AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, FEBRUARY 27, 2023 5:30 PM

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, February 27, 2023, at Leesburg City Hall. Mayor Burry called the meeting to order at 5:40 p.m. with the following members present:

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

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

The invocation and pledge of allegiance was previously given at the Carver Heights/Montclair Area Community Redvelopment Agency meeting held immediately prior to this meeting.

Mayor Burry informed the audience that Item 6.A.1, the Lee Village/Lee School property, would not be addressed at this meeting. It had been moved to the March 13th meeting. The petitioner asked for a little more time to consider the density issues. That public hearing has been moved to March 13th and it will be readvertised.

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.

Lisa Hayden, 35121 Dennis Road, complimented the citizens request center which is found on the city's website. It is an outstanding tool. Just like all tools, it is the people who back that tool that make it successful. She wanted to recognize staff members; City Clerk, Andi Purvis, Melissa Medders and Kandi Harper from Planning and Zoning among others, who promptly provided them with accurate and informative answers to their questions. She received a notice of appearance and she was told that the city attorney may be able to help her with it. She wanted to know if she filled out that notice of appearance and submitted it for cross examination, could she be named a party to a potential lawsuit? **CA Watson** said she could potentially be a party to an action that involves a challenge to a particular development project. Not necessarily as an applicant, but as a party whose property may have been affected. Filing that document would preserve her ability to do that because the city would have a record of her appearance. **Mrs. Hayden** questioned if she spoke about an issue and it was voted down, it went to litigation and having filed the notice of appearance for cross examination, would that open her up personally. **CA Watson** said he could not personally give her legal advice about what might expose her to liability. His role is to advise the city on procedures and laws that may impact the decision making before them. He advised her to seek independent counsel on questions that may expose her to liability. When people provide notice of their appearance, it gives them the opportunity to speak and cross-examine. However, he could not tell her whether or not that would expose her to liability. **Mrs. Hayden** said we live in such a litigious world and she wanted to be cautious when stepping into something. **CA Watson** appreciated the question, but his role was to give the city legal advice and counsel. He has to be careful not to dispense advice to everyone. **Mrs. Hayden** wondered if there could be a caveat telling people they may want to check with an attorney before filling out the paper. She saw it happen when someone inadvertently did something and they were a party to a further action.

Ray Hayden, 35121 Dennis Road, thanked the Library Director for helping him out. They had a meeting with a commission member and they opened up a library room for them. It was very helpful. With the Lee Street School property, he saw an image that was published on the internet and it looked like it would be a really nice neighborhood. However, it is an older picture and seeing what was submitted to the planning and zoning board, he could see why it was shot down. It is truly a horrible alternative. The density is way too high. There should be a delicate balance between what is affordable for all. A win-win scenario is achievable. He assumed the reason they pulled it was to allow more time to discuss what was going on. When done right, a development could be rewarding for the city and the people who live in the area. When developing, there could be negotiable win-win scenarios. In fact, a lot of developments that previously came before the commission have done very well and there was hardly any opposition. The goal and objective should be to maximize the benefits of the development for all parties. Whether that be the residents who already live there, the new residents coming into the area or the city itself. This can all be accomplished through open negotiations and concern for everyone. A development should provide solutions for all parties. It is achievable and that should be the ultimate goal and objective.

Gary Custer, 8909 East Treasure Island Avenue, stated he forgot his glasses and asked Allison Fralick (from the audience) to read for him. **Allison Fralick** read an article regarding the city's comprehensive plan. **Mr. Custer** provided pictures of areas in the county that have been annexed by the city or that are proposed to be annexed by the city. The wildlife would be affected by the annexation. Right now along CR 44 from US 441 there is a four-mile stretch that has thirteen hundred houses to be built. This is a two-lane road and all the developments will feed on to this two-lane road. Thirteen hundred houses convert to twenty-seven hundred cars and that converts to about fifty-two hundred trips. That would make fifty-two hundred additional trips on a two-lane road and it would not work.

5. CONSENT AGENDA:

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

Items pulled for discussion:

5.B.2 - Professional Services-Design Agreement with Halff Associates, Inc. related to the Athletic Facility/Field Renovation
5.C.1 - Funding for the Facade, Sign and Landscape Grant Program (FSL) for the project located within the City Limits (FSL FY 2023 - Faith World Church)
5.C.3 - Right-of-way Deed from Strada Development, LLC. for the purpose of dedicating all roadways located within Bradford Ridge
5.C.6 - West Leesburg Community Development Corporations American Recovery Plan (ARP) Request Approval/Spending Plan

Commissioner Pederson moved to adopt the Consent Agenda except for 5.B.2, 5.C.1, 5.C.3, and 5.C.6 and Commissioner Reisman seconded the motion.

The roll call vote was:

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

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

A. CITY COMMISSION MEETING MINUTES:

1. Regular meeting held February 13, 2023

B. PURCHASING ITEMS:

1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Amendment One to an existing Pre-Construction Services Agreement with Allstate Construction, Inc.; and providing an effective date.

ADOPTED RESOLUTION 11,270

2. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Professional Services –

Design Agreement with Halff Associates, Inc. related to the Athletic Facility/Field Renovation; and providing an effective date.

