AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, JANUARY 23, 2023 5:30 PM

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, January 23, 2023, at Leesburg City Hall. Mayor Burry called the meeting to order at 5:32 p.m. with the following members present:

Commissioner Allyson Berry
Commissioner Mike Pederson
Commissioner Alan Reisman
Mayor Jimmy Burry

Commissioner Jay Connell was absent. 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

Mayor Burry 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. None

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.

Kristin Nelson of 2928 Tangerine Court, stated she was there on behalf of her friend Lay Brother Stephen Gerard. They previously provided the city with the personhood resolution language. It is a bill that would acknowledge the personhood of an embryo. It also recognizes that embryo as a person with constitutional rights to life, liberty and pursuit of happiness at the moment of conception. For further information, contact Steve Gerard to place him on a future agenda. They would desire the City of Leesburg to become a new personhood city by Mother's Day.

Wanda Kohn stated she resides in Sumter County, but she is the director of the Pregnancy and Family Care Center located at 1306 High Street. She was there for the same reason as Ms. Nelson. She is the secretary of the statewide organization Personhood Florida. She wanted to encourage them to consider becoming a personhood city/sanctuary city for the unborn. All that is needed is a proclamation saying to the citizens of Leesburg that you want to be a city that supports life. It is not so much about abortion, it is about restoring civil rights to unborn children.

Deirdre Griffin of 10534 Holloway Drive, stated she was there to express concerns about an annexation and rezoning case that does not require second access for ingress/egress. It is case number SPUD 22438, Anglers on Harris. The only ingress/egress on to US 441 is overrun by heavy commercial development and it causes congestion and confusion. The inadequate easements were legally granted at twenty-one feet and eighteen and a half feet. The easement is merely a driveway. It will become a major safety risk due to the width as well as a risk to pedestrians due to the lack of sidewalks if another development goes in. The road network has significant safety issues. If someone blocks the road, there is only one way in and one way out. There would be no way to get an ambulance or fire truck into the area. This is not in harmony with the public's best interest and it jeopardizes the safety and welfare of the existing community. Essentially, you are making a substandard condition worse. She believes the case should only be approved contingent upon a second approved ingress/egress. She is also concerned about the mitigation of wetlands. Mitigation is usually done when development is unavoidable. Mitigation can be avoided here and this development proposal is unnecessary. There is no need to build eleven units ten feet off a marina wall with a pool and clubhouse in designated wetlands. The displacement of surface water from the development buying mitigation credits will have a negative impact on neighboring property since the development sits on a higher elevation than the neighboring properties. There is no tangible way to protect them from being impacted by stormwater runoff and displacement. **CM Minner** stated during the first reading of Angler's Cove that some of these issues were discussed. This will be back before the commission again for a second reading. That subdivision had to be transmitted to DEO for review. **PZD Miller** commented right now they are scheduled to come back before the commission on February 27th. **CM Minner** clarified that the second reading would be February 27th and that would be when we publicly tackle those issues. It will be at a publicly advertised hearing. There will be a formal public hearing on that matter and those issues will be addressed during that hearing. The planning and zoning department can provide any further details if needed.

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

Commissioner Pederson stated before moving onto the consent agenda he would like an opportunity to discuss fluoride. He wanted to do it out of respect for the people in the audience. He was on the prevailing side, which was the no vote. He had the right to bring this back up for a vote.

Commissioner Pederson made a motion to reconsider the vote on fluoride to move forward with the proposal for design engineering services to add the fluoride injection system and Commissioner Berry seconded the motion.

Commissioner Reisman remarked that this was unadvertised and, without a quorum, he did not think it was appropriate. **CM Minner** stated for full disclosure he and the city attorney had a sidebar with Commissioner Pederson before the meeting. The city attorney could provide more information, but there were two questions proposed and he would let the city attorney speak about that. Anyways, it was about reconsidering and once you reconsidered reconsidering, it would be how we move forward with the topic. The topic was, does the city want to pay about $81,400 to Dewberry to begin conducting the engineering work to add fluoride to the city's water. **CA Watson** said procedurally, Section 2-39 of the code allows a member of the prevailing party to bring a motion back for reconsideration that did not pass, either at that particular meeting or at the next commission meeting. From the perspective of the code, the motion is timely and appropriate. The second aspect would be if that motion passed. There could be a motion to approve that particular contract and that would be done by resolution. If the motion on the table receives an affirmative vote because we have a quorum present, a majority vote of the commission would be the prevailing vote. **Commissioner Pederson** stated the bottom line was he would be flipping his vote. We all know where everybody stands. One reason he went off with the city attorney was to ask if he could even make a motion for no additional debate, but that would be a bit controversial.

The roll call vote was:

Commissioner Berry	Yes
Commissioner Pederson	Yes
Commissioner Reisman	No
Mayor Burry	Yes

Three yeas, one nay, the Commission approved to rediscuss the fluoridation proposal.

ADOPTED RESOLUTION 11,251

Commissioner Pederson made a motion to approve the city to move forward with the design engineering services to add the fluoridation injection system to the water and Commissioner Berry seconded the motion.

Commissioner Pederson commented that this was just for engineering services. There will be another swipe at this when it comes back for full approval. However, he wanted to move forward with it. **CM Minner** mentioned for the record Commissioner Pederson asked to approve the fluoride proposal that was rejected at the last meeting. The city clerk will add a resolution number to the motion and approve the Dewberry contract, which was about $81,200 for design only. We would move forward with design and report back to the commission accordingly. The next time this item comes back would be when they have a construction contract.

The roll call vote was:

Commissioner Pederson	Yes
Commissioner Reisman	No
Commissioner Berry	Yes
Mayor Burry	Yes

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

Items pulled from the Consent Agenda for discussion:

5.C.3 - Authorization to execute a Quitclaim Deed between the City of Leesburg and the Community Development Corporation of Leesburg, Inc., and
5.C.6 - Amending the Fiscal Year 2022-23 Budget for the General, Stormwater, Carver Heights CRA, Wastewater, and Airport Funds for the First Quarter

Commissioner Pederson moved to adopt the Consent Agenda except for 5.C.3 and 5.C.6, and Commissioner Reisman seconded the motion.

