AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, FEBRUARY 13, 2023 5:30 PM

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday February 13, 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 Jay Connell
Commissioner Alan Reisman
Mayor Jimmy Burry

Commissioner Mike Pederson 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. Mary Ellen Robertson Chapter, NSDAR

Mayor Burry presented a proclamation to the Leesburg Mary Ellen Robertson Chapter, National Society, Daughters of the American Revolution (NSDAR). He thanked them for volunteering nearly two hundred hours of service at the historic Mote Morris House since its reopening on June 1st 2021, following the devastating fire. There are thirteen ladies that have served as docents, allowing the house to be open for tours. He thanked them for their efforts and commitment to the care and preservation of the Mote Morris House. They have taken on the responsibility of cleaning the home as well as installing and removing holiday decorations for the past two Christmas seasons. Their enthusiasm for teaching citizens about the significance of this historical site plays in our city's heritage. They are deserving of this recognition.

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.

There were no public comments.

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

Item pulled for discussion:

5.B.1 - Resolution authorizing execution of an Agreement for Aquatic Vegetation Management services with Southern Aquatic Management, Inc.

Commissioner Reisman moved to adopt the Consent Agenda except for 5.B.1, and Commissioner Connell seconded the motion.

The roll call vote was:

Commissioner Connell	Yes
Commissioner Reisman	Yes
Commissioner Berry	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. Regular meeting held January 23, 2023

B. PURCHASING ITEMS:

1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Agreement for Aquatic Vegetation Management services with Southern Aquatic Management, Inc.; and providing an effective date.

ADOPTED RESOLUTION 11,265

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

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

Mayor Burry requested comments from the Commission and the audience.

Commissioner Reisman stated he spoke with the city manager earlier. He knows the agenda, says Southern Aquatics Management. However, there is a local vendor that came in close to the price. He would like to know if there was anything we could do about that. **CM Minner** answered there were three vendors who responded to the bid. Southern Aquatics from Sanford and their bid was sixty-six thousand nine hundred. Professional Waterfront Cleanup, LLC. came in at seventy-three thousand one hundred and forty and then Biotech Consulting, Inc. Professional Waterfront Cleanup, LLC. is the local firm from Leesburg. Our purchase policy has a five percent local vendor preference. That means if a local vendor comes within five percent of the lowest bid, their bid is adjusted to reflect that and we would pay the higher amount. However, if the local vendor comes within five percent, they would be granted as the lowest bidder deemed on that criteria. In this case, the local vendor is about eight percent higher, so they did not quite qualify for the local vendor preference. The discrepancy is about two thousand eight hundred dollars. The interpretation of low bid would still be Southern Aquatics. Within the bid packet it reads as follows: ST-9, Method of award; to a single supplier in the aggregate. Recommendation of award will be to the responsible supplier submitting the lowest responsive bid and holding the necessary licenses, certifications, and experience. Determination of the low bid amount will be made using the total bid for the base bid items only and will not consider additional contract items. The staff provided the correct recommendation as far as opinions on the low bid. If the commission wishes to change the recommendation, they can certainly do so. However, he cautioned them about that. If they want the local supplier who submitted the next lowest bid, it could result in a bid protest. **CA Watson** mentioned it is important to remember the criteria and what was in the bid documents. There was specified information included in the documents; experience, licenses and things like that. The commission needs to steer clear of things that could get them into trouble. If there was a reason why the commission chose one bidder over another that could not be tied to any of the criteria within the bid documents, that would not be problematic. The area of caution is to avoid arbitrary decision-making. In terms of the lowest responsive bidder, the necessary experience along with other information that could be interpreted differently. The decision needs to be based on the criteria included in the bid documents. **Mayor Burry** questioned if the bid documents said we had a five percent local vendor preference and was that part of the documentation? **CM Minner** replied yes, the local vendor preference was in the bid documents. **Mayor Burry** wanted to know if there was a number. **CM Minner** answered there was a number. **Mayor Burry** said he understood if we did something other than the five percent, it could be viewed as unfavorable. **CA Watson** responded they would need to find a reason to approve a different vendor within the criteria. For example, with the experience category, if one particular bidder has more experience with this type of work, that category allows more room for interpretation. If a vendor has more experience working with the city, that could be something as well. The experience criteria allow for flexibility in terms of evaluating the bids. You could look at what each vendor has done and what their experiences are with the city and how that may relate to this particular issue. **Commissioner Connell** asked if the city had any experience with any of the individual companies? **CM Minner** replied the city is familiar with Professional Waterfront Cleanup. They have done a number of different projects for the city. We have experience with them and they know the area. They worked with our staff. The company who previously did this job did not rebid. This bid was for specific water areas and specific ponds that are done on a regular basis. In the packet, the lowest responsive bidder is equivalently experienced as far as licensing and work, depending on how you define experience. If you use that to include local knowledge, then that would platform Professional Waterfront Cleanup because they have more local knowledge and experience. If the commission prefers to go with the local vendor, he recommended they do that. If there is a bid protest, we will deal with it then. This is not something we commonly do, but we have done it in the past. There is some precedent. He could not recall when, but we did it. It was for the same reasons; the bids were pretty close and there was a local preference. We had experience with the firm, so there was a platform for it and it was never challenged. **Commissioner Connell** said the numbers on the agenda are seventy-three and sixty-six. **CM Minner** stated they were seventy-three thousand one hundred and forty and sixty-six thousand. **Commissioner Connell** wanted to clarify that the numbers did not include the five percent local preference. **CM Minner** said correct. We would take sixty-six thousand nine hundred dollars and put five percent on it. That number would then become seventy thousand two forty-five. **Commissioner Connell** remarked that it would be about a three thousand dollar difference. **CM Minner** agreed. **Commissioner Connell** said he asked because he had several people over the last couple years express interest in it. When we reviewed the bids, did we look at the local vendor? The last vendor was out of Jacksonville and they did not rebid it. Did we not feel like we were getting the service we thought we should be getting because that company was three hours away? **CM Minner** mentioned that he would not dispute that one way or the other. We did a reasonable and fair bid process and the bids are the bids. It is up to the commission to take the next step. He understands where the commission is going. It is the commission's legislative prerogative if the next step is for the local vendor based on the experience issue. **Commissioner Connell** questioned knowing the city attorney does not have a crystal ball, but could we be looking at another lawsuit over three thousand dollars? Would we be on solid ground if we decided to go with the second bid because they are a local vendor? **CA Watson** answered based on the experience issue that is really important in terms of the criteria in the bid and how you look at it. Of course, we cannot predict what may be challenged and how it could be challenged. If you evaluate the bids and the experience with the city, after recognizing how close the numbers are, that would not be an unreasonable perspective. The main thing is to base the decision on the criteria that was included in the bid documents. As discussed, the experience criteria would be something the commission could say tipped the scale. **Mayor Burry** wanted to know who reviewed the bid documents. **CM Minner** answered that the purchasing manager puts them in, then they are reviewed by the department head. **Mayor Burry** wanted to know if one company is more qualified than the other according to the bid documents? **CM Minner** answered that the staff did their job. They interpreted the bids correctly and appropriately and we did not miss anything during the bid review. If the commission wants to choose a different vendor based on experience level, that is their legislative prerogative. However, that may not come without a challenge. We have done it before and if this body wants to make that choice, they can. **Commissioner Connell** agreed.

