**AGENDA MINUTES**
**CITY COMMISSION MEETING**
**CITY HALL, 501 W MEADOW STREET**
**MONDAY, NOVEMBER 28, 2022 5:30 PM**

## 1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, November 28, 2022, at Leesburg City Hall. Mayor Pederson called the meeting to order at 5:31 p.m. with the following members present:

Commissioner Jimmy Burry
Commissioner John Christian
Commissioner Jay Connell
Commissioner Dan Robuck
Mayor Mike Pederson

Also present were City Manager (CM) Al Minner, City Clerk (CC) J. Andi Purvis, City Attorney (CA) Grant Watson, the news media, and others.

### INVOCATION

Commissioner Christian gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

### PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

## 2. PROCLAMATIONS:

### A. None

## 3. PRESENTATIONS:

### A. Certification Results of the November 8, 2022 Election

CC Purvis announced the official election results of the November 8, 2022 election which were certified by the Lake County canvassing board. The official results were signed by, Emily Currington, County Court Judge, D. Alan Hayes, Supervisor of Elections, and Jennifer Hill, BoCC Appointee, constituting the Board of County Canvassers. The results were certified on the 18th day of November 2022 A.D. They proceeded publicly to canvas the votes given for several offices and persons specified at the nonpartisan election held on the 8th day of November 2022 A.D. as shown by the returns on file with the office of the Supervisor of Elections.

City of Leesburg, City Commissioner Seat One, District One:
The whole number of votes cast was 898
Allyson Berry received 527 votes
Constance Christian received 371 votes

City of Leesburg, City Commissioner Seat 2, District 2:
The whole number of votes cast was 1,216
Darel Crane received 375 votes
Alan Reisman received 841 votes

City of Leesburg Ordinance 2022-43 Referendum Question Number One:
Yes for approval 6069 votes
No for rejection 1688 votes

City of Leesburg Ordinance 2022-43 Referendum Question Number Two:
Yes for approval 5201 votes
No for rejection 2573 votes

This was certified, pursuant to Section 102.112, of the Florida Statute. The Canvassing Board compared the number of persons who voted with the number of ballots counted and the certification included all valid votes cast in the election.

**4. PUBLIC COMMENTS:**

**This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Issues brought up will not be discussed in detail at this meeting. Issues will either be referred to the proper staff or will be scheduled for consideration at a future City Commission Meeting. Comments are limited to three minutes.**

Mayor Pederson stated before beginning with public comments for the citizens who may be here to provide input in favor or against the recently heard Treasure Trove annexation, land use and zoning case. The Leesburg City Commission duly advertised, took comments and publicly heard this case at the meeting on Monday, November 14, 2022. The ordinance to consider annexation of the Treasure Trove subdivision failed by a vote of one in favor and three against. As a result, number one, the property was not annexed. Number two, there was no reason to consider land use and zoning on the parcel. Number three, the matter is ostensibly concluded. However, during the November 14th public hearing on that matter, Commissioner Robuck stated he may implement a parliamentary rule that allows reconsideration of an ordinance that failed. This rule is specifically provided for in Section 2-39, Section D of the Code of Ordinances. It states that any member of the Commission who voted on the prevailing side of a motion may ask for reconsideration of that motion at the next regular meeting. Therefore, if Commissioner Robuck seeks reconsideration of the Treasure Trove annexation under the rules of procedures, the City Commission would need to vote on whether the matter will be reheard. Should this question be asked, it is the legal opinion of this body that the question is one of parliamentary procedure to be considered by the commission only. If a reconsideration vote is taken, then the commission will deliberate and no comments will be taken from the public. If the vote passes, then another public hearing on the matter will be conducted no sooner than thirty (30) days after the proper advertisements are issued. At that hearing, public comments will be taken. If the reconsideration vote fails or is not considered, then the matter remains closed and the parcel remains unincorporated outside the regulatory oversight of the City of Leesburg land development regulations. He then asked for general public comments.

Robin Woods, Bordeaux Drive, Leesburg, said she was there in response to the consideration of buying equipment to fluoridate the city's water. Water fluoridation is an unmitigated public health disaster. Fluoride is an enzyme poison when ingested. Fluoride was marketed to reduce cavities beginning in the 1940's. Current science shows that ingestive fluoride brings no benefits and delivers significant risks. In fact, the FDA has never safely tested fluoride for ingestion. If this is new information to you, it was to her. Her mom used to give her fluoride vitamins and she was supposed to take them when she went off to school. However, she would bury them in the flower pot and it ended up killing her mom's plant. She found out, but eventually she got white spots on her teeth, which she later found out in her adult life was fluorosis caused by fluoride. Prior to 1938, sodium fluoride was sold solely as a rat poison. She stated that calcium fluoride occurs naturally in water; however, that type of fluoride has never been used for fluoridation. Instead, what is used over ninety percent of the time, is silico fluoride, which is eighty-five times more toxic than calcium fluoride. It is a non-biodegradable hazardous waste product that comes straight from pollution scrubbers of big industries and phosphate mining companies. If not dumped in the public water supplies, these silico fluorides would have to be neutralized at the highest rated hazardous waste facility at a cost of a dollar forty per gallon or more depending on how much cadmium, lead, uranium, and arsenic, are present. So, cities buy these unrefined pollutants and dump them; lead, arsenic and all, into the water systems. It does not sound like a really good idea. Many countries have already banned fluoride. Most of Europe, Japan, Israel, China and India. They are banned. In fact, Pinellas County, Florida voted to end fluoridation of its drinking water to about seven hundred thousand residents, saving two hundred and seventy thousand dollars a year. There are over twenty-three published studies that show reduced IQ from fluoride exposure. Fluoride is found in tap water and dental products. It is a chemical that blocks iodine in the body. Fluoride, chlorine and bromide are health-damaging chemicals that share the halide chemical category with iodine. They are able to mimic iodine in the body and even replace it in the iodine receptor, putting bad and toxic in for good and that is what we need. Thyroid cancer rates have risen 3.8 percent every year for the last ten years. Hyperthyroidism is at epidemic levels in our modern society, leading to weight issues and challenges, and as a longtime resident since 1984, she has been here most of her life. She asked that they consider the overall health and the minds of the children before moving forward with purchasing equipment to disperse this toxic waste into the community. **Mayor Pederson** mentioned that there would be further discussion in about three or four months on this before a decision is made.

**5. CONSENT AGENDA:**

**Routine items are placed on the Consent Agenda to expedite the meeting. If the Commission/Staff wish to discuss any item, the procedure is as follows: (1) pull the item(s) from the Consent Agenda; (2) vote on remaining items with one roll call vote, (3) discuss each pulled item and vote by roll call**

**Items pulled for discussion:**
5.A.1 - City Commission Meeting Minutes - November 14, 2022
5.C.6 - Civic Organization Funding Agreements for Fiscal year 2022-23
5.C.7 - Providing funding for the Facade, Sign, and Landscape Grant Program (FSL) for a project located within the Greater Leesburg Downtown Community Redevelopment Agency Area
5.C.8 - Approving a Downtown Building Redevelopment Grant to Palace Partners, LLC., for renovations at 410 W. Main Street

Commissioner Robuck moved to adopt the Consent Agenda except for 5.A.1, 5.C.6, 5.C.7, and 5.C.8, and Commissioner Christian seconded the motion.

The roll call vote was:

| | |
|---|---|
| Commissioner Christian | Yes |
| Commissioner Burry | Yes |
| Commissioner Robuck | Yes |
| Commissioner Connell | Yes |
| Mayor Pederson | Yes |

Five yeas, no nays, the Commission adopted the Consent Agenda, as follows:
(Each item has its coordinated resolution number listed below the header)

**A. CITY COMMISSION MEETING MINUTES:**

**1. Regular meeting held November 14, 2022**

Commissioner Burry commented that on page 33, on the first vote when Mayor Pederson called for roll call, it said the mayor was a no and he was a yes. It should read that he was the no and the mayor was the yes. It was a flip-flop. **Mayor Pederson** remarked that it was a three to one vote, but it had the wrong names. **Commissioner Burry** said it was the two to two vote. **Mayor Pederson** said the city clerk had some other changes. **CC Purvis** said on page 34 under the city manager's comments there was a modification made to the explanation of the parliamentary procedures in the Treasure Trove case. **CM Minner** added that there was some confusion on that one. He spoke with the city attorney about it after reviewing it. Essentially, that vote was three-phased. It was a tie of two-two, then Commissioner Robuck changed his vote to make it one-three. There was a reconsideration to table it to a date specific for this evening and that failed. We thought the minutes were a little vague, so went back and asked the city clerk about it. They struck a portion of the minutes, so the third part of that specifically was about tabling it and not a reconsideration pursuant to Section 2-39.

Commissioner Burry made a motion to approve the minutes with the changes as noted and Commissioner Robuck seconded the motion.

Mayor Pederson asked if there were any comments from the public. There were none.

The roll call vote was:

| | |
|---|---|
| Commissioner Burry | Yes |
| Commissioner Robuck | Yes |
| Commissioner Connell | Yes |
| Commissioner Christian | Yes |
| Mayor Pederson | Yes |

Five yeas, no nays, the Commission approved the minutes with the changes as noted.