ADOPTED RESOLUTION 11,273

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 Pederson seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Connell questioned the professional services being five hundred and sixty-two thousand dollars. This item only pertains to Susan Street. When previously discussed last year, this plan was for a combination of Susan Street and Sleepy Hollow. That total price was about three million dollars for both and now Susan Street alone is pushing five million dollars. There is a possibility for a grant from the county for one million dollars, but that has not been finalized. This is way over budget from what was discussed. It was about three million dollars for both projects and now it is about five million dollars for one project. Right now, there are no funding sources to even address the Sleepy Hollow project. He cannot see spending money on professional services until we know we can make up the difference to Susan Street. What are we actually accomplishing with that kind of money? We would lose two little league fields and two softball fields, which were supposed for Sleepy Hollow. We do not have the funding source right now for that project either. He would like to hold off on this until we get the funding sources needed to make up the difference between three million and five million dollars. We are jumping the gun. This should be postponed until we know if the county and/or other funding sources come through to make up the difference. If it comes through, then we can have a discussion on whether or not we want to move forward with either project. He would hate to spend that kind of money and lose four ballfields in the process. **CM Minner** understood his concerns. He appreciated the fiduciary responsibilities he was taking on. However, at this phase we need to get the project started. We need to move forward with some design perimeters so we can start isolating what the costs will be. We have a conundrum. We are about thirty days out from finding out if we can get the grant money. However, he was not overly concerned about it. The overall concern is that the city needs to keep this project moving forward. If the commission wanted to put a restriction on where we do not spend over half the money until we receive grant money, that would be fine. It is anticipated that we will be approved for the grant by the county next month and this would save a step from bringing it back. The Susan Street project that is being contemplated now is for the design perimeter and that is five hundred and eighty-three thousand dollars. This process will redesign the Susan Street complex. When we pulled the three million dollars from the ARP funding, we were not sure what the project was going to be. However, the contemplation of this commission and the recreation board was to improve Susan Street and Sleepy Hollow. To improve our sports marketing aspects and bring people into Leesburg. This would also benefit our local folks by having two different types of facilities. Susan Street has been dubbed as rectangle fields. They are trying to convert Susan Street from baseball/softball fields to rectangle fields. The concept was to recreate Susan Street as a rectangle sports complex so people could play football, soccer, rugby or lacrosse. This could be worked into the partnership that we have with Allyson Strange to recruit and bring in tournaments and leagues. They could use the fields and complexes to promote recreational sports and recreational marketing, which will turn into heads in beds and reinvestment in the Carver Heights area. Since bringing this concept forward, the numbers have changed. The other part of the concept is the diamond fields. At the Susan Street complex there are about seven diamond fields. Four of them are major and there are three smaller diamond fields on the northside. There are two rectangle fields there too. Part of the concept was to move the diamond fields to the Sleepy Hollow complex. However, the first thing on deck is to change the rectangle fields into diamond fields. We need to keep our facilities moving while we wait. We have sufficient diamond fields to continue the activities with the local recreational programming, the NCAA and Allyson Strange for the Spring Games. We have stuff the recreation department markets for other tournaments and they felt seven diamonds would get them by. The focus then became the rectangle fields. First would be to focus on Susan Street. As we move forward, we need to understand costs are going up. There were multiple concepts presented for Susan Street. This concept focused on a stadium-style astroturf with grand stands. It will create a big stadium environment. They would create rectangle fields where the diamond fields are now at Susan Street. They will lose the tennis courts once the plan is put together. There would be a concession stand, bathrooms, and an egress/ingress. There are about six items identified in the agenda transmittal showing where the city was trying to head. The estimate on that will probably be greater than five million dollars. At this stage, we are trying to get as much money accumulated to change Susan Street and there is three million dollars of ARP funds. Should this contract be approved, five hundred and sixty-three thousand dollars would be spent from the ARP monies, which would leave about two point five million dollars. Next month we will find out from the county if we will receive the one million dollar grant. We applied for TDC funding and the TDC Commission favorably recommended to the Board of County Commissioners (BoCC) that it be approved. There was a delay in getting it over to the BoCC for consideration, otherwise we would already have confirmation. The word from the county is very positive. The county likes this concept and the TDC Committee likes it. That would bring the total funding to four million dollars. It is a long-term process and we will receive other funding. The next thing to do is work with Allyson Strange on getting a long-term plan and funding commitment out of the county. The county stated they wanted to deal with the TDC money first. After that, we can look at other commitments with the county to increase the monies to help generate a larger budget. Since this project will take a few fiscal years, there could be other special revenue monies or recreational impact fees to be drawn on to make this a doable project. This is an incremental piece of a long-term project. It will ultimately move over to the Sleepy Hollow Complex. At this time, there are no financial answers, but we know the perimeters that are set in place. We are pretty sure we will have four million dollars. That could definitely get a jump start on the Susan Street project and change all the fields to rectangle fields. The worst case scenario would be that the county says no and we do not get that one million dollars. However, he did not see that happening. Nor does he see the city abandoning this concept if the county says no. The commission has the Susan Street/Sleepy Hollow concept listed as a priority in capital improvements. We would maybe have to consider a smaller scale for what rectangle field improvements we could make at Susan Street. It is all necessitated. We are at the phase where, if the commission wants to wait to see if we get the county grant, they could approve the other half of the contract next month. It could be approved tonight to keep things rolling. He does not anticipate spending a lot of the money in the next thirty days. The money that would be spent in the next thirty days would be money spent whether we get county money or not. We have three million dollars allocated towards this project and we can work in an incremental fashion. There are six things for the design and that cost is five-sixty-three. The big purpose of this is to have a full design contract for Susan Street. We are at the stage where we need to do some type of design so we can start putting budget perimeters in place. We need to plan for the summer when we get into fiscal year twenty twenty-four. We will look for other revenue sources. We have a contract with Allyson Strange and she will help with the discussions at the county for additional funding beyond the TDC money. He recommended approval of this item. **Mayor Burry** pointed out there were seven bids received for the design. **CM Minner** said the rule of thumb with engineering fees is that you want them to be around ten percent of the total project. He anticipated the core project of Susan Street being about five million dollars. That would complete the list in the agenda packet. Half of a million dollars would be to design a five million dollar project and that is a reasonable number. **Commissioner Pederson** added that they have been talking about this project for years. It is nice to see it coming into fruition. Cost numbers always seem to go up on projects like this. Just as the pool project went up. This project needs to move forward. If the county decides not to give the money they will find other ways to tweak or delay it. He fully supports this.