Commissioner Reisman made a motion to amend the resolution to choose Professional Waterfront Cleanup, LLC. and Commissioner Connell seconded the motion.

The roll call vote on the amendment was:

Commissioner Reisman	Yes
Commissioner Berry	Yes
Commissioner Connell	Yes
Mayor Burry	No

Three yeas, one nay, the Commission approved the amendment to the resolution.

The roll call vote as amended was:

Commissioner Berry	Yes
Commissioner Connell	Yes
Commissioner Reisman	Yes
Mayor Burry	No

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

2. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Amendment Three to an existing piggyback Agreement with Paqco, Inc. for on-call pavement and base repair; and providing an effective date.**

ADOPTED RESOLUTION 11,258

3. **Purchase request by Wastewater for the repair of the digester blower at the Canal Street Wastewater Treatment Plant (WWTP).**

C. RESOLUTIONS:

1. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Police Department to update guidelines and prerequisites for operators who qualify and participate in the Department's Wrecker Allocation System established in this policy, and implement new Rates/Fees; and providing an effective date.**

ADOPTED RESOLUTION 11,259

2. **Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from Plaza Street Fund 163, 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 UMB Bank, N.A. joining and consenting to the Utility easement; and providing an effective date.**

ADOPTED RESOLUTION 11,260

3. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to apply for, and if awarded, accept the Assistance to Firefighters Grant (AFG) from FEMA, for the purchase of public education safety equipment; and providing an effective date.**

ADOPTED RESOLUTION 11,261

4. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute Amendment 1 to Public Transportation Grant Agreement (PTGA) 444873-1-94-01, from the State of Florida Department of Transportation, to add funds for additional design and construction of the Fuel Farm at Leesburg International Airport; and providing an effective date.**

ADOPTED RESOLUTION 11,262

5. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to create authorized signatories as required by Seaside Bank to honor all checks, drafts and other orders for payment of money drawn in the name of the City of Leesburg; and providing an effective date.**

ADOPTED RESOLUTION 11,263

6. **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 Macallan at Windy Oaks, LLC, for the purpose of setting forth the terms under which the city will provide natural gas service to the development known as Windy Oaks; and providing an effective date.**

ADOPTED RESOLUTION 11,264

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

A. SECOND 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.**

ADOPTED ORDINANCE 23-06

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

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

Mayor Burry requested comments from the Commission and the audience.

CM Minner stated this was an ordinance that public works requested to be promulgated. It essentially amends the stormwater management ordinance to give the city authority to work with contractors as they develop subdivisions throughout the community. It will ensure that landscaping will be done. Landscaping will include silt fencing, mitigation practices, removal of trees and grubbing land. It will allow local staff more authority to ensure that developers are developing subdivisions appropriately. It will work more harmoniously with the neighbors whether they are incorporated or unincorporated neighbors.

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

The roll call vote was:

Commissioner Connell	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, annexing certain real property consisting of approximately 34.7 +/- acres, and being generally located south of State Road 44 and west of Whitney Road, lying in Section 19, Township 19 South, Range 24 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 2; and providing an effective date. (Crossings at 44 AX)

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

Mayor Burry requested comments from the Commission and the audience.