The roll call vote was:

Commissioner Reisman	Yes
Commissioner Berry	Yes
Commissioner Pederson	Yes
Mayor Burry	Yes

Four 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. Organizational meeting held January 9, 2023

2. Regular meeting held January 9, 2023

B. PURCHASING ITEMS:

1. None

C. RESOLUTIONS:

1. Resolution of the City Commission of the City of Leesburg, Florida, amending the Fiscal Year 2022-23 Budget for the General, Stormwater, Greater Leesburg CRA, Carver Heights CRA, Highway 441/27 CRA, Capital Projects, Electric, Gas, Water, Wastewater, Airport, Police Forfeiture, Building Permits, Discretionary Sales Tax and Fleet Services Funds for the carryovers from fiscal year 2021-22; and providing an effective date.

ADOPTED RESOLUTION 11,252

2. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Lease with the U.S. House of Representatives (Congressman Daniel Webster) through March 2, 2023; and providing an effective date.

ADOPTED RESOLUTION 11,253

3. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a Quit Claim Deed between the City of Leesburg and the Community Development Corporation of Leesburg, Inc., transferring the real property described therein; and providing an effective date.**

ADOPTED RESOLUTION 11,256

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

Commissioner Reisman stated he pulled this item because he would like the city manager to provide a brief breakdown. **CM Minner** mentioned that the Board Chairman, Pastor John Christian, who is a former City Commissioner, requested back in December that the city consider giving three parcels of property to the CDC of Leesburg, Inc. Those three parcels are identified in the quitclaim deed that is being dealt with. The purpose of the CDC was to conduct commercial and social purposes pursuant to the redevelopment plan and the CDC has considered and contemplated the Pine Street Corridor. The Pine Street Corridor includes Pine Street from Canal to Lake and the varying side streets. This portion of the Pine Street Corridor consists of Pine Street and Childs up to Main Street. With that being said, the city, pursuant to the 1995 Decree when we entered into an agreement with the CDC, as part of that consent agreement the city was to work with the CDC and the Downtown Leesburg CRA to prevent racism along with other issues that got us involved with Pine Street and the hospital. There were some settlement issues and we have lived by that intent. In more recent years, since that agreement was struck, we had an accord with the CDC and for the past number of years we have traded several different lots. For the most part, the CDC has used the lots that we donated for the Affordable Housing Program. Our standard operating practice (SOP) of how we give surplus lots to the CDC is through quitclaim deeds. There are no specific agreements. We understood that there was going to be housing. We understand what that looks like and feels like. We have done a quitclaim deed and the CDC has lived up to their intent where they built houses on the properties we donated or they have not built yet. The flavor of Pastor Christian's request was a little different because he sought a commercial and social aspect. There are varying levels of what that means and we do not know what the specific CDC plan is. He suggested with the affected lots that they look at the zoning. For alt key numbers 1265797 and 1773741, those two parcels make up the greater part of the southeast corner of Child Street and Main Street. It is almost across the street from the African-American Museum and RoMac. During Bikeweek, that big open field is where the CDC holds their barbecue cooking. They do that for Bikefest and other big events. That is why the CDC is asking for it to be used in a commercial and social way. If everyone shares the same expectation, that would be to quitclaim deed those two parcels to the CDC. Right now, they are both zoned C-3, which could be a ton of different things pursuant to the code. When reviewing the chart for land-uses under Section 28-280, it is about eight pages long and everywhere there is a "P" that would be a permitted use. A permitted use under C-3 could be a single-family or multi-family residential, industrial, warehouse, or storage. There are a ton of different things. The intent of the commission and the intent of the CDC would be to do commercial/social, which would be retail, business, and personal services. Those are three uses permitted under the C-3 classification. He suggested that they dedicate the quitclaim deed for the properties to the CDC. However, they include the C-3 classification and limit it to the three items, which are personal services, retail, and restaurant. That way there will be no housing or storage sheds. Those three sections of the C-3 code work with the commercial and social aspects of the CDC and that portion of Pine and Child Street will be more commercial in nature and not residential. Keeping them in that scope of the C-3 accomplishes what is going there, a restaurant or a business. With parcel 3921439, which is zoned R-3 right now, if it is donated to the CDC through a quitclaim deed, they could not put a restaurant on that lot. He figured they would like to link all these parcels together to have one big development. He suggested that when donating those parcels, they say to the CDC, we are giving this on the condition that you rezone this parcel to C-3 with the same restrictions as the other two lots, 1265797 and 1773741. That way, that corridor is dedicated to the CDC, and we know it will be some type of commercial or social aspect pursuant to the caveat that is being hooked on it, which goes back to the land-use development regulations.

John Christian, Community Development Corporation of Leesburg, Inc., stated for the record they are partners with the City of Leesburg. They are not here to do anything that would be adversarial with the city's master plan. The city manager hit it right on the head because that is their purpose for that corner. When it came to affordable housing, he was one who said no, they wanted commercial development on Pine Street. On Pine Street, they already have businesses operating and they look forward to continuing on Pine Street. They would like to go down Mike Street as well as Child Street. They would like to see Pine Street compliment the swimming pool and make that community a better place for doing business. They are in one hundred percent agreement with what the city manager proposed. **Commissioner Berry** asked if the CDC would be willing to rezone C-3? **Mr. Christian** replied yes. They are willing to work with the city. If the city says C-3, they will do C-3. If someone gave them two million dollars and said, build a three-story, they would come back to the city and ask for help so they could build a three-story. Right now, their financial outlook is to do retail shops so business owners can come and be alive on Pine Street again. **Commissioner Berry** questioned if he would be willing to share his visions of that area, being it is part of District One? **Mr. Christian** replied that with Pine Street they had been blessed to work with the City of Leesburg with the ARP funds. The city commission contributed seven hundred and fifty thousand dollars to the CDC and, with that seven hundred and fifty thousand dollars, they remodeled nine units on Snow Place. Those units are all filled and they are all up and running. They are currently working with the city and the county to get more housing funds to build more units for people.
At first look, they had about fifty people who needed housing, but those units were under code enforcement. They had feces running down the road. The CDC purchased those lots from a local resident. We took one hundred and fifty thousand dollars out of the seven hundred and fifty thousand dollars to remodel those nine units. Those were funds that the CDC had. On Pine Street they recently opened a restaurant. Remember all these buildings were in disrepair and they were not active. Now they have a lounge for social activities on Pine Street. There is a candle shop and they have just turned an old Barber Shop into a hat shop and that is open. We had a building that was vacant for twenty-five plus years and it is a business center for small businesses. There are four pods and three of those pods are operational. There is only one left. They also had four hundred and fifty thousand dollars, and three hundred and fifty thousand dollars of that was from the city. They put one hundred thousand dollars in to buying the barbecue stand and that whole row. That was all CRA funds for 2023. They are going to start remodeling those businesses and the quad-plexes where people used to live. It will become a place where people can come and open up small businesses on Pine Street. Right now there is an element of negativity. He just took a call from the police department two weeks ago because people were breaking into buildings and sleeping in them. That is why they need business activity there to put eyes and ears on Pine Street, Child Street, and Mike Street twenty-four hours a day. With the African-American museum, they would like someone to open it up on a regular basis so people can see and hear about African-American culture. They would also like to remodel the barber shop. They already have a tenant that is ready to go into the barber shop. They should have about ten new businesses on Pine Street, Mike Street, and Child Street within the next year. **Commissioner Berry** said that sounded great and she was ecstatic about the possibilities and growth. However, she would like to know what he envisioned for the three parcels 1265797, 1773741 and the third one that would need to be rezoned to C-3. **Mr. Christian** said they hope to have small retail businesses, but they have to build from ground zero. Their hands are full on Pine Street, so they will finish Pine Street first, then work on Mike Street. Their future vision would be to

