the annexation, yet the commission is not obligated to approve it.

Attorney Schroth clarified that there is cause for litigation if the municipality led an applicant to believe they had the right to change their property, and it was denied. However, Florida annexation statute Chapter 170 states that a municipality may annex, it does not state shall annex. There is no requirement to annex. Where the entitlements are in place in the comprehensive plan, and if a rezoning application is received and it is consistent with the comprehensive plan, then it should be approved. He advised that annexations are discretionary.

Mr. Schroth stated when another department director presents an item to the commission, even though it complies, the commission has discretion to deny it. He advised that staff reports are deemed competent substantial evidence. If the commission votes against staff's recommendation, there must be evidence in the record to legally support the commission's decision.

It is the consensus of the commission for staff to modify future staff recommendations to specifically state that it is the recommendation of the department who authored the report.

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:56 p.m.



Carol Osborne, Deputy Town Clerk



Ed Freeman, Mayor