**B. PURCHASING ITEMS:**

**1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Amendment Two with Sissine's Business Solutions of Orlando, LLC, amending the contract term; and providing an effective date.**

**ADOPTED RESOLUTION 11,219**

**2. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Agreement with OCI Associates, Inc.; and providing an effective date.**

**ADOPTED RESOLUTION 11,220**

**a. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Task Order with OCI Associates, Inc. for Library HVAC Assessment in the amount of $13,460.00; and providing an effective date.**

**ADOPTED RESOLUTION 11,221**

**3. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Agreement with Calvin, Giordano & Associates, Inc.; and providing an effective date.**

**ADOPTED RESOLUTION 11,222**

**C. RESOLUTIONS:**

**1. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a First Amendment to Lease Agreement, between the City of Leesburg and BHI Properties of Central Florida, LLC, for the purpose of amending the tie-down spaces and additional ramp square footage, that are included in the leased premises; and providing an effective date.**

**ADOPTED RESOLUTION 11,223**

**2. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a First Amendment to Lease Agreement, between the City of Leesburg and Central Florida Avionics and Instruments, LLC, for the purpose of amending the tie-down spaces that are included in the leased premises; and providing an effective date.**

**ADOPTED RESOLUTION 11,224**

**3. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a Third Amendment to The Consolidated Lease Agreement, between the City of Leesburg and SunAir Aviation, Inc., for the purpose of amending the tie-down spaces that are included in the leased premises; and providing an effective date.**

**ADOPTED RESOLUTION 11,225**

**4. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a Fourth Amendment to Lease Agreement, between the City of Leesburg and Wipaire, Inc., for the purpose of amending the tie-down spaces that are included in the leased premises; and providing an effective date.**

**ADOPTED RESOLUTION 11,226**

**5. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and the City Clerk to execute an Interlocal Agreement with Lake County, Florida for the jurisdiction transfer of Rumford Road (3220); and providing an effective date.**

**ADOPTED RESOLUTION 11,227**

**6. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Civic Organization Funding Agreements for Fiscal Year 2022-23 with Band Parents Association of Leesburg High School, Inc., Boys and Girls Clubs of Central Florida, Inc., Community Development Corporation of Leesburg, Inc., Leesburg Area Chamber of Commerce, Leesburg Arts Festival DBA Leesburg Center for the Arts, Leesburg Partnership, Inc. and Melon Patch Players, Inc.; and providing an effective date.**

**ADOPTED RESOLUTION 11,233**

Commissioner Robuck introduced the resolution to be read by title only. CC Purvis read the resolution by title only.

Commissioner Burry made a motion to adopt the resolution and Commissioner Robuck seconded the motion.

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Burry asked about the civic funding for the high school band. Are we still going to look into that? **CM Minner** replied they did not collect last year, so that was a rollover, meaning that money is gone. We are only talking about one thousand dollars. If the commission prefers, we can pull this year's

grant. If they come back to us, we can revisit it then. **Commissioner Burry** stated that is what he would like to do. **Mayor Pederson** said he believes that money went to them a couple years ago for a trip to Washington. **CM Minner** agreed and said they have never gone back and changed that. **Commissioner Burry** said with regards to the funding for the Center for the Arts. He would like to hold that funding until a later date. He is not against funding the arts, but with the pending investigation, that needs to be completed before we give them more money. **Commissioner Robuck** concurred. **Commissioner Christian** commented that the school hired a new band director. Maybe we could help them. Maybe they could come in and talk to the city manager to see if we could help them out. **CM Minner** replied that he would reach out to them.

Commissioner Burry made a motion to amend the resolution to pull the funding for the high school band because they have a residual from last fiscal year and to hold the funding for the Arts Center until such time that they have squared away their current financial situation and provided more information to the city and brought it back to the city commission and Commissioner Robuck seconded the motion.

The roll call vote on the amendment was:

| | |
|---|---|
| Commissioner Robuck | Yes |
| Commissioner Connell | Yes |
| Commissioner Christian | Abstain |
| Commissioner Burry | Yes |
| Mayor Pederson | Yes |

Four yeas, no nays, one abstain, the Commission approved the amendment to the resolution.

The roll call vote was:

| | |
|---|---|
| Commissioner Connell | Yes |
| Commissioner Christian | Abstain |
| Commissioner Burry | Yes |
| Commissioner Robuck | Yes |
| Mayor Pederson | Yes |

Four yeas, no nays, one abstain, the Commission adopted the resolution.

**7. Resolution of the City Commission of the City of Leesburg, Florida providing funding for the Facade, Sign, and Landscape Grant Program (FSL) for a project located within the Greater Leesburg Downtown Community Redevelopment Agency Area; and providing an effective date. (Palace Partners)**

**ADOPTED RESOLUTION 11,234**

Commissioner Christian introduced the resolution to be read by title only. CC Purvis read the resolution by title only.

Commissioner Christian made a motion to adopt the resolution and Commissioner Burry seconded the motion.

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Connell stated that his comments would be the same as last time. Those comments would be the same for both items 5.C.7 and 5.C.8. He does not think we should be giving this kind of money away without any stipulations. We do not know what their plans are for that building. We know they are making these repairs, but it is not in the best interest of the taxpayers to give the money away. Two hundred and seventy thousand dollars, and they could potentially turnaround and sell it. They would have just pocketed taxpayers' money. There should be some sort of time limitation saying how long they should own that building. They should have to put a business in there. The intent was to redevelop the downtown. We should not just let someone develop a building on taxpayers' money for them to throw up a for-sale sign. Until we can get something in the ordinance, anything that comes up, he will never be a yes. It is unheard of to give away that kind of money. This is almost three hundred thousand dollars and there are no stipulations about what they can do with the building once the improvements are made. **Mayor Pederson** remarked that there have been previous discussions on this. In his opinion, this is exactly what the program was for. **Commissioner Burry** pointed out that we are talking about the facade, sign and landscape grant. **Mayor Pederson** apologized, he was moving on to the next item on the agenda. **Commissioner Connell** stated with 5.C.8, his comments would be the same.

The roll call vote was:

| | |
|---|---|
| Commissioner Christian | Yes |
| Commissioner Burry | Yes |
| Commissioner Robuck | Abstain |
| Commissioner Connell | No |
| Mayor Pederson | Yes |

Three yeas, one nay, one abstain, the Commission adopted the resolution.

**8. Resolution of the City Commission of the City of Leesburg, Florida approving a Downtown Building Redevelopment Grant to Palace Partners, LLC, for renovations at 410 W Main Street; and providing an effective date.**

**ADOPTED RESOLUTION 11,235**

Commissioner Burry introduced the resolution to be read by title only. CC Purvis read the resolution by title only.

Commissioner Christian made a motion to adopt the resolution and Commissioner Burry seconded the motion.

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Connell remarked that he had the same comments as the last item. This is a quarter million dollars. How can we just give someone that kind of money when they are just improving a building? They could just turn around and sell it with no ties or strings attached to the city. **Mayor Pederson** said this gentleman paid 1.4 million dollars for the property. He has a construction budget of six hundred and twenty four thousand dollars, of which we are giving him two hundred and fifty thousand dollars towards the redevelopment of that three-story building in downtown Leesburg. **Commissioner Christian** remarked that he heard what was being said. He understands the concerns. Maybe that is something they look at moving forward. When they initially talked about the downtown, they put a lot of money into the downtown. Some of it worked and some of it did not. Yet we

still have buildings that are inoperable for development due to costs. His wife visited downtown Mount Dora on Sunday and all he has heard for the last two days is how great and beautiful downtown Mount Dora is. He was sure that did not just happen because people said let's pump money into Mount Dora. The city had to assist with roads and other things to make it a destination location. Even at three hundred thousand dollars, if the concerns were that they paid 1.4 million dollars and he put another six hundred thousand dollars into remodeling the building. He has put close to two million dollars into this building. With us being a capitalistic society, if he sold it for 2.5 million dollars, Leesburg would have a new investor who had just put 2.5 million dollars into downtown Leesburg. We will have a building that is fully renovated. Hopefully, people will come and move to downtown Leesburg. Hopefully, they will shop in downtown Leesburg. We need to keep the business operational for more than two or three years. That has always been the thing in downtown Leesburg, where at five o'clock nothing is open except for Two Old Hags. We need to have more businesses that stay open past five o'clock. He has been saying that for the past ten to fifteen years. People have to live downtown, they have to be able to shop downtown, they have to want to come downtown. This is a risk that Leesburg is taking, but if the person sells it, the person that buys will get a building that is already renovated. They were in Savannah on a tour and they were talking about putting sprinkler systems in the downtown and seeing houses subsidized. The opera house was the first building they put a sprinkling system in, and that was with a CRA type loan. That building has been bought and sold, but they have done great things with that building. That would not have been done without a fifty to sixty thousand dollar sprinkler system. These are the risks that we have to take. The downtown will not be remodeled by us crossing our fingers and hoping for it. It has to be intentional and this is one of those intentional things the city is doing. We are intentionally helping someone remodel a three-story building. That is why he will support it. He wants to see downtown Leesburg thrive. **Commissioner Connell** clarified that he was not against the program. He was against not having any stipulations for giving away a quarter of a million dollars with no strings attached. We are saying okay, make these improvements and then do whatever you want with the building with no requirements at all. That is where the problem lies. **Commissioner Christian** agreed, but it would be unfair to punish this guy for something that we did not already have in place. Unfortunately, he will not be on the commission, but maybe something could be put in place moving forward. Maybe the next guy who puts in an application for two hundred thousand dollars from the city gets it yanked, because we did not put enough teeth in it to say you have to keep it or have a probationary period on it that says you cannot sell it for three years, otherwise you have to pay the city a certain amount of back. That may be something the commission looks at moving forward. **Commissioner Connell** stated this was the first one under this new program. We have discussed it and it was discussed last year when the program came about. He still thinks it should be adjusted and those requirements should be made before we start giving out this kind of money. Two hundred and fifty thousand dollars is a lot of money. It is a lot of taxpayer money to give a developer. **Commissioner Robuck** remarked that he would have to abstain. However, he was not really involved in it at all, other than the guy received a quote from a contractor who does business with his company, so to be safe he would need to abstain. With regards to these points, it is important that while it feels bad, if the guy puts the money in and sells the building, he will take our money. At the end of the day, if he sells the building for more money, the city will win because it will be taxed at a higher dollar amount and we are going to re-up it with the CRA. We are going to get a lot more of those funds than we would normally. He understands and it may feel like something is wrong, but at the end of the day, the city comes out ahead in the tax base. He does not care what it is, as long as it is nicer. **Mayor Pederson** mentioned that he and Commissioner Connell have debated this before. He believes he compared it to the Homes and Partnership funding and that is a situation where there was a loan in place and the city gave money for the down payment. That is a whole different animal and they have no skin in the game. This guy has tremendous skin in the game and that is the difference. It was also debated when it was approved. For the audiences' benefit, the commission approved one million dollars for this program. He was disappointed that this was the first request. He hopes to put this entire million dollars into the downtown. He wanted to set a good example and take care

of this applicant. **Commissioner Connell** replied that it was not Homes in Partnership. He remembered that conversation. He still believes there should be some time limitations on this.