construct retail shops on Child Street. They are looking at three small businesses, but if they can do more, they will. **Commissioner Berry** inquired about the time frame. **Mr. Christian** replied that within the next three years they should be ready to go. That should allow enough time to finish Mike Street and Pine Street. Then, hopefully, get some money to finish Snow Place. With the new addition on Child Street, that would be the third project to work on. They feel in three to five years they should be ready to start construction. If the city has any funds to help jump start it, they would be willing to get any help. Of course, they will be looking for grant funding from the county as well. That is their plan. They have multi-faceted housing as well as commercial. Commercialization is what will help fund them to do the other social projects that are very much needed in this community. They have a very vast group of people who are underemployed and unemployed. They are working with several social ages to provide job opportunities. Cottons Kitchen, is working to employ young African-American men who need job opportunities. The CDC is able to reduce rent and allow people to have a business who normally would not have a business on Pine Street. **Commissioner Reisman** asked if he would be open to tabling this item and if he would come back for each property individually when they are ready to move forward with that property. **Mr. Christian** answered he would prefer to have the commission vote tonight so the CDC can move forward. If they want the CDC to come back and do a more formal presentation on everything the CDC is doing, they would be more than happy to do so. They work much like Habitat, and they were just here two weeks ago. They were given three acres of land and they did not have a plan. They did not know what they were going to do with that land, but the commission gave it to them. They are here as the CDC asking for these three lots. They said they are willing and agreeable with everything the city has asked of them. They do not see a reason to table or postpone this proposal. **Commissioner Berry** said, speaking as the commissioner for District One, that she would like to be more in line with the plans for each parcel. Right now, you are generalizing and giving what is expected. She would like him to be more specific for each lot if possible. She asked if he would be willing to share that information as it comes so they can vote accordingly versus voting in general for commercial property? **Mr. Christian** wanted to clarify if she was asking for the CDC to come back to ask for each lot, saying specifically that "Lot A" would be for a beauty shop. **Commissioner Berry** replied exactly. **Mr. Christian** answered that it would not be a problem. However, when you deal with development and you say you are only going to build one lot and at a time, that could get difficult. When you work with the city planning and zoning department, they will say they need a sidewalk constructed all the way down the whole road. They may say they need water and sewer put in those types of things. When you deal with development, it is hard and almost uneconomical for them to build one lot at a time with commercial development. That is why they proposed the three lots. They have the Durden building, which goes from Mike Street all the way to Childs Street. That lot goes all the way down, so it will be very difficult for them to build one lot at a time. Housing is different than commercial development. He believes their record speaks for itself. Whenever they have worked with the city, they have fulfilled their obligations. He does not think there is one time in the last ten years since being partners with the city where the CDC has not fulfilled its commitment or obligation. They are just like any other organization that comes in and most of them do not have a full pledged plan showing exactly what they are going to do. He was just there two weeks ago and Habitat got three acres of land and we do not know what they are going to do with that property. He does not want to be treated any differently because three acres of land is commercial right behind Burger King and the commission said housing. We did not know what they were going to do with that property, yet nobody asked them to bring a plan. Nobody said postpone it and bring us your site plan. They should have the same consideration whether it is District One or District Two. They said they would adhere to the city's recommendations. They would do whatever they asked of them. They should be considered similar to other nonprofits if not more, because they do have the federal consent decree that says the city should work with the CDC. **Commissioner Berry** commented that she agreed with all that was said. She would like to know more about the plans for District One. That is only fair being a new commissioner to the board. It is not a question of integrity. She is sure that they will do the right thing. He just needs to communicate the information. **Mr. Christian** replied that anytime they would love to see more information about the CDC, they welcomed the opportunity. They could come and give a more detailed approach to what they have done, what they are doing and what their plans are. Of course, Snow Place, there are nine units that are built and there are nine people living there. They are asking for the county to give them a million dollars to build some more. He can say today that they want it, but if the county currently says no, they cannot build anything. He did not want to give any false hope that they were going to do something tomorrow without having the financials to make that happen. They are non-profit and most of their rent is below market rate because they want to help people build their businesses on Pine Street. He reminded them that he did the Black Heritage Festival on Pine Street for fifteen years and every time someone came to our city they would ask him about the ugly buildings across the street. This CDC, in partnership with the city, sold land and bought all those buildings. Now all those buildings are renovated because of the CDC. There was nothing going on. However, it was intentional for us through the partnership with the city. The city manager was correct that since this administration, there have been no issues with the City of Leesburg. The City of Leesburg has been a great proponent of the revitalization of Pine Street. They feel this is a small ask from the city for the CDC, because remember a month ago these same lots were getting ready to be designated as affordable housing. These same lots last month, with a vote, would have been affordable housing lots. He personally said these were not affordable housing lots. These lots should be commercial, which will lead onto Pine Street. So, the CDC, who is the redevelopment partner for that area, is simply asking that the city continue to work with CDC to develop those lots. Lets make Pine Street and District One better because no one in District One is working harder than the CDC or East Leesburg to make that happen.