Dr. Erika Jasper concurred with the city manager and Commissioner Pederson. This project needs to move forward. This will be a great benefit for the city from a capital improvement standpoint and a sports marketing standpoint with Allyson Strange. The city will benefit overall. This will be a gradual progression moving forward. It would be best to move forward on this project.

The roll call vote was:

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

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

C. RESOLUTIONS:

1. Resolution of the City Commission of the City of Leesburg, Florida providing funding for the Facade, Sign and Landscape Grant Program (FSL) for a project located within the City Limits of Leesburg; and providing an effective date. (FSL FY 2023 - Faith World Church)

ADOPTED RESOLUTION 11,274

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 Pederson seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Connell said he would not go back on what was spoken about earlier. He pulled this item to make an individual vote. He stands behind what he said. **Mayor Burry** pointed out that this item was denied previously at the end of last year. He referred to former Commissioner Robuck's statement and he fully agreed. He stated this is a nonprofit organization and nonprofit organizations should not be submitting FSL grant applications. It has nothing to do with Faith World Church or the project. These grants are funded by the CRA with the idea that it increases the taxable value of the CRA to benefit the city. It is felt that not-for-profit organizations should not be eligible for CRA grants because they do not pay taxes. He voted no and that is why. He agreed and that was his position too. **Commissioner Pederson** remarked that he would make exceptions for churches because of what they do throughout the community. **Commissioner Berry** commented that she looked through the previous years and saw another church had been granted this. **CM Minner** agreed there was a church granted in the Carver Heights CRA. After the commission awarded that grant, that was when former Commissioner Robuck brought those comments forward. They had not considered churches until the first application and now we have the Faith World Church FSL grant. **Commissioner Berry** mentioned the first one was issued back in 2019 or 2020. **Commissioner Pederson** wanted to clarify if this was funded through the general fund or the CRA, and if that was part of former Commissioner Robuck's position. **CM Minner** replied that former Commissioner Robuck's position was on any fund. Former Commissioner Robuck did not want to provide these funds to any not-for-profit or church, period. When the city created the FSL program, it was to enhance the commercial districts. Each commercial district is delineated through our CRA's but there are some gaps. We have the Carver Heights CRA, 441/27 CRA and the Downtown CRA. Faith World is located on West Main and falls into a gap not covered by any of the three CRA's. When the grants were created, it was said that the three CRA's and the general fund were funds identified as payable to the program. If we issued Faith World this grant, it would mark the second or third grant from the general fund. It is not an abnormality in that respect, because we have used the general fund to do it before. However, that was not the root of former Commissioner Robuck's comments. **Commissioner Pederson** thanked him for that clarification. He never meant to put words into former Commissioner Robuck's statements. **Commissioner Reisman** added that this grant was created to beautify the district. This is what the grant was designed for and this applicant meets that.

Jay Hurley, stated he is a member of Faith World. It is a wonderful congregation. Faith World has been in the City of Leesburg since 1964. They have a congregation of about two hundred members. About twenty years ago, the church purchased the old grocery store on West Main Street, Bent-N-Dent. When that grocery store was there, it was quite an eyesore and it was in bad shape. They spent about one million dollars back then doing renovations and resurfacing the parking lot. They have continued to do everything they can to enhance that piece of property along the West Main Street corridor. Their church is just like every other church and they do a lot for the community. They have a food pantry that feeds two hundred and forty families a week and those folks do not belong to the congregation. They have a men's group that goes out into the community to repair homes for single mothers and the elderly and those folks are not members of the congregation. They try to be the good stewards that God put them on the earth to be. He could go on just like every other congregation. They do a lot within the community and the reason he points this out is because tax dollars do not fund the things they do. The congregation does. They are trying to do their part and they would love it if the city could help them out with their new sign. The grant was created to enhance that corridor and to bring all the signs in the community into conformity. They want to fall in line with that. They have their portion of this and that needs to be paid as well. They have been raising money so they can pay for their portion of the new sign. He was on the commission for eight years. He served as a commissioner and mayor. When this grant was put into place there were no restrictions. They did not put anything in there that said nonprofits could not have it. They did not put anything in there that said churches could not qualify for it. Their church has met every standard that the City of Leesburg put into place for this sign grant. They have met the conditions, so when they say they will not give it to them because they are a church or a nonprofit, that is being biased. The rules do not say they cannot have it. They qualify and they have earned the right to have it just like everyone else. For him, yes, former Commissioner Robuck has a great company, it is huge in the city and county. They have hundreds of employees and they do billions of dollars in business which they advertise. The city will fork out a sign for them, but not a church? Being a previous commissioner and not speaking on behalf of the church, that bothers him. They have been there since 1964. If a barber shop opened tomorrow and said they were going to try to run a business for a while in the city, they would give it to the barber shop. They own their property and he knows a lot of nonprofits are in city-owned buildings. They do not own the buildings the city does. He understands how things work. They own the property and they have done nothing but try. He asked the commission to respectfully honor the grant that was put into place and to grant this to Faith World because they qualified for it. They went through the building department and every branch. They had everything set and they had already ordered the sign because they were told by every office in the city that they met the qualifications to go forward. Now, they have pre-exposed themselves and ordered the sign. They would like the city to help them with this. He appreciated their consideration and to please vote yes.