Linda Kero, Bumblebee Lane, Leesburg asked what would happen if the builder went bankrupt or if they had other financial problems. What would happen to the taxpayer dollars? Will they be gone? **CM Minner** responded that the program was based on reimbursement and there were two grants being considered. The first one was the facade, sign and landscape grant (FSL). The company provided us with an estimate of about three hundred and fifty thousand dollars worth of exterior improvements. Those improvements qualified for the FSL grant. The FSL grant is paid on a reimbursement basis. If improvements are made, then the value of that building will go up. If they go bankrupt before the improvements are made, then the grant will not be paid. The same holds true for the downtown building grant. The purpose of that grant was to improve multi-story buildings that are older and more historic. We wanted to add ambiance and character to the downtown. We want to add multi-faceted uses to encourage local apartment residential living, commercial business along with professional business. The simple statement is multi-story, multi-use. There was a very specific target area from 9th Street to 2nd Street and from Magnolia to Meadow Street. In that box was a description of the program and there were only eight buildings that fit that description. One of them was Life Stream and the city assumed Life Stream would not be making any improvements. This program was targeted at that multi-use, multi-concept. The palace concept was a multi-use concept that included commercial use on the downstairs, professional use on the second floor and potential residential use on the third floor. If that company goes bankrupt prior to making these improvements, the grant would not be paid out. After some brief conversations with them, they are about seventy-five percent complete with the renovations. Before that grant is paid out, the city will review the receipts. We will review them to make sure improvements are made. If the improvements are not made or if there is some type of bankruptcy, they will not get paid. However, once it has been paid for, we know those improvements have been made to the building and the value goes up. As the mayor mentioned, the palace sold for 1.4 million dollars. If we look at the history of that building, it was owned by one specific local owner for years. It only had a taxable value of about two hundred and fifty thousand dollars. That will now change for two reasons. The sale, which is how taxable value changes. There was a contract for 1.4 million dollars, so, taxable value typically becomes about eighty percent of the sale value and eighty percent of 1.4 million is eight hundred thousand dollars. Somewhere around one million dollars will be the reassessed value. When they come in and pull the permits, we will have a list of the valued improvements they put in. They said they paid about six hundred thousand dollars for interior improvements and three hundred thousand for exterior improvements. Those will become taxable. We will see a building that goes from about three hundred thousand dollars in taxable value to about one point seven-five million dollars. If they decide to flip the building, the city still wins because there will be an immediate increase. We will go from a two hundred thousand dollar taxable value to a one point two million dollar taxable value. They will be a significant contributor to the ad valorem taxes. We had that discussion and he appreciates the commissioner's perspective on this issue. However, that was the discussion they had and why the program was not changed. It could be changed in the future if that is the case. The flip side of the equation and the conversation that came up with our home programs where we do residential single-family lending. We give low-interest loans or no-interest loans to low to moderate-income families. We do make stipulations that they cannot sell. The difference there is that they have no skin in the game on the residential side. If a family has a low to moderate income and the city has potentially fixed and put a couple hundred thousand dollars into a home, we do not want a low to moderate family to come in and flip that home for the increase in assessed value. The structure of that program is to get a family living in a home, not to reap the taxable benefits. There is a difference because that family comes in with a low to moderate income. We are assisting them, we are taking the risk of a high-risk mortgage type customer versus a business person who has put over a million dollars of cash into a facility where there is an immediate return if the building is flipped. Those are big differences and that is the philosophy behind the program.

Obviously, it is a big award, but the crutch there is to get as much investment and redevelopment in the downtown as possible. There are trade-offs in everything we do.

The roll call vote was:

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|---|---|
| Commissioner Burry | Yes |
| Commissioner Robuck | Abstain |
| Commissioner Connell | No |
| Commissioner Christian | Yes |
| Mayor Pederson | Yes |

Three yeas, one nay, one abstain, the Commission adopted the resolution.

**9. Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from Nguyen Do, for the purpose of granting the City an Easement over the property described therein; and providing an effective date.**

**ADOPTED RESOLUTION 11,228**

**10. Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from Kane Roman Distributors, LLC, for the purpose of granting the City an Easement over the property described therein, together with the Joinder and Consent to Utility Easement from U.S. Small Business Administration joining and consenting to the Utility Easement and the Joinder and Consent to Utility Easement from SeaCoast National Bank joining and consenting to the Utility Easement; and providing and effective date.**

**ADOPTED RESOLUTION 11,229**

**11. Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from Antonio Reyes, for the purpose of granting the City an Easement over the property described therein, together with the Joinder and Consent to Utility Easement from J. Cecil Shumacker, III and Constance F. Shumacker joining and consenting to the Utility easement; and providing an effective date.**

**ADOPTED RESOLUTION 11,230**

**12. Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from John W. Somerville and Lisa A. Somerville, for the purpose of granting the City an Easement over the property described therein; and providing an effective date.**

**ADOPTED RESOLUTION 11,231**

**13. Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from John R. Swisher and Heather Lynn Cloutier, for the purpose of granting the City an Easement over the property described therein; and providing an effective date.**

**ADOPTED RESOLUTION 11,232**

**6. PUBLIC HEARINGS AND NON-ROUTINE ITEMS:**
**COMPREHENSIVE PLAN INFORMATION SIGN-UP SHEET (YELLOW) AVAILABLE**

Commissioner Robuck made a motion that the commission reschedule the Treasure Trove annexation, comp plan, and PUD, for a rehearing and Commissioner Christian seconded the motion.

Mayor Pederson requested comments from the commission and the audience.

Commissioner Robuck said this would be reheard. It would be more than thirty days, so it would be heard by the next commission. It is only fair to the applicant that he has a full commission of five votes. They have already sent over some revisions and he would encourage them to work with staff, the new commission and the land owners. **Commissioner Connell** remarked that they listened to almost two hours of testimony on this. They made a decision and he understood Commissioner Christian was not there, but the decision was made. He does not think it needs to be reheard. It had already been heard for almost two hours at the last meeting, so he did not see the need to bring it back up. **Commissioner Christian** commented that, unfortunately, he was not there. He was at an annual church event in Memphis, but he did listen to the comments. He heard all the residents' comments while he was at the airport. He was with everyone, just not in person. He wished he could have been there.

The roll call vote was:

| | |
|---|---|
| Commissioner Christian | Yes |
| Commissioner Burry | No |
| Commissioner Robuck | Yes |
| Commissioner Connell | No |
| Mayor Pederson | Yes |

Three yeas, two nays, the Commission approved the rehearing of the ordinance.

CM Minner wanted to summarize this for the public. For parliamentary procedure reasons under Section 2-39 of the Code of Ordinances of the city allows a party who is in the prevailing vote on any action and in this case it was an ordinance. If they are in the prevailing action, they are allowed to ask for a reconsideration vote. Meaning they can reconsider, but that reconsideration vote has to come at the immediate next regular meeting. The issue was heard and the Treasure Trove issue was heard , it was publicly advertised, public comments were received, the process was completed, the process was stopped after the commission did not pass the ordinance for annexation. At that time, Commissioner Robuck, this evening, used that section of code, the reconsideration of Section 2-39d to ask the commission for reconsideration. The commission voted this evening by a vote of three-two to rehear the case. That means the Treasure Trove subdivision, the annexation, the land use and the zoning will be reheard. We are now back to the requirements of advertising for the hearing. We will have to redo the hearing. The code on

that issue says there is thirty (30) day notice, so the petitioners have contacted him this afternoon and they want to meet with residents. They know the holidays are around the corner, so for the purposes of this, what he recommended is that the second hearing for the Treasure Trove subdivision be reheard by the commission pursuant to this vote on Monday, February 27, 2023. That is beyond the thirty (30) day requirement and it gives the petitioners time to get in touch with residents for any potential changes based on things they heard at the previous meeting. Then this body will hear the case on the 27th of February 2023. This will be duly advertised with thirty (30) days notice. We will put an advertisement in the newspaper as required by law. We will send out specific notices to all residents who live within the periphery of two hundred feet of that parcel to inform you that the public hearing on this issue will be heard again on Monday, February 27, 2023. At that time, we will have the normal procedure for a public hearing, which is a staff presentation, the petitioner's presentation and then public comment. At that time, everybody will get an opportunity to give their viewpoints to the commission. If you have documents or information or if you want to use PowerPoint, remember everybody will have three minutes. Please get that information to the office of the city manager, or the office of the city clerk. We will make sure that whatever documentation or information that you want to disseminate to the commission is happening. In summary, Treasure Trove will now be reheard on Monday, February the 27th 2023 at 5:30 pm. We will duly advertise that pursuant to the state requirements.

should we give out the new commissioner's cell phone numbers they had Christmas present oh and by the way my last coping trip finally got rescheduled Indonesia Cambodia okay moving on uh public hearings and non-routine items uh second reading of ordinances we are now moving into a quasi-judicial procedure I'm going to let our City attorney take over for a minute yes sir thank you Mr Mayor uh as was mentioned we're going to move into our second reading of ordinances so if anyone is here present this evening and plans to present any evidence or testimony on the public hearing items and that's under 6A of the agenda if you would please stand and raise your right hand so you could be sworn in now all right do you swear or affirm that all testimony you'll give tonight will be the truth the whole truth and nothing but the truth all right thank you very much all right Mr Mayor

## A. SECOND READING OF ORDINANCES

**1. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 49 +/- acres; and being generally located west of County Road 44 and north and south of Seng Road, lying in Section 16, Township 19 South, Range 25 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 1; and providing an effective date. (Swan Capital)**

**ADOPTED ORDINANCE 22-59**

Mayor Pederson asked the city attorney if he would swear-in everyone since they were moving into quasi-judicial procedures. **CA Watson** asked anyone in attendance who wished to provide any evidence or testimony on any public hearing item under 6A of the agenda to stand and raise their right hand. He swore them all in.