Dr. Erika Jasper stated that Mr. Christian pretty much expounded on what she wanted to say. However, she asked Commissioner Reisman if he had any specific concerns regarding the lots. **Commissioner Reisman** replied he did not. It was more with the master plan where they could come back and do a presentation indicating what they wanted to do with each piece of property. **Ms. Jasper** said, for the record, she sits on the same board as Mr. Christian.

Bettye Stevens-Coney of 33605 County Road 468 commented that she was so proud of the City of Leesburg. She has been a long-time resident, so she has been able to see the progress that everyone has made working together. She was so proud to see and hear the city manager mention the consent decree. Sometimes we act as though the consent decree is a bad word or phrase, but it is not. It is liberation and freedom. It is a recommendation for all of us to work together, particularly in these times. As far as the city, we are so proud to be doing that. She wished she could say the same for the other entity, which was the hospital. If they could get the hospital to operate in a spirit of solidarity and come together, we could see even greater things happen in the City of Leesburg. Part of the lots that are being discussed are in the vicinity of the Durden Law Firm. That area is a historical area and with the CDC being in possession of these lots, they would have the opportunity to include some of the businesses that would be created and they could possibly use the name Durden Law Firm. They would like to establish and recognize some of our iconic citizens of yesterday, as well as today. The preservation of who we are as a race and the shoulders of whom we stand on for development, that is what we are about and that is what the CDC is about. She concluded by saying the CDC stands on its record of development and establishing a better Leesburg. At the last CDC meeting, they discussed coming together more. It was specifically discussed that they ask Commissioner Berry to come to one of their meetings. If no invitation has been received, she extends an invitation with love. **Commissioner Berry** thanked her and said that with all due respect, she was just asking as part of District One. She is so proud of all that has been done and of what will continue. All she asked was that they bring the information back so they could know what was going on with each parcel.

Commissioner Pederson inquired about the history of the property. He wanted more specific details. Did we get this through code enforcement? **CM Minner** replied that he did not know how the city gained ownership of those parcels. **Commissioner Pederson** said where he was going with that question was that he was ready to give them to the CDC so they could maintain them. He was assuming we took it through a code enforcement action. **Mayor Burry** stated there was a resolution on the floor. We have discussed a potential amendment to that resolution and we discussed possibly tabling the resolution.

Commissioner Berry made a motion to table this item to allow for more information as it happens for each parcel and to be given the opportunity to know what is going on as things are determined, and Commissioner Reisman seconded the motion.

The roll call vote was:

Commissioner Berry	Yes
Commissioner Pederson	No
Commissioner Reisman	Yes
Mayor Burry	No

Two yeas, two nays, the Commission failed to table the resolution.

CM Minner stated that they are back to the original motion which was to approve as is. **CC Purvis** informed them there was no motion. She introduced it and the Commission started discussion. **CM Minner** said that there was no motion on the floor. The commission went right into discussion without a motion. **Mayor Burry** asked if they could get a motion on the floor that would include the C-3 restrictions that we want on the property, so at least moving forward the CDC would know what would have to change.

Commissioner Berry made a motion to amend the resolution to approve the gift of lots to the CDC and that lots 1265797 and 1773741 have restrictions pursuant to the land development regulations of C-3. These lots can only be used as defined by the use categories of personal services, restaurants, and retail sales and services. Further, in granting parcel 3921439, the CDC will immediately move to rezone that parcel to C-3 with the same aforementioned restrictions and the city will waive the fees on rezoning. Commissioner Pederson seconded the motion.

Commissioner Reisman questioned if that would be without a presentation? **CM Minner** answered yes. **Commissioner Reisman** stated he would still like to see a presentation of what the lots would be used for. He supports the CDC and they do great things. He is excited about Pine Street, but he cannot support it without a presentation. **Mayor Burry** asked for any further discussion. There were none.

The roll call vote was:

Commissioner Pederson	Yes
Commissioner Reisman	No
Commissioner Berry	Yes
Mayor Burry	Yes

Three yeas, one nays, the Commission adopted the resolution as amended.

4. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Gas Service Agreement between the City of Leesburg and Red Maple Lodge Properties, LLC, for the purpose of setting forth the terms under which the city will provide natural gas service to the development known as Red Maple Lodge; and providing an effective date.

ADOPTED RESOLUTION 11,254

5. **Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement from Red Maple Lodge Properties, LLC, along with a Joinder and Consent to Utility Easement from United Southern Bank, for the purpose of creating a utility easement affecting the property described therein; and providing an effective date.**

ADOPTED RESOLUTION 11,255

6. **Resolution of the City Commission of the City of Leesburg, Florida, amending the Fiscal Year 2022-23 Budget for the General, Stormwater, Carver Heights CRA, Wastewater and Airport Funds for the First Quarter; and providing an effective date.**