CM Minner stated this is a small-scale comprehensive plan. It does not require being sent to the state. We will advertise and it will come back before the commission on March 13th for the second reading and public hearing. This is a multi-use PUD. It is located on US 44 across the street from Pennbrooke. It is a good development of mixed-use. There will be commercial frontage, an adult life facility in the middle and apartments to the south side. **Mayor Burry** questioned the apartments and size. Phase one of the project looks to have two hundred and eight apartments. What are the sizes of those? **PZD Miller** replied they did not put specific sizes in the document. There is a standard that should be set. In previous developments they have done that and they would be happy to do that here. This will not be back until March 13th, so there is time to adjust that. The applicant is willing to work with the city to come up with good numbers. **CM Minner** mentioned the Lakes at Royal Palms PUD. This PUD needed to match that PUD before being approved. **PZD Miller** stated they would do that. **Mayor Burry** replied that it was seven hundred, eight fifty, and one thousand. **PZD Miller** added it was based on being one, two, and three bedroom apartments. They would mimic that PUD and bring it back. **CM Minner** asked him to make sure all the architectural features and everything was mimicked.

Elizabeth Reed, 432 Glen Arbor Lane, Leesburg, stated she resides in Pennbrooke, which is right across the street from this planned development. It is a very aggressive land use for a high ROI on thirty-four acres. Two hundred and eight apartments is a lot to squeeze in. Last time they talked about having kids and riding bicycles. There are a lot of people with only one and a half parking spaces per unit. That lends itself to problems. There are the three-story medical arts buildings. Nationwide, nursing homes are closing because they cannot get staff. Here we are talking about building three stories of nursing homes. There already seems to be an awful lot of empty commercial buildings in Leesburg. The commercial phase is in phase two. After that, they will build two hundred and eighty apartments. Then they will start building the commercials. Leesburg itself has a lot of empty spaces. Less than a mile up the road is Lake Deaton and the The Villages. The villagers tend to buy from commercial properties in The Villages. Lake Deaton has not filled out and The Villages is still growing. This could end up being more empty spaces for people to look at. A two-story twenty thousand square foot unit of commercial smack in the middle advertising itself as empty is not a good thing for Leesburg. There is a daycare close to US 44. She does not know the rules for daycare, but she would put up a big cement block fence to keep the kids out of the road. She has problems getting on and off US 44. With the access roads, particularly the one across from Countryside, that is an accident waiting to happen. When they leave Pennbrooke, they have to go across two lanes to get to the turning lane to come back. People have just enough space to get across the road. They also need to remember the Dollar General just up the road. If you go up to Lake Deaton and look at the monument sign you will see it has been creamed. There have been a number of t-bone accidents. This is a very dangerous spot for a Dollar General. When people are out of snacks for their kids and they cannot get up to Publix, they will be crossing the street to Alibrandi Road to walk there. They will cross four lanes where the average speed is at least 60 mph. This is a problem and nobody wants to own up to it because it is a state road. The turnarounds are impossible. The apron only needs to be in one direction. She supports knowing the apartment sizes. Three floors of health care will not be manageable. There will be enough staff. With the power poles, she does not know what three thousand lumens looks like. She asked that they drive down US 27 and look at the color of the lights at the Mobile and Speedway Gas Stations. **Mayor Burry** mentioned that we have dark sky lighting standards in all the PUDs. **Ms. Reed** wondered if it could run thirty-two feet in the air with the three-story buildings.

Barbara Chalupka, 1038 Forest Breeze Path, Leesburg, Pennbrooke Fairways, agreed with everything Ms. Reed said. With two hundred and eighty rental units and three different sizes. We would assume there would be two working people in each unit and each person would need a car. Where are they going to park? She does not see any room for guest parking and assuming there will be a fair number of children, where will they play? Are they going to walk the streets? She agreed thirty-four acres was nothing for everything being proposed.

Mayor Burry asked for any further comments. There were none. He stated these items would lay over until March 13th.

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 34.7 +/- acres from Lake County Rural to City of Leesburg General Commercial, for a property generally located south of State Road 44 and west of Whitney Road, lying in Section 19, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Crossings at 44 SSCP)**

3. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 34.7 +/- acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow for residential, medical, and commercial mixed-use development for a property generally located south of State Road 44 and west of Whitney Road, lying in Section**

19, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Crossings at 44 PUD)

4. **An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 11+/- acres; and being generally located west of Haywood Worm Farm Road and north of Rogers Industrial Park Road, lying in Section 14, Township 20 South, Range 24 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. (Fort Knox AX)**

Commissioner Reisman introduced ordinances 6.B.4, 6.B.5, and 6.B.6 and asked that they be read by title only. CC Purvis read the ordinances by title only.

Mayor Burry requested comments from the Commission and the audience.

CM Minner stated this is a small-scale comprehensive plan. It will come back before the commission on March 13th. For clarification, he asked if the layout on the easel was included in the packet? **PZD Miller** responded it was not. This was a straight standard zoning for M-1. It was not a planned district. **CM Minner** asked if a copy could be provided and distributed to the commission. **PZD Mille**r replied he would get with the developer and get a copy. However, these do not require site plans because they are broader than a PUD. **Mayor Burry** asked if this property was directly south of Haywood Worm Farm Road and if this was a different project than the other one? **PZD Miller** said this one is directly south of the Sundance property. **Mayor Burry** inquired if that would be the Industrial County Park. **PZD Miller** said yes, it is off CR 48 and past the Sundance property. **CM Minner** said the southern boundary of this abutts Arlington Ridge. **PZD Miller** stated Arlington Ridge is several lots down. It is in the same rough neighborhood, but Arlington Ridge would not know they were there. **Mayor Burry** inquired about access. **PZD Miller** answered Haywood Worm Farm and Rogers Industrial. **Mayor Burry** clarified that they would have two access points. **PZD Miller** corrected himself. The access points would be off Rogers Industrial. They would go out on Rogers Industrial, going left or right to hit either Haywood Worm Farm Road or CR 33.