Commissioner Burry introduced ordinances 6.A.1, 6.A.2, and 6.A.3 and asked that they be read by title only. CC Purvis read the ordinances by title only.

Commissioner Burry made a motion to adopt the ordinance and Commissioner Robuck seconded the motion.

Mayor Pederson requested comments from the Commission and the audience.

PZD Miller stated this item was for annexation, comp plan, and rezoning. The property is located west of CR 44 and north and south of Seng Road. It contains approximately forty-nine acres. There was a request to change the future land use designation from Lake County Rural-Transition to City of Leesburg Estate-Residential. The applicant is requesting to amend the zoning from Lake County-A Agriculture to R-1 Residential in the City of Leesburg PUD. The project is planned to contain single-family units only. There will be one hundred and sixty-two units on fifty and sixty foot lots. They will have a one thousand five hundred and one thousand seven hundred square foot minimum house size. It will be three point three units per acre with thirty-five percent open space. There are design standards for all homes. It will include dark sky lighting and gutters on all four sides. They will have a boulevard style access point on CR 44. It will include a twenty-five foot buffer around the entire property. There will be trees in each yard. Wetlands protection, irrigation controls, and Bermuda, Bahia, and Zoysia grass instead of Saint Augustine. They are required to have 0.9 acres of recreational area. The staff would like to respectfully request three changes to the PUD document. At the last meeting, there was a request for an industrial use notice to be added. He met with the applicant and in phase two, that would include an extensive environmental study. They requested that this notice be changed from an industrial notice to an agricultural notice. It would be a notice of agricultural use instead of an industrial notice. From the staff's viewpoint, as this is the notice for announcing that, this use can be interpreted as either industrial or agricultural. There are cattle on the property and the sprayfield. The staff does not have an objection to that use. It does point out the different land use and it accomplishes the same goal. On the side, setbacks for the sixty-foot wide lots, the applicant would like to change that from seven point five feet, which would give them fifteen feet between the houses to five feet. That would allow the option of building three-car garages and RV garages. They have seen those in Arlington Ridge. In return for that, they would be happy to use the gutter language. That was agreed to on some previous projects that have dealt with hip-roofs and staff is okay with that. Finally, it was requested at that meeting that staff remove the reference to Concept Plan B. Staff faithfully did that, but somehow it did not get corrected in the software. He apologized for that. That was his fault and he would like the opportunity to get that fixed. There are places on page one and two of the PUD that need to be corrected. Mike Rankin of Land Planning Group and Eric Swanson of Swan Capital are present if there are any questions. **Mayor Pederson** asked if they were going with Plan B? **PZD Miller** responded they were going with Plan A, the single family only. **Commissioner Burry** clarified that there would be one hundred and sixty-two single family homes. **PZD Miller** answered yes. **Commissioner Christian** asked if there were any concerns about the RV parking and the number of RVs. Would they be limited or built as the market is driven? **PZD Miller** answered from the staff's standpoint, they would prefer the market drive whether or not someone chooses the option of a three-car garage or an RV garage. They have seen a lot of houses in Arlington Ridge over the past couple of years have RV garages. It is something you have to get used to, but when there are a few in the neighborhood it is not a big deal. **Commissioner Christian** said that we have some in a subdivision off of Sunnyside. His concern was with the road and the turn radius. The roads are not really conducive to having twenty RV's and one hundred sixty houses. Are we going to say build as many as you want, are we going to limit them? Do we have any concerns about the number of RVs that may be allowed in a neighborhood? If you go to the newer subdivisions, most people do not park in their garages. They actually park on the street. If you go to Lake Denham or Sunnyside, they have more cars on the street than they have parked in their driveways. It is hard for us to manage that, so

realistically, do we have any considerations for that? **PZD Miller** responded they do not. Generally, RV garages are built into homes. They are with the house, they are not a separate garage. **Commissioner Christian** said he has seen them over in Sunnyside when he rides around. **PZD Miller** said if the commission wants to put a limit on that, staff would not have any issues with that. **Commissioner Christian** wondered if there were any concerns. The roads are not very large. Do we have any concerns about that at all? **PZD Miller** responded that because of the way the structure is built they probably will not put one on anything but a sixty-foot lot. That would be the only option. They did not do an extensive review of that, to directly answer the question. Generally, that is an option the builder offers the person buying the home. They are not found on all of the homes in a neighborhood. It might be a percentage and they can limit that if the commission would like. The staff would have no reason to object to that. They could possibly mark off a separate area for RV parking. There are multiple options that could be done. **Commissioner Christian** stated he would leave it up to the builder, since he would have to deal with the homeowners. **Commissioner Burry** asked about Cutrale. They said this should not be built because of the sprayfield. Now, the builder wants to give a letter that says there are cows out there and that this area is agriculture. **PZD Miller** answered there was an industrial notice in the PUD and the city automatically puts that in there when it is next to an industrial use. That land is actually agricultural zoned and there are big Watusi cattle out there. From that standpoint, because it is Cutrale reuse water being sprayed out there and there is no odor, it is not an industrial effect. It is more of an agricultural effect on the homeowners. The staff did not have an objection to whether it was called industrial or agricultural. It is simply a notice saying there is something going on there. **Commissioner Robuck** remarked that they needed to be careful. That is a sprayfield and that is what they use it for. Growing up out there, there were times when you could smell it and the residents would complain. They would flush their lines and then it would stop. We may one day have people coming in here if they do not tell them what is out there. **PZD Miller** asked if the sprayfield notice wording would work? **Commissioner Burry** replied that a sprayfield with cattle notice would work. That way, the homeowners know exactly what is out there. It does not have to be that it is industrial because it is a sprayfield and they need to be aware of that. **PZD Miller** commented it is zoned agricultural. The likelihood of it ever becoming an industrial use is highly unlikely, but the sprayfield could be argued as agriculture or industrial. He believes the sprayfield notice will work. **CA Watson** commented that he looked at the PUD language and in Section 4E, which addresses the sprayfield notice. That may be what the commissioners are looking for. **PZD Miller** read Section E of the PUD. He stated from a staff perspective and standpoint that if they wanted to call it a notice of sprayfield, it would be the same. It basically said that it was. **CA Watson** added that the current language calls it a sprayfield in the PUD. **PZD Miller** said it may be a little dicey, but the zoning will never be an industrial use even in the county. In addition, if the commission would like them to limit the RVs to the sixty-foot lots, they could make that work. **Commissioner Christian** said he was fine with that. They would only be able to get those on the sixty-foot lots. The fifty-foot lots would be tight. **PZD Miller** said the fifty-foot lots would be too small.

Michael Rankin, President of LPG Urban & Regional Planners, 1162 Camp Avenue, Mount Dora stated in thirty-three days he and his wife would be the new owners of LPG. They have spent nearly a year on this project in a paradigm fashion of what the developer wanted and what realistically they felt they could present to the city commission. It has taken some time, but city staff have been right there with them working, trying to bring the best possible project forward. The applicant, Eric Swanson, represents Swan Capital and the project is called Morningside. They are proposing one hundred and sixty-two single-family homes. They had a previous plan that showed an alternative and they were asked to choose one or the other. This was the one they chose. The open space is at seventeen percent. They were required to be at fourteen percent. They are a tick above that requirement. The proposed density is three-point units per acre. They included renovations for the single-family homes for the development. They will adhere to the dark sky and the landscape policies that were put in place recently. He wanted to keep the presentation short for the people in the audience who wanted to talk. They are available for any

questions. **Commissioner Connell** asked if there would be only one entrance and exit out of the subdivision. **Mr. Rankin** replied there were two entrances off CR 44.

**CA Watson** asked for anyone present who planned to present any evidence or testimony on this item to stand and raise their right hand. He swore them in.

Ray Hayden, 35121 Dennis Road, Leesburg, commented on the two exits off CR 44. The county is highly unlikely to be happy about that. Even if it were to be annexed and become city property. With access to CR 44, that will be difficult. At a future meeting on a different issue, he will talk about the number of deaths that have happened on CR 44, along the stretch from US 441 to CR 473. There have been a number of deaths and the vast majority of those deaths are traffic fatalities. Including the one that just happened near this area. He and his wife went and took photographs of that accident scene and they submitted them for the record at a previous meeting. However, the vast majority of accidents happen in the middle of the day, during broad daylight on clear days, beautiful weather with no issues whatsoever. These people were just going back and forth to work. They were taken out on CR 44 exactly where this property is. Unfortunately, the developer did not provide the big picture, because the big picture would show that this is death alley. They are looking to put more people there. We have had enough accidents and fatalities. CR 44 and Silver Lake Road are very dangerous and the county already knows that. It seems like until we take out enough citizens on that stretch of road, we will not get a traffic light, nor will we get slower speed limits. Just today he and his wife were out counting the crosses that was their project of the day, to go out and count the dead people on CR 44. They went out to do that and there were not enough crosses out there, so they had to go dig up more information. He found a whole list of them, which he would be submitting at a later meeting. The point was they saw someone whipping around the double yellow line and a tractor-trailer towing a large vehicle. That car went around that truck and they crossed a multiple hashed center line down the road. That car tailed them from CR 44, whipping around other cars. They were shocked he did not cause an accident. There are a lot of properties being approved in this area and around Lake County and the county will not be able to take care of the roads. He asked the commission to please consider the safety of the people when approving the properties. This one is on the wrong side of CR 44, especially for RV's.

Alan Chen, 8010 Treasure Island Road, said that CR 44 is a very crowded and dangerous road. All the recent deaths have been from pulling out on to CR 44. This development is from Silver Lake Road to Treasure Island Road. All we are doing is adding developments and these people will be pulling on to CR 44. He showed a picture of CR 44 and the properties that have been annexed. In terms of the fatalities, he showed where the crosses are located at East Treasure Island Road and Silver Lake Road. Right where the Seng property is being discussed tonight. He showed an accident where a truck hit a utility pole and burned. There was another fatality crash recently and both these accidents occurred this month. He asked that they consider tabling all developments until the city and the county can get together and talk about how to prevent this type of congestion and further traffic deaths. These deaths will be as a result of what is being decided here today.