ADOPTED RESOLUTION 11,257

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

Commissioner Reisman made a motion to adopt the resolution and Commissioner Pederson seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Berry said she would like more information about 701 McCormack Street. It was the line item for the Carver Heights CRA fund for two hundred and forty-five thousand one hundred dollars. **CM Minner** answered that this item is a typical amendment to the budget. The budget is a living breathing document and it changes throughout the year on a quarterly basis. Quarterly, we go in and do budget adjustments for the fiscal year. We are currently working on fiscal year 2023. The specific item in question is the CDBG Grant in the amount of two hundred forty-five thousand one hundred dollars. We received the CDBG Grant and the money trail is from the federal government, which is HUD money. It goes from federal to state to county. We work with our partners in the county through the CDBG Program to get that HUD money. The specific grant application was for a food pantry at 701 McCormack Street. That is what we are amending the budget for. This is a revenue stream which is all grant money of two hundred forty-five thousand one hundred dollars. The expense for the project is called the 701 McCormack Street Food Pantry. The grant money goes in and out of the project. **Commissioner Berry** stated she would like to further discuss the project. We say food pantry, but there was mention of a fresh market on Saturdays where food would be brought in, as well as vendors coming out. She wanted to be clear about the project. She was concerned about the residential area in the community and this becoming commercial. What about the amount of traffic? Would this be governed by the West Leesburg CDC and would they be responsible for this? Would this be open for the entire city and whoever wants to come to the food pantry? Being a newly elected commissioner, she wanted to understand what projects have already been put into place. She realized this was a long-term community project and wondered if it would be wise to place a multi-purpose building in the Carver Heights neighborhood where they are already struggling to rebuild the community as a residential area. What would become of it? She is all in favor of it because the homeless deserve to be supported. However, it should be citywide and not just through District One. There are many churches and organizations that provide establishments and support for the homeless. The homeless population will probably continue to grow in the Carver Heights area if it is set there to actually feed the homeless, so she wants to make sure she understands the project. **Commissioner Pederson** asked if this was already approved? He thought the CDC had already approved the project and they were now receiving grant money. **CM Minner** replied no. There are missing acronyms and we are getting a couple of things confused. The Carver Heights CRA approved this. The CRA is a Community Redevelopment Agency and they are promulgated by state statutes as an entity to locate blight, tackle blight, and target it. They declare it, set up projects and then capture a TIF incremental revenue. Those incremental revenues go into the district to fight what you are trying to fight, which is blight. In this case, the Carver Heights CRA established this. With this action item, the city commission, as a governing body, would approve the modification to the fiscal year 23 budget. Now, the Carver Heights CRA would be responsible for managing the project, not the West Leesburg CDC. The West Leesburg CDC is a not-for-profit agency that is similar to the Leesburg CDC. However, they are not the managing entity of what would be the food pantry. There have been several different concepts floated around about the term food pantry, which has negative connotations. That automatically means homelessness, like a homeless food bank. For example, there are places where the homeless go to get a hot meal and that typically is not a food pantry. The Christian Church has a facility where the homeless go to get a hot meal. A standalone food pantry would be like the one in Mount Dora, Lake Cares, located on US 441 across the street from the Dairy Queen. That is the concept to be put at the property on McCormack Street. The CDBG money is going from the county to the CRA fund and the two hundred and forty-five thousand one hundred dollars will go to fixing it and making it function as a food pantry. Then anyone who is needy or who visits the food pantry can visit that location. It does not matter if you are a resident of Carver Heights, South Leesburg, or Silver Lake. They typically do not check IDs because it is for whoever needs them. That is the concept. It has been mixed up with homelessness. However, there has been talk about a farmer's market at that location. The final thing the CRA board dealt with was the food pantry. He suggested if there were concerns about the project, to remember a project has many lives, so just because they were approving it in the budget phase does not mean it is getting done. Just like the fluoride, the only thing approved was the contract to design the fluoride system. That is still a long step away from the design contract. That is how we operate on pretty much everything we do with big capital projects. They have phases; concept, design, and construction. We moved from the concept phase when the CRA said let's go get a grant. We received that grant and now this body is amending the budget to reflect that we are in receipt of the grant. That does not mean we are moving forward with the grant. If there are concerns about this project, we should approve it as it is in the budget. We have the county on the hook for two hundred and forty-five thousand one hundred dollars with no contribution. We take that money, say yes, and it is in the books for the food pantry. If we need to put a hold on it, it will be publicly noted and we will bring back more information when it is provided. We will not spend a penny of the grant money without coming back for approval.

Dr. Erika Jasper mentioned that she is a member of the Carver Heights CRA board and she sat on this board when this was approved. It was approved when Ken Thomas was the Housing Director. The purpose of the food pantry was to help aid and alleviate some of the issues going on in the Carver Heights area. There are not just homeless people in need of food, there are a lot of low-income families that need food. There are a lot of people in that community and we received that grant from the county. It would be a slap in the face if we were to return that money and not use it. It could cause issues in the future if we were to go ask for another substantial grant. It would be wise, and it behooves the commissioners to go ahead and approve this for the quote-unquote food pantry. We wanted to encompass the fresh food market with this project. That was one of the projects that she personally presented to the CRA board. She asked Commissioner Berry if she had any ideas other than not moving forward with this, because the building is dilapidated. It is an eyesore for the community and we have the money to move forward with this project. She would be amazed at the demand for it. It was quite astronomical when she spoke to the members of the community when trying to see what they could do to improve the neighborhood and to eliminate blight. That is one of their main goals in the CRA. **Commissioner Berry** answered no, not at this time. **Commissioner Pederson** said for his clarification that Ms. Jasper said approved. Did we approve this at one point in the CRA budget? Are we now adding the CDBG grant money? **CM Minner** answered on Commissioner Berry's behalf that most of this was done before she was elected. It is an old project and these projects get done in multiple pieces, which is difficult. The project is a Carver Heights CRA project. Any expense for the project will need to be approved by the Carver Heights CRA board. The Carver Heights CRA board is comprised of this body plus Dr. Jasper and Kevin Connor. The commission appoints those boards during the appointment meetings. The two appointees, Mr. Connor and Dr. Jasper are still serving out their terms. The CRA body votes on any expense over fifty thousand dollars. What Commissioner Berry asked was if we approve the grant, she would like to ask questions about what the project would look like because this is new for her. She asks that any approval of monies be brought back to the body for discussion and that will be done based on her request. That is a reasonable request and this body is dealing with it because you are amending the overall city budget. There is a spend component, which is the CRA board, and an overall review component, which is the commission. **Mayor Burry** asked if there was any other discussion. There was none.

The roll call vote was:

Commissioner Reisman	Yes
Commissioner Berry	Yes
Commissioner Pederson	Yes
Mayor Burry	Yes

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

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

A. SECOND READING OF ORDINANCES

1. 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 11 +/- acres from City of Leesburg Low Density Residential to City of Leesburg Industrial, for a property generally located west of Flatwoods Road, north of Casteen Road, and south of Parkway Boulevard, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Warehouse Flatwoods)

ADOPTED ORDINANCE 23-01

Commissioner Reisman introduced ordinances 6.A.1 and 6.A.2 to be read by title only. CC Purvis read the ordinances by title only.

Mayor Burry asked, since this was a quasi-judicial hearing, if the city attorney could swear in anyone wishing to provide testimony. **CA Watson** asked anyone who wished to provide testimony on items 6.A.1 and 6.A.2 to stand and he swore them in.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Pederson made a motion to adopt the ordinance and Commissioner Reisman seconded the motion.