Mayor Burry thanked him for that clarification. He asked for any other questions or comments. There were none. He stated these items would lay over until March 13th.

5. **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 Lake County Industrial to City of Leesburg Industrial, for a property generally located west of Haywood Worm Farm Road and north of Rogers Industrial Park Road, lying in Section 14, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Fort Knox SSCP)**

6. **An Ordinance of the City of Leesburg, Florida, changing the zoning on**

approximately 11 +/- acres from Lake County HM (Heavy Industrial) to City of Leesburg M-1 (Industrial) to allow for a self-enclosed self-storage facility, with outdoor covered RV and/or boat storage for a property generally located west of Haywood Worm Farm Road and north of Rogers Industrial Park Road, lying in Section 14, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Fort Knox RZ)

7. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 4.87 +/- acres from City of Leesburg SPUD (Small Planned Unit Development) to City of Leesburg SPUD (Small Planned Unit Development) to allow residential development for a property generally located south of West Line Street and east of Lee Street, lying in Section 26, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Lee Village SPUD)**

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

Mayor Burry requested comments from the Commission and the audience.

CM Minner stated this was the Lee School Village. The official name is Lee Street Village. They have been working with Barry Mansfield of Cullison-Wright Development on this project. It is approximately five acres. Mr. Mansfield came in to request demolition of both historic school structures; both the north and south schools. The south school faces Lee Street. It is the one located across from the Episcopal Church. Mr. Mansfield followed the city code. He went before the Historic Preservation Board asking for a recommendation of approval, pursuant to state regulations. The Historic Preservation Board has the authority to approve what is removed and/or improved in a historical district. He went before the board in January and, by a unanimous vote, was granted authority to demolish both buildings to redevelop the property. Upon approval of the amended PUD, he can immediately demolish the north building. After building eight of the units to a dry end level, he can start demolition of the south building across the street from the Episcopal Church. In recognition of the historic Lee School, a fenced park area which creates a "Memorial Park" will be required. The park shall utilize and feature the existing cornerstone of the north building and the two historic memorial plaques currently located on the east side of the south building. The memorial marker/monument type stone will be located on the southeast corner of the property. There is a time limit for the property along with the permits for construction that need to start in earnest eighteen months. If construction does not start within eighteen months, he loses all rights to the property. That includes the demolition of the facilities as well as the density credits that we gave him in exchange for not building the apartments. The final substantial modification to the PUD is that instead of a mixed-use type of townhome and apartment complex, it will all be townhomes. There will still be sixty-three units, so the density credits will be the same, but it will all be townhomes. A new site plan was provided for review which was included in the packet. This will go before the Planning Commission on February 23rd and it will come back before this body on February 27th. Hopefully, at that point, Mr. Mansfield will be off to the races and building that development.

Mayor Burry asked if there were any other questions or comments. There were none.

C. NON-ROUTINE ITEMS

1. **Resolution of the City Commission of the City of Leesburg, Florida appointing one regular member to the Lake County Arts & Cultural Alliance as the City of Leesburg's representative; and providing an effective date.**

ADOPTED RESOLUTION 11,266

CM Minner stated this item is a resolution to appoint Dustin Levine to the Lake County Arts & Cultural Alliance. In the past, it was typically the Leesburg Center for Arts Director. However, that position is in flux and Dustin Levine was the alternate. He does a lot with the Melon Patch along with other things for the community. We do need to fill this position and he was the only one who applied.

Commissioner Reisman 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 Connell seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Connell said he did not know anything about this individual. He would hate to vote for someone he knows nothing about. Was this a staff recommendation? **CM Minner** replied this was a staff recommendation and Dustin Levine's information was included in the packet. You would know Dustin if you saw him. He is the Director of the Melon Patch. He is very active in the community. He has been very active with the Arts Board. He played Jake Elwood at the parade. Although he always gets Jake and the other brother mixed up. He plays John Belushi. He would be a good appointment. He works for Bill Mathias. He is the right appointment for the Lake County Arts & Cultural Alliance. **Commissioner Connell** replied thank you.

The roll call vote was:

Commissioner Reisman	Yes
Commissioner Berry	Yes
Commissioner Connell	Yes
Mayor Burry	Yes

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

2. **Resolution of the City Commission of the City of Leesburg, Florida appointing one member to the Leesburg Police Officer's Retirement Pension Board of Trustees for a two-year term set to expire December 31, 2024; and providing an effective date.**

ADOPTED RESOLUTION 11,267

Commissioner Reisman introduced the resolution to be read by title only. CC Purvis mentioned in the packet the term was listed as a two-year term. However, it is a four-year term. There was an ordinance from 2022 that was missed. She would read the title correctly.