Gary Custer, 8909 East Treasure Island Avenue, stated that both entrances shown are located near the curves in the road at both ends. If you exit on either one of these, you will not see the traffic coming. You will not see a thing because they are both located near a curve. You will not see anybody. It is dangerous. It is a county road and the county has to approve any repairs to the road. In the last thirty years nobody has done anything to the road. They are stuck with the road the way it is, but the city wants to keep building houses and changing them. It does not work, so what happens? More people will die. He does not understand where the money is going to come from for the county to fix the roads, because the city will have taken all the tax money when this is done. When the city annexes this stuff, the county gets nothing. The developer says it comes from impact fees, who gets the impact fees from this, not the

county, but the county has to fix the roads. It is a catch-22, isn't it? **CM Minner** stated that is factually incorrect. The county impact fee is seven hundred dollars for the roads. The city collects that upon issuing the building permit and that seven hundred dollars. That money goes to the county for the road impact fees in our district. The city does not receive that money. So, for a single family home in Leesburg of two thousand square feet, that impact fee would be roughly fifteen thousand dollars. Of that fifteen thousand dollars, about ninety-five hundred is school impact fees. The city collects that and that money goes to the school board. The next biggest impact fee is the city wastewater impact fee and that is about twenty-seven hundred dollars. The next impact fee is for city water, which is about fifteen hundred dollars. The next one is the Lake County road impact fee, which is seven hundred dollars and that money goes to the county. There are a number of other city fees, like the recreation impact fee of about two hundred dollars and the library impact fee, which we collect about two hundred and fifty dollars. We also have the police and fire impact fees and those are about two hundred and fifty dollars. Doing the math, that is about fifteen thousand dollars. **Commissioner Robuck** added that they have talked to the county and this was a big problem. So, the county gets that money and they get the ad valorem tax money. The county gets the same amount of tax revenue whether your house is in the city or the county. Even if these houses were in the city, the county would get the same amount of tax money. Yet, they do not provide police or fire services, but they get the same amount of money. The county chooses not to spend that money on the roads. That is the choice the county makes. A choice that he disagrees with. A choice that everyone should disagree with, but that is the choice the county makes. The money is there for roads. It is an annual ad valorem tax. They get about five and a half mills and they are generating a tremendous amount of revenue from all this new growth. They just choose not to spend it on the roads. **Mr. Custer** remarked that someone needs to get with the county and get it figured out. It does not make any sense that people have to die going to work.

Michael Chen, 8087 Treasure Island Road, said he does not see how the money to improve or handle these roads would help with the power lines being there. There is so much there that any improvements would be exponential in cost. He did not see how that would happen anytime soon.

Louise Chen, 8010 Treasure Island Road, referring to a picture, said there are power lines on both sides of the road. In order to move them, they would have to pay for the cost of moving the poles as well as the easements. If the houses are too close, they may not be able to do that. It may be physically impossible to widen this road. There is City of Leesburg electricity on one side and Duke Energy on the other. Unfortunately, this road is very crowded. There is also high speed internet buried underneath there. It is critical to think about these developments. If this development goes through, they will add about twenty-two hundred more vehicles to this road. People's lives are on the line. They may need to put up more traffic lights or lower the speed limit. Those are things that need to be considered. They need to have a workshop. **Mayor Pederson** mentioned that she needs to speak with the county about the roads. The roads and traffic lights fall under the county's authority.

Lisa Hayden, 35121 Dennis Road, said she had a few conversations with Seth Lynch at Lake County. When she asked if they were expecting to improve CR 44, she was told that they have a five-year plan in Lake County and that was not on their five-year plan. He said the biggest obstacle was the placement of the utility poles. If they add center turn lanes, they would have to widen the entire road at parts of CR 44. They would have to erect guard rails when they get within a certain number of feet of a utility pole. To make sure that nobody runs into a pole. They would have to be redirected by a guardrail if they started to veer off the road. That was pretty much the take from Lake County, but there was nothing on the horizon for the next five years. With the center turn lanes, there would have to be some pretty sizable ones considering this is a fifty-five mile an hour road and having RVs making left turns on an already incredibly dangerous road. That should be a consideration to cause pause. We should see how everything plays out with the nineteen hundred units that have already been approved across the street. We should

see how that looks in a couple of years and then start doing this again. At this point, it just seems to be recklessly dangerous.

**Commissioner Burry** asked when they submitted it to the county, did they have any comments regarding roads? **Mr. Rankin** replied no, they did not. He mentioned trying MPO's websites. They came across this issue in Fruitland Park the other day and MPO's website was more current with projects that are up for consideration. **CM Minner** mentioned that the commission hears the concerns with regards to traffic. There was mention of a county commission letter from July. That is a county commission letter. **Ms. Hayden** remarked when she saw the letter yesterday she reached out to Melanie Marsh because she is always on the ball. At 7:45 this morning, she said she would find out what she could. (She handed her phone to the planning and zoning director for his review) **PZD Miller** stated the comments in the letter read that turning lanes on CR 44 at the proposed development entrance are required. The existing right of way does not meet the required minimal standard widths. What that means is that the developer will have to provide the right-of-way. A traffic impact analysis will be required to meet Lake Sumter MPO guidelines and a traffic analysis is highly recommended and required to be done. Under Public Works, CR 44 is a major collector road that will require a left and right turn lane at the proposed entrance. Those are standard comments that were received back. The minimum required right-of-way is fifty feet from the center line, which is a total width of one hundred feet. They also recommended on CR 44 and Silver Lake Road PUD impacts on the roadways and drainage systems. It talked about the access off CR 44 needing to meet Lake County's access management standards. These are the standard terms of turn distance and turn radiuses, so the applicant has to meet all of these requirements. The letter repeats itself about the proposed northern access lining up with the existing Spring Court and CR 44 intersection and the left and right turn lanes on CR 44. The applicant will be required to have a sidewalk trail on CR 44. Anything that comes in those areas or along a road collector will have a letter pretty much like this one. However, they are customized for each development. **CM Minner** stated the PUD has the boilerplate language and that was a typical letter that every developer receives from the county. In development, developers are required to mitigate traffic impacts based on specific studies and that letter was the typical boilerplate. There is stuff that is tailored to each individual project, like utility poles, but that is the typical boilerplate language. If this was to be approved, the next phase would be a traffic study. The improvements would be specific to each development as stated by the county. Now, whether the county commission believes it or not, the city includes the county's comments in the PUD. The boilerplate language in the PUD will say that the developer is required to do everything the county says. We cannot turn a subdivision down because of concerns, as crazy as that may sound, even based on traffic. The law says the developer has the right to mitigate traffic impacts. The PUD states the developer has to do whatever the county says. It is not up to the county commission, it is up to the professional county staff. They are charged with the design, review, and impact of the roads. He asked the planning and zoning director which paragraph of the PUD states that. **PZD Miller** said paragraph 7C, under side access and signage, all access points are subject to review and approval by the appropriate permitting agency including FDOT, Lake Sumter MPO, Lake County and the City of Leesburg, the list goes on. **CM Minner** stated the broad statement in paragraph seven, of the PUD says if any of these regulatory agencies say you have to make a change, you have to make that change. If they have to put two turn lanes east and west, or put two ingress/egress to get in and out of CR 44. If the utility poles on CR 44 have to be moved, the developer will have to get with either Duke Transmission or Leesburg Distribution, but the developer will have to give up more property to move the utility poles. That does not mean they will have to relocate five miles of utility poles on CR 44. It just means that three or four poles may have to be relocated and the developer will have to give up some width or lots as they get into the final design. They will be required to make the proper road modifications because that is what paragraph seven says. With the discrepancy that we have been getting into with what the county, and what the county commission says, you have to be careful with that and the letter. He thought it was being referenced by the county commission as a whole. The county commission recently sent a letter to the city from Commissioner Parks that recommended that this

body not approve subdivisions based on road issues.
That was a tricky letter because that letter was not from the professional staff and the county commission is not charged with issuing what requirements need to be made. They rely on the county professional staff. The city commission received a letter from the county that said do not annex things based on road issues, but that letter did not come from the county professional staff and it did not come from a majority vote of the county commission. That is significant because two commissioners from a county commission cannot and should not send a letter to a municipal corporation without direct votes. They did it on consent and there were no directions. However, there is a letter that says do not do that. Those are important delineations because of growth issues that are going on. The important thing for this body to consider and for the public to understand is that road issues do get looked at in the PUD. Typically, paragraph seven, where the city says you have to do certain things and that would be where that is taken care of. A great example of this would be the Eagletail subdivision and everybody probably missed it because it was under the consent agenda. There was a resolution where the county granted the city a road dedication for the entryway of Eagletail, which we all refer to the development as the McElyea subdivision or the Number Two Road subdivision off CR 48. That resolution is proof of what we do in the PUD and it actually gets done. If the county says take this road right of way and make it part of the subdivision, the developer will have to widen it and make it a bigger access point. They will have to take more land off the front of their area, but they will grant that property to the city. Now we will hold the developer accountable for building that intersection at Eagletail and CR 48. That is how the process works. There are concerns, but there has to be differences in the mitigation that can occur. These are the things that this body grapples with along with the county board and part of the seven hundred dollars that actually needs to go into different areas. Lake County divides the county into four specific districts where road projects are done and where impact fees are collected. There are different impact fee levels for the four districts. There is no Leesburg district. It is called the North Central District. Now, the information from the county and their staff, says that their growth issues supersede ours. If you look at the county's five-year plan and the county's impact fee plan, they say that the South District; Clermont, Groveland, Minneola, and Mascotte have one hundred and nine million dollars of approved projects. However, in our district, which is Leesburg, Fruitland Park, and Lady Lake, the northwest corner of the county. The north central district has thirty-three million dollars worth of projects and all those projects are in Fruitland Park. The extrapolation is that, yes, there are issues with traffic and accidents are happening on these roads. That does not mean they are not developable. There are mitigatory steps the developer has to take and these are covered in paragraph seven of the PUD. Before this can be platted and finished it has to go to the county for review. That is an important step that gets overlooked and that was not an advocacy to approve or deny. That is the process. **Mayor Pederson** thanked him for his comments and clarification. He has learned a lot since being on the commission. He appreciated everyone's comments. It seemed somehow the county was trying to make the city out to be the bad guy. He encouraged everyone to continue speaking with the county and commissioners.