PZD Miller stated this would be for a new warehouse building. They have a successful business on Griffin Road. It is Metal Structures Company USA. They would like to move to Flatwoods Road to increase their ability and output. This includes eleven point eighty-four plus or minus acres. They are proposing approximately forty-five thousand square feet, which would be divided up into five thousand for offices and forty thousand for warehouses. It would have the standard PUD conditions of dark sky lighting, irrigation controls, and thirty-five percent of open space. Normally, with industrial uses we do not do that, but in this case we decided to go with it and it worked. It would have St. Augustine grass. The bottom line is to keep a successful business here in Leesburg. Mike Rankin is here from LPG if there are any specific questions.

Mayor Burry asked if there were any further comments. There were none.

The roll call vote was:

Commissioner Berry	Yes
Commissioner Pederson	Yes
Commissioner Reisman	Yes
Mayor Burry	Yes

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

2. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 11 +/- acres from City of Leesburg R-2 (Medium Density Residential) to City of Leesburg PUD (Planned Unit Development) to allow for the development of a 5,000 SF office and 40,000 SF warehouse facilities for metal structures/carports for a property generally located west of Flatwoods Road, north of Casteen Road, and south of Parkway Boulevard, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Warehouse Flatwoods)**

ADOPTED ORDINANCE 23-02

Commissioner Pederson made a motion to adopt the ordinance and Commissioner Reisman seconded the motion.

The roll call vote was:

Commissioner Pederson	Yes
Commissioner Reisman	Yes
Commissioner Berry	Yes
Mayor Burry	Yes

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

B. FIRST READING OF ORDINANCES

1. An Ordinance of the City of Leesburg, Florida Amending Chapter 28 of the City Code of Ordinances regarding Stormwater Management; providing for inclusion in the Code of Ordinances; providing for severability; providing for conflicts; and providing for an effective date.

Commissioner Pederson introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

Mayor Burry asked the city manager to provide a quick overview. **CM Minner** stated this would be an important modification. This is not a land development regulation modification and it does not go to the Department of Economic Opportunity (DEO). This item will be back before the commission on February 13th. We have a lot of approved subdivisions in the community. In the past there was a lag between when stuff was approved and when it actually got developed. In more recent days, that lag has been a lot quicker. For example, the McElyea subdivision, which is now known as Eagletail, is under construction. The Lake Denham Estates, which came in 2016/2017, has been developed and the Robuck Ostrander development is now under construction. We are seeing a shorter time lag regarding how the city can help existing residents cope with the development that is happening around them. Some issues developers get into, which they are forced to meet, are development standards. They are required to use silt fencing when clearing. The city does not enforce this because it is a St. Johns issue. However, St. John's is not an agency set up to be grassroots. They will promulgate that you have to have a silt fence, but there is not a St. John's engineer or inspector that goes around making sure developers are putting up that silt fence. He can guarantee that when a silt fence busts and a Leesburg resident who is offsite is affected by that, it will be the city who responds. We are trying to establish better rules of engagement to keep the relationship between development and existing neighbors operating in a reasonable fashion. The issues where we see this the most are in the stormwater management practices. That is why we provided the big red-lined version of the ordinance. There are four sections that we want to address. We have had issues in the past and we do not want to fight them again. Section 28-8, establishes clearing and grading standards along with runoff conditions during pre-construction. That means when a subdivision clears the land and before they can start building, they will be required to put up a silt fence around the project. We also want them to sod or seed areas immediately so when a rainstorm comes the mud does not run down the city road and end up in another resident or non-resident yard. This has happened and we are in a tough spot because this really is not ours to enforce. We have had it happen twice and developers, for the most part, have worked in good faith with us. However, as other subdivisions come online, we need stronger language, so we do not have these mudslide conditions. There is another one and that was an add on. If you remember the situation at Arlington Ridge where we went back out post facto and paid for grading and drainage improvements on lots where there should have been a survey done by the engineer prior to the certificate of occupancy that said yes, they built to the condition with proper slope. Well, it did not have that, and the developer said it did. We got caught, so we ended up having to pay for those improvements. This section of the code says before they can get a certificate of occupancy, the city wants a raised stamp from the engineer or surveyor that says every lot has been graded the way it was supposed to be. The statement in the code says there has to be so many inches of fall and that will be enforced. There is a general housekeeping regulation to make sure they are emptying their dumpsters and those types of things. The city wants to add an enforcement measure so we can lien properties and enforce what we are saying, that was the whole purpose of this ordinance. The public works department has worked on this ordinance for the better part of nine months. It has gone back and forth between reviews. The Director and Deputy Director of public works have done a great job. They have been through a couple of different iterations.

They have worked with other municipalities in the area as well as around the nation to see where everyone is on this. They have come up with one that reasonably helps the city enforce development standards so that our existing residents and non-residents are not affected by development. **Mayor Burry** asked for comments from the commission and the public. **Commissioner Pederson** complimented the staff on this because he has dealt with those types of complaints. **Mayor Burry** stated this item will lay over until the February 13th meeting.

2. **An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 109.63 +/- acres; and being generally located east of U.S. Highway 27 and south of Florida's Turnpike, lying in Sections 07, and 08, 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. (Blue Cedar)**

Commissioner Reisman introduced ordinances 6.B.2, 6.B.3, and 6.B.4 to be read by title only. CC Purvis read the ordinances by title only.

Mayor Burry requested comments from the Commission and the audience.