Dr Erika Jasper asked how much the application was for and how much money they were asking for. **CM Minner** replied it would be twenty grand.

Mr. Hurley questioned how much money was available in that grant box, stating that at one time they had a lot of money there. **CM Minner** answered this one would come from the general fund. When it comes from the general fund, they go sign by sign. **Mr. Hurley** inquired if they put something in the sign grant for that. **CM Minner** responded not in the general fund, the CRA funds have about one hundred grand per year. The general fund takes these as they come because twenty grand is not going to break the general fund if it was awarded.

Alexis Swarsky, 10550 Holloway Drive, commented that as far as funding to support church-based plans, the government and the state are based on the premise of separation of state, religion, and church. This would cross the line. If a church wants a sign, they should have to pay for their sign even if there are funds or grants available. The difference between a barber shop and a church is that a church proposes a religious belief and that is separate in this country. The government put that provision in there for a reason and it should be followed.

John Christian, said he was not a member of Faith World, but he is a pastor in the city. He was on the commission when they voted for Mount Calvary Baptist Church and former Commissioner Robuck was on the commission and they disagreed. The reason they disagreed was simple, because a church is made up of members from the city who pay taxes. They own homes and they go to church. They have business owners in the church who pay taxes to the city. Twenty thousand dollars for a sign to beautify the corridor was the purpose of the grant. It would beautify West Main Street and our corridor for the city. They would be remiss if they alienated churches because they are nonprofits. Many church members are great citizens of the city. They pay hundreds of thousands of dollars in taxes. Mr. Hurley said that if someone were to open a barber shop downtown on the corridor, they may not be successful. A lot of the churches have been here for many years. They voted and approved Mount Calvary Baptist Church on the premise that the church was right on the boulevard and it would make our city look better. Point blank, that was the purpose of the grants. It was to improve the corridors. Do not alienate churches because they do not pay taxes, because the members of the churches pay thousands of dollars in taxes. Just remember they want to beautify Leesburg and they should not alienate churches. Particularly churches, because they do many great things to make the city better. If there is an issue in the community, they call upon churches. They are called when they want to have a community meeting to calm the city down and/or to pray for everybody. At that point, there is no problem separating church from state, because everybody needs the church. We want the church to be in our city and this is something that Faith World has asked for and the commission should do it. Please consider the Main Street corridor and the need to have a nice sign. **Mayor Burry** said, for the record in the application, item three does say applicants are reminded that the grant awards are discretionary in nature. They should not be considered an entitlement by the applicant. As Mr. Hurley said he met all the criteria but the commission can use their own discretion. His opinion is that these awards should not be used in institutions, not-for-profit organizations, or churches. That is strictly based on tax revenues coming back to the city.

The roll call vote was:

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

Three yeas, two nays, the Commission adopted the resolution.

2. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a Landlord Consent to Assignment of Lease, between the City of Leesburg, and Blackbird Aviation Building, LLC, and Executive Global Transportation Services, Inc.; and providing an effective date.**

ADOPTED RESOLUTION 11,271

3. **Resolution of the City Commission of the City of Leesburg, Florida, accepting a Right-of-Way Deed to the City of Leesburg from Strada Development, LLC, for the purpose of dedicating all roadways located within Bradford Ridge as described therein; and providing an effective date.**

ADOPTED RESOLUTION 11,275

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

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

Mayor Burry requested comments from the Commission and the audience.

Commissioner Connell said in the agenda memo there was to be a maintenance bond of two years once it was accepted. However, the bond was issued on January 18, 2022, so we would only get a ten-month maintenance bond. If this is accepted, the city should ask that they redo the maintenance bond to provide the full two years.

CM Minner agreed his interpretation of the maintenance bond was correct. For years, the city policy was that when we did new annexations or new subdivisions, the city did not accept roads and stormwater improvements. As market conditions changed due to Covid and inflation, the developers started coming back to the city with the concern that this dedication practice was not good for development. A former commission had this discussion and we changed that policy whereby we would accept dedication of these types of roads. In doing so, developers were required to build the roads to city standards. They would be inspected during and after construction, so by the time the certificate of occupancy was issued, the city would have been part of the whole process. They would also have to provide a two-year maintenance bond. We had this conversation publicly right before they submitted that bond. When the commission said yes, we would accept dedication. They started to work on putting together the dedication stuff because it appeared the city would accept it. At that time, Paqco provided their maintenance bond. It took about a year to weave through everything. They went from a subdivision that was approved without dedicated improvements to fixing all the right-of-way and things to be dedicated to the city. While that was happening, the maintenance bond had already been issued to the city. We are at a crossroads. If they do not want the city to move forward with this type of policy, and accept road dedications, then now would be a good time to know that. That way, when the planning and zoning department starts their PUD's, the old language will go back in. In the old language, it said the city "may" accept dedication. For years, the developers accepted "may" as the city was not going to accept dedication. Lake Denham Estates is a classic example. When it was constructed, we did not inspect the roads because the city was not going to take them over. There had been issues with Lake Denham Estates and the city worked their best. Part of the philosophy behind this was, one way or another, the problem of road maintenance would land on the city, whether it be an HOA issue or a dedication issue. The roost would come to nest in the city's house to have the streets fixed. That is why they decided to do it right from the getgo, because that is part of our job as a municipal corporation. That is why the commission said we needed to start taking the road dedications. They modified the public works staff so they would be involved on the front end with inspections. They went back to Paqco and said they needed to make specific improvements to Bradford Ridge before the city would take this. When Paqco started the improvements, that was when they received the maintenance bond. If we do not want to do the road maintenance acceptance process, let him know and he will get the word out. He was comfortable accepting the maintenance bond as it is, because it took the city a long time to get this home and the roads were built to city specifications. He was confident that the city would not have to deal with these roads for the next fifteen to twenty years. That is the typical lifespan of a road. Should the commission not agree, then the commission will need to make an amendment to the resolution because the motion on the floor is to accept the resolution. If they want to change it to say they need to provide a new two-year maintenance bond, they would need an amendment to the motion. If the motion is approved, then Pacqo would need to provide another maintenance bond. However, he would accept it as is because most of the time span was due to the city. The streets are acceptable and they meet city specifications. He does not anticipate having another timing issue in the future.