**Ms. Kero** asked if the county or the builder was required to make improvements to the road before the units were actually habitable? Was it before the occupancy permit was given? **CM Minner** replied yes, assuming a subdivision plan like this was approved. It sits until the developer and market conditions are ready for them to start developing. The next step would be for them to start developing. They would go back to St. John's and the county. They would receive informational items that they have to do. They would receive reviews and if they have to widen the access or put in-decel lanes, then they need to be put in, pursuant to comments from MPO and Lake County. That is all transferred to us, so when they start to plat the subdivision which is the next phase, it all gets platted. Before they can sell that lot, it has to be platted. Then that plat is dedicated and it becomes a public record. They cannot sell a lot and they cannot start building on any lot until it has been platted. When these improvements come back, city staff will approve the plat for a phase of that subdivision. On the plat, that is where the additional right-of-way and the road improvements are specified. That is what they have to do. They have to plat it and they have to

build it pursuant to the revisions. They do not get building permits until that is done. We will get a plat with a new design for a road. They will start doing the road design, the road construction and the interior construction all at once. However, that is all after it has been platted. **Ms. Kero** asked for clarification. Would CR 44 and the internal roads of the subdivision be done all at the same time? **CM Minner** answered it could happen in phases. The improvements on CR 44 will have to serve that whole subdivision. They may not build a whole subdivision at once, but the improvements that affect the whole subdivision on CR 44 will have to be made prior to them selling the first house in phase one.

**Commissioner Connell** stated that he understands the concerns on CR 44, especially in the mornings. He would not want to pull out from any of those roads trying to cross CR 44 or to turn the opposite way. He also understands that we do not have any jurisdiction on what type of traffic control device they may put on the entrance/exits at the subdivision. He finds it hard to approve this without some sort of decel lane and traffic signal. **PZD Miller** answered that the PUD was written so that whatever the county requires, that is what happens. The reason they do not put in specific lists of what the county asked for is because the county could change what it requires. If the county receives new information and they want the design of the subdivision to change by adding more right-of-way, they will not be stuck. They have it written so that they have to do exactly what the county requires, the MPO requires, and the city. It was written that way specifically, so if the county says we need five more feet of right-of-way, they are not stuck with what is written now. They have to have everything done prior to selling those lots. It is all at the developers' expense. If they move a power pole, the developer pays for it. It is like that in all cases, not just this one. It is universal and that is how it works. **CA Watson** stated it would also require that the PUD in its entirety come back before the commission for an amendment to be voted on before making any changes. These specific development requirements were included within the PUD, so the broader language does require the county improvements to be done. It does so in a more flexible manner. As the county comments and information changes, those requirements are imposed, but not in specific terms, because whether a decel lane is needed or not needed, those things can be flushed out once they start digging into the specifics of the studies. It would be hard to anticipate what all the issues would be and to cover everything in the PUD. The broader language allows the goal to be met while requiring the county's specifications to be met. With broad language, it does not have to come back before the commission. **Mr. Rankin** mentioned that the city manager was on point about the amount of work that goes into these. They need to keep in mind this is a comp plan, and they have to adhere to the PUD that was written. They are on page one of a long-term task. There is a lot of engineering and design that needs to be done for this concept. However, they will adhere to the PUD.

The roll call vote was:

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| Commissioner Burry | Yes |
| Commissioner Robuck | Yes |
| Commissioner Connell | No |
| Commissioner Christian | Yes |
| Mayor Pederson | Yes |

Four yeas, one nay, the Commission adopted the ordinance.

**2. An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 49 +/- acres from Lake County Rural Transition to City of Leesburg Estate Residential, for a property generally located west of County Road 44 and north and south of Seng Road, lying in Section 16, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Swan Capital)**

**ADOPTED ORDINANCE 22-60**

Commissioner Robuck made a motion to adopt the ordinance and Commissioner Christian seconded the motion.

Mayor Pederson requested comments from the Commission and the audience. There were none.

The roll call vote was:

| | |
|---|---|
| Commissioner Robuck | Yes |
| Commissioner Connell | No |
| Commissioner Christian | Yes |
| Commissioner Burry | Yes |
| Mayor Pederson | Yes |

Four yeas, one nay, the Commission adopted the ordinance.

3. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 49 +/- acres from Lake County R-1 (Rural Residential) to City of Leesburg PUD (Planned Unit Development) to allow a single-family residential development for a property generally located west of County Road 44 and north and south of Seng Road, lying in Section 16, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Swan Capital PUD)**

**ADOPTED ORDINANCE 22-61**

Commissioner Christian made a motion to adopt the ordinance and Commissioner Robuck seconded the motion.

Mayor Pederson requested comments from the Commission and the audience. There were none.

The roll call vote was:

| | |
|---|---|
| Commissioner Connell | No |
| Commissioner Christian | Yes |
| Commissioner Burry | Yes |
| Commissioner Robuck | Yes |
| Mayor Pederson | Yes |

Four yeas, one nay, the Commission adopted the ordinance.

4. **An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 59.6 +/- acres from City of Leesburg Industrial to City of Leesburg Estate Residential, for a property generally located east of County Road 33 and north of Manor Oaks Court, lying in Section 22, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Cedar Creek LGCP)**

**ADOPTED ORDINANCE 22-77**

Commissioner Burry introduced ordinances 6.A.4 and 6.A.5 to be read by title only. CC Purvis read the ordinances by title only.

Commissioner Burry made a motion to adopt the ordinance and Commissioner Christian seconded the motion.

Mayor Pederson requested comments from the Commission and the audience.

PZD Miller stated this is a large scale comp plan amendment and a PUD rezoning for 59.6 acres. Located east of CR 33 and north of Manor Oaks Court. The future land use request is to go from industrial to estate-residential. The zoning from N-1, industrial, to city PUD, planned unit development. This would allow for single-family residential development to include one hundred and forty-one units. It would have lot sizes mixed between fifty and sixty-feet. There are fifteen hundred to seventeen hundred square foot homes, at two-point-three units per acre. There would be thirty-five percent open space. It will have the regular design standards for all homes. It would include dark sky lighting requirements, gutters on all sides for homes with lots smaller than sixty feet wide. There will be a twenty-five foot buffer around the entire perimeter of the property and trees in each yard. It includes wetlands protection and irrigation controls. The applicant agreed to a fence along Manor Oaks Court, the length of the property boundary, that was added to the PUD. There are 0.9 acres of recreation areas.

Mike Rankin, Land Planning Group, Mount Dora, stated this was a 59.6 acre development. They were asking for an amendment to the future land use and a change to the zoning. They are anticipating seventy lots at fifty feet and seventy-one at sixty feet, for a total of one hundred and forty-one lots. The recreation facility and the density for this is two-point-four-three. He would be happy to answer any questions. **Commissioner Connell** commented when reading the letter that was provided by the board of directors at Plantation. He questioned whether Manor Oaks was a public road when it entered into PAL property. Will they be able to utilize Manor Oaks as a public road or is that a private road? **PZD Miller** responded that his understanding was that part of Manor Oaks is private and part of it is public. Regardless of which it is, if they want to put an entrance by the private side, they would have to enter into an agreement with the owner, which is Plantation. The original site plan showed an entrance further east. However, in the new site plan, they turned that into emergency access only. They have a boulevard entrance on CR 33. Originally, they had two access points, but now they have a boulevard entrance on CR 33 and emergency access only on Manor Oaks Court. The staff finds that to be appropriate. **Commissioner Connell** wanted to confirm that Manor Oaks backs up to the entrance to Plantation. **PZD Miller** replied yes, that was his understanding. **Commissioner Connell** questioned the access to Manor Oaks. Would that be emergency access only and would that interfere with residents using the back entrance to Plantation? **PZD Miller** answered that the only way that would interfere was if there was an emergency. It would be gated. There could be a knox box or a siren to activate the gate. **Commissioner Connell** mentioned there was a reference to a six-foot fence. He did not know what they were asking for, but in his opinion, it seemed reasonable. **PZD Miller** answered at the planning commission meeting they asked for a fence or a wall along Manor Oaks Court. The issue was that people were sneaking into Plantation to use their facilities, mainly the swimming pool, and that was a concern. Mr. Beliveau, who represents this development, said they would be happy to put in a fence. That is why they made that change. **Commissioner Connell** asked if the twenty-five foot fence would run the full length of Manor Oaks to the back gate of Plantation or would it go to where the emergency access is? **PZD Miller** responded that it would start about twenty-five feet from the corner of the preserve where the clear sight triangle is and run all the way back where any lots are developed. It may not run the entire length because that is where the water retention area is.

**Commissioner Connell** asked about the twenty-five foot landscape buffer they were asking for. **PZD Miller** replied that the landscape buffer could be handled as a planted landscape buffer. If there are enough trees, it could also be left as a natural buffer. **Commissioner Connell** inquired if they would put up the fence and the buffer? **PZD Miller** stated unless there was some strong concern about it one way or another. The staff did not have an objection to how they did it. Either way, if they want to put the fence along the road with the buffer behind it or the buffer along the road and the fence behind it. **Commissioner Connell** remarked that he was reading off the letter from the board of directors. He did not think that what they were asking for was unreasonable. He would like to accommodate their requests. **PZD Miller** stated that based on that information, staff have already made those changes to the PUD. They were in the document being reviewed tonight. It included a six-foot fence and the buffers were in there. **Commissioner Burry** asked if there were any representatives from Plantation that would like to make any comments. There were none. **Commissioner Connell** said he wanted to make sure before voting that it was all in the PUD. **Mayor Pederson** stated it was presented that those changes were in the PUD. **Mr. Rankin** added that he was aware of those requests and they are okay with them.