CM Minner stated this one had two choices in the packet. Both applicants provided resumes. The police pension board manages the police pension fund for all certified police officers who receive a police pension. They review the actuary report and make recommendations on the management of the pension fund. There are five members on this board. They serve for four-year terms. They are all appointed in a special manner. The members of the pension fund appoint two board members, the city commission appoints two board members and then jointly the city commission and the pension board appoint the fifth member. We had a resignation which opened up the city commission's second appointment. We had two people apply for this position, James Reid and Tom Brown. Normally, he would not give a recommendation. However, we need to get our advisory boards filled to a certain degree. It appears that Mr. Reid is very willing to serve on a few different advisory boards. Looking further into the agenda, Mr. Reid is the only qualified candidate who filed an application to serve on the Downtown CRA board. It is important to mention that, because the Downtown CRA has seven members. Those members are the city commissioners who make up five and two citizen board members. The Downtown CRA further delineates who the two citizen members need to be. One member has to live or be in business on the east side of Canal Street and the other one has to be in business or serve on the west side of Canal Street. We are filling the vacancy left by Commissioner Reisman who represented the west side. Looking at the application filed by Mr. Reid, he resides on Herndon Street and that is within the district. If the commission were to appoint Mr. Reid to the police pension fund that would disqualify him from the Downtown CRA because he can only serve on one board. That is why he brought this up. That leaves Mr. Brown. He would recommend Mr. Brown for the police pension fund. His resume was included in the packet. He is a well qualified individual, he lives in town, and he has experience. **Mayor Burry** commented that when he reviewed his resume he saw he was a past finance chair, board member, and treasurer of Legacy. He has familiarity with finances.

Commissioner Reisman made a motion to appoint Mr. Brown to the Police Officer's Retirement Pension Board of Trustees and Commissioner Connell seconded the motion.

The roll call vote was:

Commissioner Berry	Yes
Commissioner Connell	Yes
Commissioner Reisman	Yes
Mayor Burry	Yes

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

3. Resolution of the City Commission of the City of Leesburg, Florida appointing one member to the Greater Leesburg Community Redevelopment Agency (GLCRA) to fill a vacant remaining four-year term set to expire December 31, 2023; and providing an effective date.

ADOPTED RESOLUTION 11,268

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

Commissioner Reisman made a motion to appoint James Reid to the Greater Leesburg Community Redevelopment Agency and Commissioner Berry seconded the motion.

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

The roll call vote was:

Commissioner Connell	Yes
Commissioner Reisman	Yes
Commissioner Berry	Yes
Mayor Burry	Yes

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

4. Resolution of the City Commission of the City of Leesburg, Florida appointing one regular member to the Leesburg Planning Commission to fill a vacant remaining three-year term set to expire December 31, 2024; and providing an effective date.

ADOPTED RESOLUTION 11,269

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

CM Minner stated one member is an alternate member. **PZD Miller** agreed it was Nate Sanders. **CM Minner** said, ostensibly, they are filling one position. For example, if they appointed Nate Sanders as the regular member, they would only need to fill the alternate position. Typically, in the past, that is what they have done. They have appointed the alternate as a regular member as a promotion. In this case, since Mr. Reid was appointed to the CRA board and Mr. Sanders is the alternate, we would appoint him as the full member. We would then recommend appointing Rosalind Peeples-Johnson as the alternate. He recommended amending the resolution and voting on it.

Commissioner Connell recommended amending the resolution to make Nate Sanders the regular member and Rosalind Peeples-Johnson the alternate member of the Planning Commission and Commissioner Berry seconded the motion.

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

The roll call vote on the amendment was:

Commissioner Reisman	Yes
Commissioner Berry	Yes
Commissioner Connell	Yes
Mayor Burry	Yes

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

CM Minner stated they needed to take a second vote approving the amended resolution.

Commissioner Reisman made a motion to approve the amended motion and Commissioner Connell seconded the motion.

The roll call vote was:

Commissioner Berry	Yes
Commissioner Connell	Yes
Commissioner Reisman	Yes
Mayor Burry	Yes

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

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 December 2022

Mayor Burry asked if there were any questions about the financial reports as submitted. There were none.

8. CITY ATTORNEY ITEMS:

CA Watson had no further comments this evening.

9. CITY MANAGER ITEMS:

CM Minner wanted to recognize the HR department for their hard work putting together the Career Fair. It is coming up on Tuesday, February 28th, from 3 p.m. to 7 p.m. at the Venetian Center.

10. ROLL CALL:

Commissioner Berry had no comment this evening.

Commissioner Connell commented that he learned today after driving down Dixie Avenue that Pat Thomas Stadium was wide open everyday. He thought it was people in there working. He did not realize it was open for public restroom facilities to accommodate the boat ramp and the marina. He wanted to know that since we are doing renovations to the marina/administration building, could we change the scope of that? He would like to see the city add some public restrooms to that so people do not have to use Pat Thomas as public restrooms. He spoke with the city manager about this, but we do not have a cost estimate for that. However, since we are already looking to build that building, it cannot be that much more expensive to add a couple of public restrooms. **CM Minner** asked if he could talk about their discussion. **Commissioner Connell** said yes, go ahead. **CM Minner** commented that several years ago the commission sought to put a public restroom at the boat ramp. It was not the Ski Beach boat ramp, it was the older Venetian Gardens boat ramp. The commission at that time selected not to do it. When we endeavored to do the Ski Beach restroom, it was an expensive construction item. That restroom would have cost about two hundred and fifty thousand dollars to construct. However, the commission did feel the need for restrooms in that area, so, with a few minor improvements to the Pat Thomas restroom facilities and changing the fence around a one hundred yard walk would get people to the restrooms. They would be able to use the boat ramp and have public restrooms. The commission approved it and signed it. We fixed the restrooms, changed the fencing and it sufficed. Commissioner Connell asked and that was what he told him. He presented the concept of flip-flopping that around. There is an opportunity to build special restrooms at the boat ramp which would be about the same distance. We would have to modify the design of the marina. The RFP is already out for the new marina building. It is in the twenty-twenty-three fiscal year budget using some of the American Recovery Act funds to construct that facility.