The roll call vote was:

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

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

4. **City Commission approval of the budget calendar for Fiscal Year 2023-24, which includes dates for Commission workshops.**

5. **Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 74, a subdivision of the City of Leesburg, Florida, being a portion of Sections 8, 9, 16, and 17, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Villages of West Lake Unit No. 74)**

ADOPTED RESOLUTION 11,272

6. **Resolution of the City Commission of the City of Leesburg, Florida approving the West Leesburg Community Development Corporation's American Recovery Plan (ARP) Request Approval / Spending Plan; and providing an effective date.**

TABLED RESOLUTION 11,276

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

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

Mayor Burry requested comments from the Commission and the audience.

Commissioner Connell stated he had a discussion about this earlier with the city manager. He was not opposed to the program, but anytime money is spent on purchases it should come back to the commission for approval. It should not just land on the city manager's desk for approval or disapproval. **Commissioner Berry** said she read through all of the information that was submitted and Leesburg is developing and homes are coming. She does not understand how the West Leesburg CDC could become a landlord.

Fred Griffin Jr., President of the West Leesburg CDC said, over the last two years, the commission has not approved funding for the West Leesburg CDC. They have been at a stand still. They are receiving phone calls regarding housing and people ask what their plans are for the funding. They want to know if they can have funding for utility bills, and other things of that nature. Investors have come into the West Leesburg area and they are buying up a lot of homes. One young lady he spoke with stated that they wanted to charge her over two thousand dollars a month to rent a home and if she purchased the home it would be a high market rate. They took that into consideration and decided that they needed to buy back their community and the investors needed to stay out. No one will be able to rent homes or purchase them because of the high rates. That is why they decided to utilize the funds that were given to them to make this happen for the residents. Everyone is voted in by the voters and they would be doing a disgrace to the voters if they did not utilize the funding to do what is necessary for the community. That is why he is here. He also sent this information to the city manager to let him know. They are listening to the residents and this is what they are saying. They have an upcoming meeting for the community and they are going to voice their concerns as well. To the community, it looks like the West Leesburg CDC are the bad guys and they are not the bad guys. They are trying to do everything possible to make things work within the community. When they have different projects come before the commission they are denied. When it comes back, it looks like they are the bad guys.

Commissioner Berry said she understands the concern because this is her community too. She really hoped they could come to an understanding or a willingness to understand, because she would like to focus on not providing homes for rental but providing homes for new homeowners. Housing is an issue for all of Leesburg. We are developing and houses are coming. They need a practice where they can provide and introduce becoming a homeowner instead of just being a renter. The expenses are concerning, and a landlord would be as good as the renters. If you do not get a good renter, then that is a whole other issue. As the new commissioner, she would like to meet with them so they can share ideas. She is willing and available within the next thirty days to hear their goals and plans. They can discuss both of their ideas for district one. That way, they can come in alignment with their visions. This item can be tabled until after those discussions. The money is there, it has been sitting for almost two years. Thirty more days is not that big of a deal. If they start the rental process for one house and then possibly another house, that is not doing any justice. That is not a smart investment right now. We are concerned about blight, safety, and development in our residential area. She hears him and understands. She read through it and she had several questions. She would like to table this until they meet.

Commissioner Berry made a motion that this item be tabled until both the West Leesburg CDC and the city commissioner for district one meet and discuss it in further detail and Commissioner Pederson seconded the motion.

Mayor Burry questioned if this needed to be tabled to a certain date. **CA Watson** replied no, but the date certain issue will be addressed at another time. Moving forward, the better procedure will be to readvertize even if they continue to a certain date. **Mayor Burry** asked if there were any further comments.