The roll call vote was:

| | |
|---|---|
| Commissioner Christian | Yes |
| Commissioner Burry | Yes |
| Commissioner Robuck | Yes |
| Commissioner Connell | Yes |
| Mayor Pederson | Yes |

Five yeas, no nays, the Commission adopted the ordinance.

**5. An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 59.6 +/- acres from City of Leesburg M-1 (Industrial) to City of Leesburg PUD (Planned Unit Development) to allow a single-family residential development for a property generally located east of County Road 33 and north of Manor Oaks Court, lying in Section 22, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Cedar Creek PUD)**

**ADOPTED ORDINANCE 22-78**

Commissioner Robuck made a motion to adopt the ordinance and Commissioner Christian seconded the motion.

Mayor Pederson requested comments from the Commission and the audience. There were none.

The roll call vote was:

| | |
|---|---|
| Commissioner Burry | Yes |
| Commissioner Robuck | Yes |
| Commissioner Connell | Yes |
| Commissioner Christian | Yes |
| Mayor Pederson | Yes |

Five yeas, no nays, the Commission adopted the ordinance.

**6. An Ordinance of the City of Leesburg, Florida, annexing certain real**

**property consisting of approximately 133+/- acres; and being generally located east of U.S. Highway 27 and south of Dewey Robbins Road, lying in Section 05, Township 21 South, Range 25 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 3; and providing an effective date (Anthony Property).**

**ADOPTED ORDINANCE 22-62**

Commissioner Robuck introduced ordinances 6.A.6, 6.A.7, and 6.A.8 to be read by title only. CC Purvis read the ordinances by title only.

Commissioner Robuck made a motion to adopt the ordinance and Commissioner Christian seconded the motion.

Mayor Pederson requested comments from the Commission and the audience.

PZD Miller stated this was an annexation with a request to change the future land use designation from Lake County Rural to City of Leesburg Estate Residential. There was a request to change the zoning from Lake County Agriculture to City of Leesburg Planned Unit Development. There are one hundred and thirty-three acres with three hundred and ninety-one units. There was a discussion about fifty by one hundred and ten foot lots, but the PUD shows one hundred and twenty. He would like to have that typo corrected in the PUD. It has a density of 2.94 units an acre with thirty-five percent open space. It will be single family use only. There are design and architectural standards for all the homes. It will have dark sky lighting, gutters around all four sides of the homes as needed. There will be a twenty-five foot buffer, wetlands protection, and irrigation controls. There will be eighteen point five acres of recreational requirements. Ben Snyder and Tony Iorio of Hanover Homes are here along with Andrew McCown of GAI Consultants. They would be happy to answer any questions.

Andrew McCown of GAI Consultants, 618 East South Street, Orlando stated he was representing Hanover Land. They are in the audience if there were any questions. The planning and zoning director mentioned the typo in the PUD of fifty by one hundred and twenty versus fifty by one hundred and ten foot lots and they would appreciate that correction. There were a few other items in the PUD conditions that were discussed during their session at the Planning Commission. He wanted to bring those up to make sure they were in the ordinance. Item 6D speaks of a split rail wooden fence requirement along Dewey Robbins Road. They are happy with the fence, but they proposed a white vinyl fence construction instead of requiring the split rail wooden fence. The vinyl fence would look nicer for a longer period of time and it is more durable. It would be easier to maintain. That was agreed to by the Planning Commission. Item 6D also required a solid vinyl perimeter fence which would go around the entire property. They proposed that it just go along Dewey Robbins Road. In the past, they have worked with neighbors on other projects and when it was necessary to mitigate compatibility concerns, they were happy to do that with the white vinyl fence. They did not see any concerns with this site, especially with Bar-Key on the west and the existing uses on the other sides. That was agreed to by the Planning Commission. Item 13B is an ADA compliant trail around the central stormwater pond. They show a trail around the pond, but they would like the ADA requirement portion stricken. They have the flexibility to use materials that are appropriate for the site as opposed to cement or asphalt for the sidewalk. **PZD**

**Miller** responded that the ADA requirement was supposed to come out. That was in another PUD and it was a typo. However, the staff agreed with all of the corrections.

Linda Kero stated she did not know how expensive ADA compliance was, but none of us are getting any younger here in Lake County. Having some properties that make it better for people like her, makes it easier to look forward to growing older at home. So it may be something to consider. Also, about the gutters, why are they only as-needed? Why are gutters not always needed? **CM Minner** answered it was modified based on the size of the lots. If the lots are wider, that allows for better swale construction. If the houses are closer together, then good drainage soil cannot be installed. The gutters transport the water better from the gutter, to the downpipe, to an underground pipe which brings the water out to the curb. Typically, that happens around the fifty to sixty feet difference and the ten to fifteen foot separation.

Lisa Hayden said she did not understand and someone brought it up at the commission meeting on the 14th. She wanted to know why they were being held to the one dwelling unit per five acre requirement in the rural area of Lake County, when it seems like as soon as someone says they do not want their property anymore, it is fine to say let's put three hundred houses or one hundred and fifty-five houses on it. She was confused about that. She understands there was a problem with getting information directly from the Board of County Commissioners, but the letter she was referencing was written about this Anthony property and it was from Chairman Parks. **CM Minner** stated that was the letter he was talking about. **Ms. Hayden** said that Chairman Parks stated this property was in the rural future land use category. Before they bought their home, her and her husband looked it up and it was pretty involved. However, it seems as though by raising your hand and saying, "oh no, not for this parcel, they can get rid of that and say it is okay, and the city can say let's get rid of it for this parcel". It says that the applicant is proposing approximately three hundred and ninety-one residential units. She did not know if that was still current, but there should be a maximum of twenty-six dwelling units because that is what is aesthetic and in compliance with the surroundings. That was where she was confused. How come parcel by parcel, the owner can just say nope, let's get rid of that requirement? We want to build as many as possible. **CM Minner** remarked that she referenced something personal because of the way he heard it. She must live in a certain area where it is one to five. **Ms. Hayden** agreed. **CM Minne**r asked if she lived off CR 44. **Ms. Hayden** said they live right off CR 44. **CM Minner** responded that from that statement you must live in unincorporated Lake County. The county and the city both promulgate land development regulations. The county is a political subdivision pursuant to state statutes. Political subdivisions typically have a lot of different land use categories. They will range from heavily dense urban counties like Dade to very rural counties like Gadsden. Political subdivisions like Lake County have rural, industrial, and residential areas. So, while we do the same type of promulgation of land development regulations, we have a different rule. They are a political subdivision under state statutes and we are a municipal corporation under state statutes. The difference in that state statute delineation is that we are urban and counties are rural. That is why counties have a different flavor. They have an agricultural and industrial zoning. The county comp plan has areas that are rural in nature and their comprehensive plan says those areas of the political subdivision will be one to five acres. Municipal corporations or cities typically do not have agricultural designations; we are urban. The state statutes recognize that municipal corporations may grow or annex land. When a city annexes property, it is either Chapter 171 Part 1 or 2, that gives the rules of engagement on how we annex. A municipal corporation has the right to annex, land use, and rezone. That supersedes the counties existing land uses. If the county, as in this case, Hodges, is located within the county's comprehensive plan of the Apopka, Yalaha, Rural Protection Zone. The county established this area and the line for that is about a quarter mile off of US 27, just to the east. As long as that area is in Lake County, it is under the Rural Protection Zone and it cannot be developed in an urban nature. The hitch is, that would be under the county's comprehensive plan. When a developer seeks annexation or growth, they will come to the city for an urban-type land-use that provides more density. When a municipal corporation annexes, we are allowed to take that unincorporated property in, no matter

what the zoning is. It could be anything. We can change it through this process to a municipal zoning category. Therein lies the political dilemma and that we are doing things correctly. Therein lies the county saying this is the Rural Protection Zone and that we cannot do this or it does not work. The city's argument is that in our comprehensive plan, while it is rural in nature, it is compact and contiguous to our existing city limits. This is even beyond our part two, right to annex. It is compact and contiguous and it is urban in nature next to other urban unincorporated areas like Plantation. So, there is a pattern of urban growth. **Ms. Hayden** said she did not want to get argumentative, she just wanted to get more educated. Their property is not contiguous with Treasure Trove. She apologized for bringing it up. She did not mean to say anything tonight, but they are not contiguous. However, the city is going around and snapping up these properties around CR 44. However, you are doing that under the ISBA, from what she understands. **Commissioner Robuck** remarked that is what is really important. What the county, especially Commissioner Campione, is doing is completely disingenuous because she voted for the rural protection zones, and that was established back in 2008. In 2014, Commissioner Campione signed and voted in favor of the ISBA where it said these properties in the rural protection zone should eventually be part of the city. That is what the ISBA says. **Ms. Hayden** questioned if that was what they meant? **Commissioner Robuck** said yes, that is exactly what it says. They went through the areas and said these parts, the non-contiguous areas, should eventually be part of the City of Leesburg. These areas should be part of Groveland, and these areas should be part of Clermont. The county commission came back after they established rural protection zones and voted in favor of the ISBA, which says we can do this. **CM Minner** stated there were two parts to that. There were some confusions that lie within the county because we have four municipal corporations in the political subdivision of Lake County. In 2013, the ISBA was approved. We have the 2013 agreement where the ISBA was approved and that was the one that Commissioner Campione, as the chairman, approved. That was a county agreement between Lake County, Clermont, Groveland, Minneola, Leesburg, and Howey in the Hills. That laid out Chapter 171, Part 2 of the annexation rights, which allows a municipal corporation to annex contiguous. That agreement says we can annex anywhere in that prescribed territory, which is Exhibit A of the 2013 ISBA, but it has to be done in two ways. Exhibit B1 of the 2013 ISBA says you can automatically annex these areas in the ISBA and Exhibit B2 says we can do it in these areas non-contiguously and that was identified on the map, but we need county approval. That was the original ISBA between the cities.