The current building has pretty much lived its life cycle. What we would need to do is redo the signage and put another door on the restroom facilities. The current concept for the marina was for two offices, a reception area, and a restroom for the folks who use the marina. We could accommodate this pretty easily. We can put a corridor on the other side of the building to allow entry to the restrooms inside the facility. Then on the outside of the facility we can redo the signage. If the commission wants to change this, now would be the time to let city staff know. As we get into the design for the marina concept, that concept can be weaved in. The commission will ultimately approve the marina concept before going out to bid. **Mayor Burry** inquired if at one time we were considering a restaurant-type facility at the marina? **CM Minner** answered that the concept is out to bid. The design seeks two levels of service. The first is the mandatory needs, which are offices, reception areas, and public restrooms. The second design would be for the addition of the concession stand based on the bids. That will be based on where the costs are. The restrooms would be accessible from the inside and outside. It may be another fifty yards of walking for people to get to the marina, but it provides a reasonable facility for the boat ramp. **Mayor Burry** agreed. **CM Minner** mentioned that by the nodding of heads they would firm everything up. The next time this comes before the commission will be the RFP for the design of the marina facilities. When that RFP comes there will be another discussion. We will weave that in as we get our proposals and they can ask questions about it. We will do a clarification memo and get that out. **Commissioner Connell** asked if the RFP would include public restrooms? **CM Minner** replied that the RFP is already out, but they would send an amendment. **Commissioner Connell** stated he was not at the last meeting, but he understood they approved the engineering to start the fluoride treatment. **CM Minner** said correct. **Commissioner Connell** said he would like the staff to provide a monthly update on what is happening with the engineering and designing of that, along with any cost adjustments the engineer comes across. He would like to know about everything the engineer did not anticipate and if it is going to cost more than what was anticipated. **Mayor Burry** remarked that he enjoyed getting the update in the email that included the current projects. It was a nice addition. He agreed with Commissioner Connell. **Commissioner Connell** said the last thing was a conversation item. He wanted to know where we were on the city salary survey. Has it been completed? **CM Minner** answered they are still working on that, but most of it has been completed. He was asked back in the fall to start a salary survey and they have been working on a comprehensive salary survey. They have received department head comments on it. They did not receive too many department head comments other than the police department's. This survey is a public record and he would be happy to provide it. He did not want to work completely off that report because there were some items in the report without some organizational knowledge, making it difficult. For example, the report works on comparing the low and high of every position. If you just compare the low and high, it would appear that there were more positions in the city organization that were not competitive. What we have done over the past several years is work at hiring people at a higher than base rate. We also have the fifteen dollars an hour issue with the minimum wage. When we looked at the data, we were processing and pinpointing which people and positions were not getting a competitive wage. We want to wrap this up in the planning and workshops for fiscal year 2024. We need to narrow it down to where we need to be competitive with our wages. That would be the entry-level positions and the maintenance worker one category. That would be primarily public works and recreation, along with some other entry-level secretarial and administrative positions. The existing positions are below the fifteen dollars an hour rate. He would like to do a more comprehensive report during the budget year. We need to look at the cola merit type adjustments in the budget and so everybody gets paid a competitive wage. They need to get everybody up to the fifteen dollars an hour wage. A lot of other public organizations have gone that route. They went to fifteen dollars an hour immediately and we did not. When looking at the report you might think there are one hundred positions not correct, but broken down it is about twenty-five. They are working on that with the human resources department. In the next few months they should have a more comprehensive report going into the budget process.

Commissioner Reisman thanked all city department heads and staff for taking him around and showing him the city. He learned quite a bit about the workings of the city. The city has a great team of employees. He appreciated everyone taking the time to show him around, whether it was an hour or two days. He wanted to discuss the Deborah Davis food catering agreement at the Venetian Center. He was unaware that the city taxpayers subsidized a private business in a publicly funded city facility. She has a business there and pays no rent or utilities. He wanted to see if there was a consensus to have the city manager send Ms. Deb a notice of termination of the food catering agreement dated back to June of 2019. He spoke with the city manager and he may want to go further into this. **CM Minner** answered that was a pretty good summary. The Deborah Davis contract goes back quite some time. The contract was renewed when we had the old facility. It was an exclusive right-to-use agreement. At the old facility she was the exclusive caterer, so if you had an event you had to use Ms. Deb. When we started to design the new facility, there was a big discussion with the commission on whether we should go with a catering kitchen. There were discussions about building a full-blown commercial kitchen and still using Ms. Deb as the exclusive caterer. That was when they came up with the hybrid plan. It was that she would get a non-exclusive use of the facility. When the facility was built, this contract came forward. It passed with a three to two vote and it has been this way since. It has not been questioned since whether or not we should have that contract. Now, if this commission sees it as the right time to change the contract, they can do so because the subsidy has always been there. He suggested if the commission wants to change the contract to not have a sole provider who sets up shop and office where the city is subsidizing their business, then the appropriate thing to do would be to provide notice.