Mr. Griffin mentioned in their proposal they put in that the housing would be overseen by a property management company. They would oversee everything and they were very familiar with the City of Leesburg. They are very aware of what is going on in the community. It would be very critical for the residents of West Leesburg to not see things being fulfilled. They will continue to receive phone calls until this gets under control. Yes, the funds are sitting there, but they have a contract out already and they are ready to close. They went ahead and did what they needed to do. They have followed the guidelines of the grant agreement. They are asking the commission to approve this. They do a lot for the community and they are not receiving any revenue back. They make a lot of donations to the schools, they feed the hungry. They do a lot of things and they do not receive anything back in the general revenues. **Commissioner Reisman** said he would like to see any ARP money or funding like this come back before the commission for approval. **Commissioner Berry** added that she knows the hard work the West Leesburg CDC has been doing and how much time has been sacrificed. She is all in support of providing homes for the community. She would like to meet so they can discuss this further. The community needs to be cleaned up first for everyone's safety. They need to provide aesthetics throughout the community to make it inviting for people to come or for someone who would want to rent. She is more than willing and ready to work with the West Leesburg CDC. This will be a great move after they meet and discuss their concerns. After that, they can bring it back and present another plan to the commission. **Mr. Griffin** questioned the money spent thus far. Would they be reimbursed from the CRA or other funding? They did everything they were supposed to and that did not come free. That is something to take into consideration. **Commissioner Pederson** asked him to expand on that more. **Mr. Griffin** said they had to hire an inspector to come out and they used earnest money. They have now missed the deadline for backing out and that money will not be returned. **Commissioner Pederson** inquired how many homes and how much of the seven fifty would be earmarked for rental homes. **Mr. Griffin** responded that they asked for two hundred thousand dollars. With the spending plan, they said rent. They would need two hundred to two-twenty, because they did not know what the closing costs were. That would leave them with five thirty-five fifty on the budget to play around with. They have not moved on to other homes. It was just this home in particular. With upcoming projects, they are at phase one. They have laid out a strategic plan that says there will be six or seven phases. This is just phase one. That is why it was presented to the city manager in this fashion. That way they did not have to keep coming back with a plan to present to the commission. **CM Minner** said because the question keeps coming up about whether this will come back to the commission for different projects. With the seven hundred and fifty thousand dollars, when the ARP money was awarded, the commission broke up the fund into different pots. Seven hundred and fifty thousand dollars was allocated to the Leesburg CDC and another seven hundred and fifty thousand dollars was allocated to the West Leesburg CDC. Upon that action, the Leesburg CDC immediately submitted a spending plan. It was very familiar to the commission at the time and they went back and did other affordable housing type projects along with the Snow Apartment complex. The Leesburg CDC submitted a step by step spindown plan of properties they were going to purchase along with properties they were going to refurbish. That was presented in a plan and even though the first expenditure was only a couple hundred thousand dollars, the commission approved that plan because they clearly understood where they were heading. At that time, the commission gave him authority to go ahead and issue the approval checks as the Leesburg CDC went through and accomplished their goals as presented in their plan. The Leesburg CDC was issued their seven hundred and fifty thousand dollars.

About the same time, the West Leesburg CDC submitted a plan of expenditures. When the request of seven hundred and fifty thousand dollars was earmarked for the West Leesburg CDC, they submitted a plan to him that did not make it to the commission. The plan stopped at his desk because the submission of the plan was for about one point five million dollars. When they provided the spending plan of one point five million dollars after being awarded the seven hundred and fifty thousand dollars, he felt the commission would not have taken kindly to that. The response from the commission would have been why would they provide a one-point five million dollar plan when they were given seven hundred and fifty thousand dollars. He went back and asked for clarification from the West Leesburg CDC. There may have been some frustration from the West Leesburg CDC because it did not get past him. Subsequent to that, he spoke with the previous chairperson and there were two meetings with the West Leesburg CDC. He suggested that they develop a plan that coincides with the improvements the city is trying to make within the Carver Heights CRA area. That way, the commission would be more comfortable knowing there was a unified spending plan between the CRAs. The commission would have comfort knowing there was not a duplication of projects and the funds are being leveraged to get the maximum improvement while addressing blight in the areas most affected by covid. The city was issued eleven point five million dollars in ARP monies. Seven point five million dollars of that, over half of the money was allocated to benefit projects and groups in the minority community. That money has to be spent in an appropriate way following the ARP guidelines. That money is for blight while addressing the issues that most affect the minority community, because minority communities were affected the most by covid. During the discussions with West Leesburg CDC there was a change in leadership and now Mr. Griffin is the president, but those were the conversations they had. They did submit a spending plan for what he dubbed senior housing. He understood the plan as it was written, but there was a bit of piece mill in there as far as continuing to come back to the commission to approve the same concept. For clarification, he was the one that put in that agenda packet that the commission grants the city manager the authority to approve expenditures. He had a discussion on the phone with Mr. Griffin about that when they were reviewing the materials. For clarification, it was about the plan they wanted to go with and if they were going to buy houses in the Carver Heights Area with the ARP money. They currently have one house under contract. The contract was for two hundred grand. He assumed they would identify the houses and put the houses into an inventory stock that the CDC would own. They would use the ARP money so they could offer subsidized rent for low to moderate income folks and seniors. Every so often, they would be able to send him a contract for a house they identified. That is why he put in the request that the plan from the West Leesburg CDC was to buy housing stock with ARP money up to seven hundred and fifty thousand dollars. Now, they have one currently under contract. They know they may get around three to four houses depending on the price. Each one would come to him and he would approve it or deny it based on the overall concept. That is why it was written in that manner. That way, they did not have to have this conversation every time one needed approval. That was how it was done with the Leesburg CDC. There is a motion to table this item for further discussions with the West Leeburg CDC. There are some other concepts to be discussed with the West Leeburg CDC with regard to safety, blight and beautification. On the March 13th agenda there is a concept to review some of the expenditure plans for Carver Heights CRA. They will be meeting in that capacity with the other two CRA meetings next month. Commissioner Berry has asked that this be tabled for further discussion. **Commissioner Berry** asked, based on what she heard from West Leesburg CDC and the money that had already been paid. Is it possible they could be refunded that money? **CM Minner** said there is an existing sales contract where they put down a one thousand dollar deposit. If they do not close, they will be out that one thousand dollars. **Mr. Griffin** agreed. **Mayor Burry** inquired when the closing date was. **Mr. Griffin** answered on March 3rd. They should also include the inspection costs amongst other things. This was based upon approval and they followed the guidelines put forth with the grant funding. **CM Minner** remarked if it falls through he would ask the city attorney to review the contract to make sure he agrees. He reviewed the contract but he is not a lawyer. It was the standard Florida real estate contract. It was contingent upon funding and if the funding was not approved, he guessed they could get that deposit money back. If the clause was different, he would have the city attorney look at it. If the commission wants to hold the West Leesburg CDC within his spending authority, he could find one thousand dollars to help the West Leesburg CDC out. Spending one thousand dollars to hold off on this while there are discussions on how to spend the ARP money in unison is not a bad expenditure and it will help the West Leebsurg CDC. If the tabling motion passes, he will get with the city attorney and help West Leesburg CDC. They will either get the deposit money back or the city will find one thousand dollars to keep them whole. **Commissioner Pederson** commented that he did not want to be involved in their decision making. He wants it to be as it is now where the CDC makes their decisions. He was okay with the city manager approving it. This is Commissioner Berry's district and he respects her wishes for thirty days. However, he does not support canceling this contract. If they wanted to spend two hundred thousand dollars on a house, he would not tell them what to do. He would prefer to close this one because they still have five hundred and fifty thousand dollars in the budget to work with. They can meet with Commissioner Berry and work through everything. He would not micromanage the CDC. He would vote to let the city manager make those decisions. There is no need to spend thirty minutes at every meeting talking about the West Leesburg CDC. **Commissioner Berry** agreed. It is the decision of West Leesburg CDC, they are capable and they can handle it. However, this is her district and this is where she lives and she has concerns. As the new commissioner, she would like the opportunity to share and have discussions with them in detail about their visions.