Now, the City of Leesburg in 2014, we went back and created an ISBA that was just between the City of Leesburg and Lake County. All the other cities in the original ISBA agreement were copied into the agreement. They also signed off on that agreement. However, in 2014, Commissioner Campione voted on it and Jimmy Connors, the chairman, signed that agreement. That agreement provided the City of Leesburg with the unilateral right to annex anywhere in ISBA territory, because we worked out an agreement for fire services. We exchanged fire services for the right to annex anywhere in the ISBA agreement territory. Both these agreements have to be put together; the 2013 ISBA agreement between all the cities plus the 2014, which was specific to the City of Leesburg. He did not believe any other cities in the original thirteen had this type of agreement. There may be individual agreements similar to this one with Eustis and Tavares, but for the City of Leesburg you have to put the 2013 ISBA and the 2014 supplements together. The county granted Leesburg the unilateral right to annex anywhere in the ISBA without the county's permission. We will contend that annexations up to CR 44 are mostly compact and contiguous with the exception of South Bend. We would also contend that pretty much every annexation that we have done on the south side and in the county rural protection zone is compact and contiguous to an existing city limit, adjacent or next to an urban unincorporated area. The city's legal position will be that pretty much any annexation that we have done on the south, like the Anthony property, is compact and contiguous. We can do it with Chapter 171, Part 1 or Chapter 171, Part 2. **Ms. Hayden** asked if the City of Leesburg felt that they did not need to be compatible with the surrounding areas being five or ten acres? **CM Minner** answered no. In these areas, Whispering Hills, for example, is adjacent to Plantation and Plantation is unincorporated. It has the same density pattern as what is proposed. We have

Whispering Hills, Hodges, and Lake Co. All these subdivisions are compact and contiguous. There has been development occurring on CR 48. We also have Highland Lakes, Clear Springs, Windsong, Arlington Ridge, and Legacy. These subdivisions are also compact and contiguous on US 27. Yes, some of that is in the rural protection zone, but the municipal corporation's right to annex and change land use supersedes the county's rural protection zone. Those are the rules and that is the law. **Ms. Hayden** remarked that she felt bad keeping everyone here and having so many questions. **CM Minner r**eplied that she had very good discussion points. They were good discussion points because there are a lot of misconceptions regarding things that have happened. For example, we just annexed some property from the Howey in the Hills area and there were misconceptions about that process. They said we were doing a non-contiguous annexation pursuant to ISBA, and that we needed county approval. However, if you look at that agreement, that area they were referring to as Bishops Gate off CR 48, is in Section B2 of the 2013 ISBA. If you read that document, not only do the map lines show where the ISBA territory is in Exhibit A, Exhibit B1 and B2 have a list of the territories. The document lists out by alt keys every parcel that is pursuant to the exhibits. The City of Leesburg included exhibits of about seventeen pages of alt key numbers. There are about five columns all the way down of alt key numbers. Exhibits B1 and B2 have about twenty pages of alt key numbers. When you look at our other sister municipal corporations, like Groveland, they only have two pages, Mascotte has one page and Howey in the Hills has none. The City of Leesburg specifically researched the areas where we wanted to grow in. We also listed the alt keys to support the map in those areas. We then came back with the 2014 supplement and the county agreed to that. That agreement spelled out an inter-service agreement for fire services. With that agreement, we would answer their calls and they would answer our calls. However, the ratio is about 60/40, where the City of Leesburg answers about sixty percent of the calls in the unincorporated area of the ISBA for fire services and they answer about forty percent. We are a giver nation in that agreement and that is important to remember. We do county fire services and that is the fact. So, when the county yells, they do forget to bring up these things. This is why they gave us the annexation authority. It is because we cover their fire services. **Ms. Hayden** asked if a property was listed as an alt key on the twenty pages and if someone came in requesting annexation would that most likely be annexed? **CM Minner** answered yes. **Ms. Hayden** said okay and thanked him for the information. She commented to Commissioner Robuck that she appreciated him moving his request earlier in the evening since so many people have to get up early. It allowed them to leave earlier. She also mentioned to Commissioner Burry and Commissioner Connell that she appreciated their support in not wanting to annex the property where she lives. **Mayor Pederson** asked if there were any further public comments. There were none.

The roll call vote was:

| | |
|---|---|
| Commissioner Robuck | Yes |
| Commissioner Connell | Yes |
| Commissioner Christian | Yes |
| Commissioner Burry | Yes |
| Mayor Pederson | No |

Four yeas, one nay, the Commission adopted the ordinance.

Mayor Pederson clarified that he voted down the Hodges development due to Dewey Robbins Road, so he could not support this one. He met with the developer and discussed it. They know his position. He welcomed Hanover and thanked them for their investment in Leesburg.

**7. An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 133 +/- acres from Lake County Rural to City of Leesburg Estate Residential, for a property generally**

**located east of U.S. Highway 27 and south of Dewey Robbins Road, lying in Section 05, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Anthony Property)**

**ADOPTED ORDINANCE 22-63**

Commissioner Robuck made a motion to adopt the ordinance and Commissioner Christian seconded the motion.

Mayor Pederson requested comments from the Commission and the audience. There were none.

The roll call vote was:

| | |
|---|---|
| Commissioner Connell | Yes |
| Commissioner Christian | Yes |
| Commissioner Burry | Yes |
| Commissioner Robuck | Yes |
| Mayor Pederson | No |

Four yeas, one nay, the Commission adopted the ordinance.

8. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 133 +/- acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow a single-family residential subdivision for a property generally located east of U.S. Highway 27 and south of Dewey Robbins Road, lying in Section 05, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Anthony Property)**

**ADOPTED ORDINANCE 22-64**

Commissioner Christian made a motion to adopt the ordinance and Commissioner Burry seconded the motion.

Mayor Pederson requested comments from the Commission and the audience. There were none.

The roll call vote was:

| | |
|---|---|
| Commissioner Christian | Yes |
| Commissioner Burry | Yes |
| Commissioner Robuck | Yes |
| Commissioner Connell | Yes |
| Mayor Pederson | No |

Four yeas, one nay, the Commission adopted the ordinance.

## B. FIRST READING OF ORDINANCES

1. **None**

### C. NON-ROUTINE ITEMS

#### 1. None

## 7. INFORMATIONAL REPORTS:

**The following reports are provided to the Commission in accordance with the Charter/Ordinances. No action required.**

### A. Financial Reports as of September 2022

CM Minner mentioned that, on a monthly basis, staff provide the financial reports. It is an overall summary of the revenue and expenses for all city funds. This one covered September, it also provided a snapshot of the fiscal year-end budget. However, it was not labeled appropriately. It was a comparison of last year's budget to this year's. It had the wrong date on it, so it made it look a little different. It should read from October 2021 through September 2022. They will try to use a better format to put these together so there is less paper and make it easier to review. **Mayor Pederson** questioned the medical insurance since there was a positive number. **CM Minner** answered we were about $175,000 in the hole for FY 2022 on medical insurance. When we shifted the funds, we shifted about 1.2 million dollars, so the fund had about 1.2 million. We were able to use a little bit of that cash. That loss of about $120,000 was an absorbable cost and we think we can catch up. We started out the year in FY 2022 really badly, but we did better and that is how the trend finished off the last nine months. If that continues, our estimate for 2023 should be right on target. Staff will keep an eye on it. **Mayor Pederson** said he wanted him to bring that up because we had a couple of rough years, so it was nice to see this one close to balance.

## 8. CITY ATTORNEY ITEMS:

CA Watson said he had no items to address this evening.

## 9. CITY MANAGER ITEMS:

CM Minner had no items to discuss this evening.

## 10. ROLL CALL:

**Commissioner Christian** stated that since this was Commissioner Robuck's last meeting, unless he planned to attend the organizational meeting in January, he wanted to let him know that it had been a pleasure working with him over the past eight years. One thing about him, is that he was very consistent over the past eight years with pensions. He has been an absolute no every time. He commended him for being such a stellar commissioner. He was never afraid of a crowd showing up. He always stood for what he believed in and he made the City of Leesburg a better place. He gave him kudos and congratulated him on his upcoming trip to Cambodia. He will live through him.

**Commissioner Burry** had nothing to discuss this evening.

**Commissioner Robuck** remarked that it has been a pleasure and an honor serving for the past eight years. He is certainly thankful for term limits. There is no choice about what he is doing next and it is not this. It has been great. He spent all eight years on the commission with Commissioner Christian and he enjoyed that. He learned a lot from him early on. He learned that he had better figure out how he could agree with him on most things, because he was going to pack the room better than anyone else, otherwise, he could have his entire church congregation there. At least if he was going to disagree, he did it nicely. Anyways, it has been great. He enjoyed serving with Commissioner Burry and Mayor Pederson, and Commissioner Connell had reminded him that it was still okay to say no. He has not been saying no, as much as he used to. However, it is good to do that. He thanked the staff for the last eight years. It has been great. He tells people all the time that being a commissioner is easy as long as you step back and let staff do their thing. That is very important due to the city manager's leadership. He has been here longer than himself. He has been here nine years. That is like a lifetime for a city manager role, and he hopes he will be here at least another nine years. He hopes the future commissioners listen to him. It is okay to disagree at times, but the city manager knows what he is doing. It is hard enough running a company, but to run a company with five bosses that change every two years, that has to be one of the toughest jobs and our city manager does a great job. He thanked him and the entire staff. It has been fun.

**Commissioner Connell** had no further comment tonight.

**Mayor Pederson** asked Commissioner Robuck if he would be attending the organizational meeting? Commissioner Robuck replied, maybe. **Mayor Pederson** continued to say he was saving his comments, but just in case he misses him, it has been a pleasure working with him. He has raised the bar for future commissioners. Nobody knows the budget better than him. He will now have to look at the budget five times as closely because he could always count on Commissioner Robuck to go through it from A to Z. He has done a great job for the city. It has been great work with him. He is a great commissioner.

**11. ADJOURN:**

**PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT, ADA COORDINATOR, AT 728-9740, 48 HOURS IN ADVANCE OF THE MEETING.**

**F.S.S. 286.0105 "If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." The City of Leesburg does not provide this verbatim record.**

The meeting adjourned at 7:44 p.m.