PZD Miller stated this item is the Blue Cedar annexation. It also has a large scale comp plan and rezoning. It is located on the eastside of US 27, south of the Florida Turnpike and south of Blue Cedar Road. It is near the new medical complex at US 27 and the Turnpike. It would go from Lake County Regional Office to City of Leesburg Neighborhood Mixed Use. The zoning would go from Lake County Agriculture to City of Leesburg Planned Unit Development. It has one hundred and nine acres, plus or minus, three hundred and fifteen units and a density of two point eight units per acre. The request is for one hundred and eighteen townhomes, one hundred and forty single-family homes on fifty-foot lots and forty-eight single-family homes on fifty-five foot lots. They would end up with one hundred and eighteen townhomes and one hundred and eighty-eight single-family homes. In addition, there would be just under ten acres of commercial office and institutional use. It would be about three hundred thousand square feet. The standard design and architectural standards have thirty-five percent open space, buffers, irrigation controls, etc. It is the standard PUD. There would be two recreational areas that total about two point three acres. The representative of the project would like to make a couple of minor changes. Those changes will be seen on the second reading. First, the facades shown in Exhibit D, the applicant brought in some nicer facades and they would like to replace those. With the acreage on page two, the applicant would like to have it read the exact acreage of one hundred and nine point sixty-two. They would also like the flexibility to change the number of townhomes or single-families in each of the three lot types to account for market conditions. That change would not allow the developer to exceed the total number of lots. What they could do is take one type of lot, like the fifty-foot lots, plus or minus ten percent, and the fifty-five foot lots, plus or minus ten percent for townhomes or single-families. The total number of units would remain the same. It just allows for market conditions. Ms. Carolyn Haslam of the Ackerman Law Firm is here to answer any questions. This went through the Planning Commission with only one person showing up. **Commissioner Pederson** commented about the developer having the right to change. That does not bother him, but he remembered another development coming in recently and we pushed back on that. **PZD Miller** responded there was a different design where that applicant had to choose between option A or option B. This one just says if you have a hundred single families in a PUD you can do ninety or you could do one hundred and ten, but you would have to make it up in the other section. That is all this does, it allows them to balance it out. **Commissioner Pederson** thanked him for the clarification. **Mayor Burry** added that he thought there were three hundred and seven units. He then asked for any public comments. **CM Minner** mentioned when they get to the land-use item, they will need to make a motion to transmit it to the state. **CA Watson** agreed and said that since this was a large scale, they would need to make a motion similar to the last meeting.

Lisa Reynes stated she works as a honeybee inspector for the state. She drives all over Lake County and six other counties every day. She sees development after development, including multi-family homes, but they are empty. Where are all these people coming from? Do we really need these? What we are missing is our wildlife. She has beekeepers who are losing thousands of acres. There are beekeepers from over thirty-three states moving to this state. We are losing habitat for the bees and we need the bees to feed the whole nation. What is Leesburg doing and where is the development of the wildlife corridors? What is happening to our agriculture? It is being snapped up constantly. **Mayor Burry** responded that most of this property in the 1970's was agriculture. It was all orange groves, but it was not agriculture. There are only a few pine trees on that property. **Ms. Reynes** stated that it is forestry and she has a degree in forestry. **Mayor Burry** stated he understands. **Ms. Reynes** said that we are destroying the forest. **Mayor Burry** stated that from 1970 to about 1982/85, ninety percent of that property was orange grove. Now, that is gone, the citrus industry is gone. **Ms. Reynes** commented that pine trees would be better because we are hurting the aquifer by not planting trees that are deep-rooted. **CM Minner** stated we deal with those issues all the time and the comments have been noted by this body. This subdivision will be sent to the state for their review and comments. During the public hearing at the second reading, we will deal with all these issues and the public will have another opportunity to ask questions and provide comments. There will also be a presentation from the developer that addresses all these things.

3. 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 109.63 +/- acres from Lake County Regional Office to City of Leesburg Neighborhood Mixed Use, for a property generally located east of U.S. Highway 27 and south of Florida's Turnpike, lying in Sections 07, and 08, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Blue Cedar)

Commissioner Pederson made a motion to approve the transmittal to the department and Commissioner Reisman seconded the motion.

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

The roll call vote was:

Commissioner Berry	Yes
Commissioner Pederson	Yes
Commissioner Reisman	Yes
Mayor Burry	Yes

Four yeas, no nays, the Commission approved to transmit to the department.

CM Minner stated the city will transmit this item to the Department of Economic Opportunity. The state will review it and provide us with their comments. When we receive their comments back, we will publicly advertise for the second reading of the annexation, the land-use and rezoning. Typically, that process takes around forty-five to sixty days. It will be around March when we publicly advertise. If there are questions in the interim, contact the planning and zoning department.

4. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 109.63 +/- acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow for mixed use development for a property generally located east of U.S. Highway 27 and south of Florida's Turnpike, lying in Sections 07, and 08, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Blue Cedar PUD)**

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. None

8. CITY ATTORNEY ITEMS:

CA Watson stated a couple of real estate contracts were finalized last week. One for Lift Station 72, so they will be able to move forward. He knows public works has been waiting for that. Secondly, there was a piece of property on Center Street that was to be used for drainage work. They closed on that at the tail end of the week. It was all good stuff for the city and they are able to move forward on those projects.

9. CITY MANAGER ITEMS:

CM Minner commented for the new commissioners that there was a litigation item he wanted to make them aware of. The city is in a pending lawsuit with the Sunnyside Land Development Corporation. It is a petition from the City of Leesburg versus Sunnyside Land Development Corporation regarding the Sunnyside subdivision that was proposed in Sunnyside. The city denied the development and the developer sued the city to try and get more density. He will provide each commissioner with a debrief on that. However, when you sue a city on land development issues, it is a writ of certiorari. It is a different process where we go through a mitigation, then there is a re-hearing stage and if there is no settlement from those two stages, it ultimately goes to court. We went through arbitration back in August or September, and we failed to come to an agreement. Now both sides have agreed to move forward with the rehearing phase. With the rehearing phase, the special magistrate or the mediator serves as the judge. It will not be a commission action. However, email traffic has already started going back and forth. We actually thought we were going to have a re-hearing set for February, but it appears it will be pushed back to April at the developers' request. As soon as we have the rehearing date we will let you know.