Paster Darel Reeves, Mount Ararat Metropolitan, 1108 East Main Street, said this was a hot topic amongst their congregation along with a lot of other churches. They would like to know what is going on in West Leesburg. They would like to be part of the discussions too. They are concerned about the piecemilling process that has taken two years to be developed and what the real issues are. They want the kind of development that will create a better community other than a patchwork project where they buy a house and then another one somewhere else to rent. Seven hundred and fifty thousand dollars could do a lot of good if it was spent in the right direction. If it is possible, he would like to be a part of those discussions.

Mary Tucker, Vice President of the West Leesburg CDC, said when it comes to the needs of the community she has no problem meeting to discuss any questions. She does not recommend putting a hold on the process to address the commissioners' thoughts and concerns. Those need to be brought to them and there would still be a balance of the money that can be used for that. There is a lot that could be done in the community. They were very happy to receive some ARP money and a lot of the things can be addressed. Thus far, what they have done has come out of their own pockets. They do not have the funds. Yes, they have plans, but a lot of people are concerned about affordable housing. They are not talking about renting to just anybody, they have knowledge of how to interview a prospective resident.

Mayor Burry stated there was a motion on the table to delay this item until there is an opportunity to meet with the West Leesburg CDC.

The roll call vote was:

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

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

Commissioner Connell stepped out of the meeting between 6:57 p.m. and 6:59 p.m.

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, 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)

Mayor Burry mentioned that this item will not be discussed tonight. It has been moved to the March 13th agenda and will be re-advertised.

2. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 55 +/- acres; and being generally located west of County Road 44 and south of East Treasure Island Avenue, lying in Section 01, Township 19 South, Range 25 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 5; and providing an effective date. (Treasures Trove)

TABLED ORDINANCE 23-03

Commissioner Reisman introduced ordinances 6.A.2, 6.A.3, and 6.A.4 and asked that they be read by title only. CC Purvis read the ordinances by title only.

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

Mayor Burry stated that items three and four are quasi-judicial public hearing items. He asked the city attorney to swear everyone in who wished to provide testimony. **CA Watson** asked for anyone in attendance, including staff and the audience who wished to present testimony on any of the items to stand and he swore them in. He then asked if there were any members of the audience still seated that wanted to provide testimony on any of the remaining second readings. He swore everyone in. **Mayor Burry** requested comments from the Commission and the audience.

Commissioner Connell said before getting too far into this, that this item has been reviewed once already. It was turned down by the planning commission and what they are proposing is a redo with modifications from what was originally turned down. This has not gone back before the planning commission for their review and recommendation. He understands it did not have to, but he would like it if the commission would not even entertain this. It needs to be sent back to the planning commission for their review. Then come back with their recommendations. We have a planning commission for a reason and they turned it down. It has now been revised and he would like to send it back to them for their review and recommendation before hearing it. **Mayor Burry** understood those concerns. He asked the planning and zoning director to talk about this. **PZD Miller** answered it was turned down by the planning commission mainly based on traffic concerns and density, things like that. The standard things that we get. In terms of procedure, he did not know if there were any reasons why they could not do that or any reason why they would have to. **CA Watson** pointed out if the commission would like to send this back to the planning and zoning to get their input on the redesigned plan, that would be something they could do. **CM Minner** wanted to clarify why this was not sent back to the planning commission for review and it was because of how this unfolded. It went before the planning and zoning commission and they denied it. It came to the commission for first and second readings. During the second reading, it was voted down, two to three. At that point, one of the members who was part of the three votes preserved the right to bring it back at the next meeting. Therefore, when it came back before this body at the next meeting, that was when they setup this date. That is why it did not go back before the planning and zoning commission. There was a parliamentary hook that brought it back to the commission and that is why it is back tonight. It is back here properly and procedurally. It is back here with due diligence and all legal advertisements have been done. However, during that process, the petitioner went back and modified the plan. **Commissioner Connell** stated that is why he believes it needs to go back to the planning commission. That way they can review the modified plan. Then they can make a recommendation back before hearing this. **Commissioner Pederson** respectfully disagreed. He was ready to move forward. **Commissioner Reisman** said as much as he did not want to postpone it, when he was on the airport board, he respected the commissioners for postponing things and sending them back for review. He would be in favor of that.

Commissioner Connell made a motion to postpone this and send it back to the planning commission for their review and recommendation and Commissioner Reisman seconded the motion.