That is included in paragraph one of the contract and the notice would be one hundred and twenty days. If the commission by consensus directs him to do that, he will get in contact with Ms. Deb and go from there. **Commissioner Berry** questioned when the contract actually ends? **CM Minner** answered the non-exclusive contract she currently has is a rolling contract. There is no termination date. It ends when either party gives the one hundred and twenty day notice. **Commissioner Berry** asked if the one hundred and twenty day notice would be directed by the city manager to allow her the opportunity? **CM Minner** said if they directed him to issue a notice, then one hundred and twenty days would start tomorrow and that would be the termination date. **Commissioner Berry** asked if she would still be considered a caterer chosen at that facility? **CM Minner** said yes, he would advise her to fill out the form so she could be put on the catering list. That is all handled at a staff level. The commission gave that discretion a while back. They are pretty flexible on who they recognize as an eligible caterer. The only change would be that she cannot set up shop at the Venetian Center. She currently uses the kitchen for her business. She stores her materials and has an office there. When she caters, she uses the facilities to do other events not at the facility. She also sells food directly out of the kitchen. With this notice, she would have to move her office and supplies. She would only use the kitchen when she came in to cater, just like everybody else.

Dr. Erika Jasper asked if there was a reason why they wanted to terminate her contract? **CM Minner** answered, the bottom line was the commission could direct him to issue a notice to stop the subsidy of a business. We have between five to seven other caterers that go in and out of the facility and Ms. Deb is the only one that uses the facility as an exclusive caterer. We are essentially subsidizing her business. She pays the same percentage as any other caterer. If you have Acme Caterers in the facility and they do your event, they pay ten percent of what they charge. Ms. Deb does that only when she does special events at the facility. Currently, we provide the utilities and the location for her business and she pays the same as any other business. A subsidy is not necessarily a bad thing from time to time, but in this case, if the commission deems it no longer warranted, the proper thing to do is to issue a notice pursuant to the contract. **Mayor Burry** questioned how much catering business does Ms. Deb currently cater, compared to the caterers at the facility? What is the percentage? **CM Minner** replied we have about eight caterers. Two of the caterers do about ninety percent of the events. One caterer, who is not the exclusive contractor, provides about fifty-one percent of the revenue and Ms. Deb provides about forty percent of the revenue. In 2022, we brought in a little over thirty grand in catering fees. One contractor paid thirty thousand and Ms. Debbie paid twelve thousand. There are a few other caterers that filled in the gap. **Commissioner Berry** asked if the agreement for subsidizing was special to her for financial reasons or if it was because of her longevity with the community center at the time before the new building? When trying to be fair and understanding, the city may offer subsidies for one individual, but it should be the same across the board for everyone. If this agreement was made prior to and we assisted her in some kind of way, maybe she is at a point now where she may not need to be assisted. Can we discuss further on that? **CM Minner** answered that she hit the nail on the head. The answer to that question is both. When we had discussions about Ms. Deb's contract in the past during the process of building the community center, we talked about exactly that. His recollection was because of her history with the city and popularity with so many civic groups, the commission at the time awarded her that 2019 contract. She was/is popular for her cookies, friendships, and rapport that she built around the community. That was an important part of the decision and why she got the contract. Having said that there was a significant discussion on the subsidy issue and using the facility. That was an additional cost for the new facility. It was about half a million dollars more than the initial concept to build a catering kitchen at the Venetian Center versus a commercial kitchen. That was a contentious point in determining whether we were going to rehab the old facility versus building the new facility. He heard talk about Ms. Deb possibly retiring. That discussion was not with him personally. However, it is reasonable and it is fair to say if the commission chooses to change and direct him to issue the notice and if Ms. Deb has any issues, he would encourage her to come before this body. If the consensus tonight is to have him write the letter to Ms. Deb and if she has an issue, we can expect to see her before this body publicly. At that time we can have a public discussion. **Commissioner Connell** wanted to clarify that Ms. Deb currently uses the facility as the homebase for her catering business and she utilizes the freezers and the walk-in coolers. When the other caterers use the facility, they have to bring in their own materials to cater to the event. They can use the kitchen, but they have to clean it up and take all their belongings when it is done. They are not allowed to store any materials for their business seven days a week and they do not have an office located at the facility. **CM Minner** responded correct. **Commissioner Connell** said she uses this twenty-four hours a day, seven days a week, yet she pays the same ten percent as the other caterers when she caters for an event at the facility. **CM Minner** stated it is ten percent and there is an alcohol charge, but the numbers are calculated together. **Commissioner Connell** mentioned that she is paying the same rate even though the numbers may vary depending on who has more business. She is paying the same rate as every other caterer. The only difference is, she gets to use it on a regular basis for her business, where the other caterers come in, do their thing, clean up and leave.

Dr. Jasper asked, in lieu of terminating her contract, could they amend it to keep her as an exclusive caterer and just make some adjustments to the contract versus killing it? She has a great rapport in the community due to her reputation, food and cookies. Could that be considered? Could she come and speak about this before terminating her contract? **Mayor Burry** asked if we gave Ms. Deb notice what would happen to the office, cooler and kitchen? Would someone else use it or could we rent it out? Could we charge Ms. Deb a rental fee for the space or do we just say you have to go and do nothing with the space? **CM Minner** said technically there is no office. There is a spot she uses for her desk and she keeps her materials and supplies there. That is how she has always operated, whether it was in the old facility or the new facility. There is middle ground to this. Ms. Deb has a special deal and the city commission can either continue with the special deal or change the special deal. He did not see there being any modifications to the special deal that could make it better. It is an either or, we either continue it or end it. If we end it, Ms. Deb will operate just like all the other caterers who are recognized on the list. What would that do for us at the end of the day? It would bring down the overhead, because the stoves, ovens, gas and freezers would not be used as much. We would save some money and the organizations that still want to use Ms. Deb could. **Commissioner Reisman** commented that Ms. Deb could still use the facility. It is not fair to the taxpayers to be subsidizing a private business. No one subsidizes his private business or the pump business he works for. She can still come and cater just like every other caterer. When she comes in she can still use the freezer, refrigerator, and every tool there.