The second issue is on Wednesday there will be a Lake County Joint Land Planning Session. The county has been periodically meeting with all the municipalities in Lake County to talk about development issues, just like we spoke about earlier tonight. Chairman Kirby has asked each city to make a five-minute presentation. Mayor Burry will be in attendance at that meeting, and if any other commissioner plans to attend, please let him know because the city will need to advertise that more than one commissioner may be in attendance. The meeting will be held on Wednesday at 9:00 a.m at the pavilion in Tavares. He will provide a five minute overview of the city's growth and vision plan. There will be a lot of information in five minutes. Our plan is a five-pointed plan on the important things we want to tell the county commission. We will briefly recap the agreements put in place with The Villages. We will tell them that it is important to continue with the standard operating procedures (SOP), which means we keep our taxes down, keep good cash amounts available, make sure we continue to maintain our utilities, and provide municipal services like police and fire. We have the comp plan revision that they need to know about, along with the strategies on how we will tackle blight. We will also tell them that we are going to have a rural protection area. The county needs to hear about that, along with some of the new PUD items that we have made that bring more green incentives. They need to hear about South US 27, which would be a recap of what was discussed with the developers a week ago. Then, with being the Lakefront City, we need to talk about capital expenditures and how we are emphasizing more on sports marketing. It will be important to remind them about all the successful capital improvements we have made, like Venetian Gardens, the Resource Center, the swimming pool, and the Pine Street Corridor. They need to know about some of the new concepts coming forward, like the by and large concept the commission approved, along with the trail and marina concepts. They should know how some ARP monies were set aside and directed at the rectangle field concept at Susan Street and how that will fit in with future improvements at Sleepy Hollow. That way, we will have diamond field events and rectangle field events. That feeds into our sports marketism to bring more people and heads in beds to promote Leesburg. **Commissioner Pederson** said he mentioned South Highway 27. Will he bring up the roads throughout the area? **CM Minner** said he was going to do this as fast as he could. It took him about twenty minutes to talk to the developers, but they have issues on South 27 which include fire, roads, and water. He will bring those issues up to them as quickly as he can. **Commissioner Pederson** mentioned that he wanted to be sure we are getting our fair share of the dollars for future roads with all our growth. **CM Minner** agreed. **Commissioner Pederson** said he wanted the public to hear that too.

10. ROLL CALL:

Commissioner Pederson had no further comments tonight.

Commissioner Berry had no comment.

Commissioner Reisman stated he had received many calls about a contract which he assumed was CenturyLink. They are digging up people's yards, and they are not putting things back properly. They are also leaving big rocks. He wanted to pass that information along. **CM Minner** wanted to address this issue because it is a big deal. If we recall once upon a time, former Commissioner Robuck brought this to attention. Lumen/Century Link is doing a major fiber project in Northwest Lake County. This project spans from Fruitland Park all the way down to Dixie. At one point, they wanted to attach a new fiber line to our utility poles. We said no and they fought with us over it. They pulled out some statutory language where they tried to force us to put their fiber line on our poles at our expense. We fought back, we said no, that was the wrong interpretation of that statute. It was a big cost; it was seven figures. Anyway, it was multi-million and they did not want to pay that. We suggested going underground so they did not have to attach to our poles. There was a reason for not attaching to the poles and it was the window of space needed to have on a utility pole for other utilities when there is electric on a pole. That is why we suggested going underground and they agreed to that. A couple of months ago, we brought forward a USIC locating agreement because the fiber company was moving so fast that the gas department, who historically did our locates, could not manage all the utility requests for the locates they brought in. So, we decided to contract with USIC to do that. They were getting the locates done. Their company is Lumen/CenturyLink and the problem is their contractor. Their contractor is moving through the community very recklessly. The latest incident occurred on Friday. Where you may have noticed a big water leak over by Center Street and US 27 across the street from the Baptist Church. We had located our utilities in the area where they were working in a north to south fashion on the west side of US 27 and they literally bored through a twelve-inch watermain. Again, our utilities were located. That water spill caused a collapse of our road and it started to undermine US 27. It does not mean US 27 is unsafe to drive on, it just means it needs to be fixed. It needs to be fixed at the contractor's cost and not the city's. The city did not cause any damage. With that and after hearing some of the other stories, he has compiled a list of about twelve water and sewer issues where they have hit our water/sewer pipes. The Gas Director is also gathering a list that he will provide of where they hit some gas mains. We are going to have a meeting with them because the third issue we have is that they have not functioned like the city does. We are not perfect, but typically when we do projects like this, we put a hanger on the door or we knock on the door to say we will be in the front yard. They have not done that and that is the derivative of the complaints. He will pull together all of the incidents with what was located and what was not located. However, he believes everything was located. This is about what the fixed bill will be. Right now, we have absorbed all the expenses, but we will be passing those costs on. We will tell them that they need to work a little better, slow the work down or cease. That will be the conversation to come as a result of the comments. **Commissioner Reisman** thanked him. He then said he would like to get with the CDC to hear more about their master plan. He would like the opportunity to walk the properties and continue the good partnership. With the Center for the Arts (CFA) board, he would like to direct the city manager to get with the president to have a joint session to discuss future items. **Commissioner Pederson** commented that he believed Commissioner Berry was appointed as liaison to the Center for the Arts. Does he want all the commissioners present or just Commissioner Berry? **Commissioner Reisman** replied he would like all the commissioners to attend a joint session. **Commissioner Pederson** asked when he would like to do this. **Commissioner Reisman** said he would like the city manager to reach out to the president. He knows they proposed a date. He thought it was March 9th, but he was unsure if that worked for everyone. The city manager can work out the details and get back to the commission. **Commissioner Pederson** said that they needed more information about the Center for the Arts and he hoped it would flow before that meeting. **CM Minner** replied yes, it would. **Mayor Burry** stated he would be glad to meet with them. **Commissioner Pederson** remarked that he would like to know what the meeting was about and the substance. **CM Minner** agreed there is information that the city needs to know. He will schedule it so that information is presented at that joint meeting. **Commissioner Berry** asked if March 9th was the only date available. **Commissioner Reisman** said they are open to other dates, but that was what they proposed.

Mayor Burry stated in the FMPA weekly email that Pam Hester sends out, there was a presentation by a gentleman named Robert Bryce that talked about the energy problems the State of Florida is undergoing. It underscored the same information that the city manager provided to the public. It would be especially helpful for the new commissioners and it would be a good synopsis for when somebody asks about their electric bill and why that is what it is. It had a lot of really good, accurate information. **Commissioner Pederson** commented that he had not seen that, but he would go back and look at the article. He said about a month ago he pointed out to the city manager an article on the front page of the Orlando Sentinel. It talked about FPL and Duke and how they are just now going to the Public Service Commission to request rate increases. We were one of the first to raise our rates, so by the time they start raising their rates, hopefully, we will start bringing ours down a little bit.

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 7:05 p.m.