Elizabeth Reed wanted to know how long Ms. Deb has been using the facility? **CM Minner** replied it has been a long time, it could be the mid 80's. **Ms. Reed** said she has been around longer than some people in the room. She wondered why they granted free storage? **CM Minner** stated Ms. Deb received that contract in 2019 from a different city commission. Now this commission, through Commissioner Reisman, has requested to modify that agreement and they have the prerogative to do so. **Ms. Reed** said she has been around for twenty years and she had an agreement with the city. Did the city give her special consideration twenty years ago? Did she do some great deed for the city? **CM Minner** replied that Ms. Deb had an exclusive contract at the old community center up until about 2018. That was when the city started construction on the new facility. Ms. Deb did not operate for about one year. When the new facility opened in 2019, she was given a new agreement. It was a non-exclusive agreement. That agreement allowed for termination by either party with a one hundred-twenty day notice. This commission did not make the original agreement and this commission did not make the non-exclusive agreement in 2019. However, this commission has the right to execute termination per the clause in the agreement, which is what Commissioner Reisman is asking for. **Ms. Reed** stated she wanted to know what made her so special twenty years ago.

Sandy Moore, of Leesburg Area Chamber of Commerce, stated she was not speaking on behalf of the Chamber. She wanted to point out an unintended consequence of terminating the contract. She (Ms. Deb) makes a lot of lunches that are small, which most caterers are not interested in. It is a one hundred and twenty dollar lunch. A lot of the caterers want bigger projects when they service the community. She services the civic organizations and smaller groups that meet. She gives them a reduced rate because she is located there. She wanted to make sure everyone was thinking about those things. The convenience of being able to have meetings there and having someone like Ms. Deb there is part of the reason why the rates are lower. Being able to store her stuff there is helpful because she does so many events throughout the week. It could be cumbersome if that gets taken away. She may not be able to provide the same type of service. She has been around a long time. We all know how great her food is. Everyone has the choice of who they want to use. She understands the concern about subsidizing, but she provides an important service to the city and the Venetian Center. **Mayor Burry** said when we talk about subsidizing. We gave a contract earlier tonight to someone who had a higher bid, that is subsidizing. We did that and he voted no to it. He is in agreement on this. He thinks all the caterers should follow the same set of rules. That is why he voted no on the other item earlier. He is in agreement with Commissioner Reisman on this. **CM Minner** remarked that they do not need to make a motion because this is a consensus item. He has direction, which is to issue a notice to Ms. Deb. He will do that and he will speak with Ms. Deb. If Ms. Deb has questions about the notice he would advise her to come before the commission. He would agendaize that item and give her the opportunity to come and ask questions about the notice. It is a one hundred and twenty day notice. After his conversation with Ms. Deb, he will report back.

Mayor Burry stated he received a notice about potential dates for the budget workshops. **CM Minner** said he did not know the dates but they are in July. **Mayor Burry** suggested that everyone look at the dates so they can firm them up. **BD McDaniel** stated those dates would come back to be approved in the budget calendar. Unfortunately, they have not yet received the trim calendar. They are trying to get that now. Hopefully, by the next meeting. As soon as they have it, it will be on the agenda. **CM Minner** said as soon as they have the dates they will get them out. If there are any issues, let him know. The resolution adopting the budget process will be on the consent agenda shortly. **Mayor Burry** informed everyone that Mike Pederson resigned from the Lake County Tourism Development Council. He encouraged everyone to endorse Alan Reisman to serve on that board representing Leesburg. It is an extremely important position. The City of Leesburg is where most of the hotels are and tourists come here to stay. We need a strong voice to make sure that our facilities receive their fair share. We need to encourage more tourist dollars into the City of Leesburg. **CM Minner** stated historically, the TDC has a composition made up pursuant to the BOCC code. There are two municipal members on it. One being the largest city, which Clermont, and the board gave preference to the Lake League of Cities for a recommendation. Commissioner Pederson was recommended by the Lake League of Cities. He took over when a member of the Fruitland City Park Commission resigned. With Commissioner Pederson's resignation from the TDC board, it would be a great opportunity for Commissioner Reisman and he is willing to serve. He sought and received the recommendation of the Lake League of Cities and that will be submitted to the BOCC. We do not know when they will vote on it, but it should be in the next month or so. We should know and hopefully Commissioner Reisman gets that appointment. Everything that was said is factually correct. It is important that somebody from Leesburg be on that board, since Leesburg has the lion's share of the bed taxes. Bed tax is a specific four percent tax that is paid on a room night stay in any given hotel in the state. It is broken down into counties and that tax is collected and disseminated to the counties. That money is then spent specifically on promoting tourism and development to make capital improvements in the county. Lake County gets about three million dollars annually.

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.

Commissioner Reisman made a motion to adjourn and Commissioner Connell seconded the motion. The meeting adjourned at 7:05 p.m.