Mayor Burry asked for further discussion on the motion. **Commissioner Pederson** said he had already made his opinions known. **CA Watson** wanted to point out that they do have three items, so they would need separate motions on each item. **CM Minner** asked if the motion from the commissioner could reflect all three items. **CA Watson** replied they could, but the cleanest thing to do is to make separate motions for each item. **PZD Miller** mentioned that annexations come directly to this board. They are not heard by the planning commission. It would be the large scale comp plan and the rezoning if that was the direction they choose. **CM Minner** said if they choose to send it back to the planning and zoning commission, the annexation item should be tabled. **Commissioner Connell** agreed with that. **CM Minner** said they could annex it and do nothing, but they would not want to do that. **Mayor Burry** wanted to clarify that the motion is for the annexation to be tabled and if they table it, can they still hear the next two items because that property would not be in the city. They cannot change a comp plan without it being in the city. **CA Watson** answered correct. However, they could table the annexation and send the other two items back to the planning and zoning for review. After that, they can bring everything back at the same time. If they table the annexation, that would still be appropriate. It was not annexed before it went to planning and zoning. That did not come before the commission before it went to planning and zoning the first time, so it would be okay to table the annexation and send the other two items back to planning and zoning.

Commissioner Connell amended the motion to table the annexation and to send the other two items back to the planning and zoning commission for their review and recommendation and Commissioner Reisman seconded the motion.

The roll call vote was:

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

Three yeas, two nays, the Commission tabled the ordinance.

CA Watson stated they still need to make motions for the next two items on the agenda.

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 55 +/- acres from Lake County Rural Transition to City of Leesburg Estate Residential, for a property generally located west of County Road 44 and south of East Treasure Island Avenue, lying in Section 01, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Treasures Trove)**

TABLED ORDINANCE 23-04

Mayor Burry asked if they needed a motion to table the items pending review by the planning commission. **CA Watson** responded yes.

Commissioner Connell made a motion to table this item while they waited for the planning commission's recommendation and Commissioner Reisman seconded the motion.

The roll call vote was:

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

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

CM Minner stated they would advertise everything accordingly because there is a new law that says you cannot table these types of matters to a date certain. **CA Watson** said that it is the new interpretation of the law.

4. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 55 +/- acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow a single-family residential subdivision for a property generally located west of County Road 44 and south of East Treasure Island Avenue, lying in Section 01, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Treasures Trove)**

TABLED ORDINANCE 23-05

Commissioner Connell made a motion to table this item pending the review and recommendation from the planning and zoning commission and Commissioner Reisman seconded the motion.

The roll call vote was:

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

Three yeas, two nays, the Commission tabled the ordinance.

PZD Miller said since this has been sent back to the planning commission, city staff will need to re-advertise, resend letters and repost. They will need to do everything. **CM Minner** asked if they had to advertise for the planning and zoning commission. **PZD Miller** replied yes. They also send out letters through the post office. He wanted to make sure that everyone in attendance heard that. If they live within two hundred feet, they will receive the same letter again for the new date. There will be a sign posted along with advertising. **CM Minner** asked if they needed to resubmit this to the DEO and if this was the start of a new process? **CA Watson** said yes, they would have to resubmit. **PZD Miller** commented that it would create a new six-month time period from first reading to second reading. With the DEO procedure, that would take some time. **Mayor Burry** stated if that is what needs to happen. **CM Minner** said okay. **CA Watson** wanted to clarify if this would be going back to the planning and zoning in March? **PZD Miller** answered he was not sure. **CA Watson** wanted to make sure everyone understood in the audience. **PZD Miller** stated that it would most likely be April at this point. **Mayor Burry** wanted to make sure it would be advertised so everyone would have that information. **PZD Miller** said yes, it would be advertised, the sign would be posted along with the letters. **CM Minner** said this will have a six-month delay and the planning and zoning director will meet with him tomorrow. They will put together a rough schedule for how this will be. This will go back to the planning and zoning commission. It will then come back to this commission for first reading. After first reading, they will transmit to the DEO and know an estimated time for the second reading. They are probably six months out, but they will get that schedule for everyone. It will be posted on the website and the information will get out to everyone. This has been reset here.

5. **An Ordinance of the City of Leesburg, Florida annexing certain real property consisting of approximately 6.93 acres; and being generally located south of U.S. Highway 441 and east of Anglers Avenue; as legally described in Section 23, Township 19 South, Range 25 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said City; providing that such annexed property shall be subject to all laws and ordinances of said City as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 5 and providing an effective date. (Anglers AX)**

DENIED ORDINANCE 23-07

Commissioner Reisman introduced ordinances 6.A.5, 6.A.6, and 6.A.7 and asked that they be read by title only. CC Purvis read the ordinances by title only.

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

CA Watson reminded everyone that they are still under oath. He asked if everyone who wished to provide testimony had already been sworn in to stand. It appeared that everyone had been previously sworn in. **Mayor Burry** requested comments from the Commission and the audience.

PZD Miller stated this project is for Anglers on Harris. It is a small-scale comprehensive plan for planned unit development, zoning, and annexation. The proposed property is located south of US 441 and east of Anglers Avenue. It is located behind the Goodwill store on US 441. It contains approximately 6.93 acres. The request is to annex this property into the city and change the future land use designation from Lake County Urban Medium Density to City of Leesburg Low Density. They would like to change the zoning from Lake County Planned Commercial to City of Leesburg SPUD, which is a small planned unit development. The planning commission voted to recommend approval of this at its October 22, 2022 meeting. The overall request is for forty-seven single family attached and detached units for a total of twenty-seven detached units and twenty-seven attached units. There are design standards for all homes. It would include dark sky lighting, gutters for the houses to appropriately direct the stormwater. There would be fifteen-foot buffers on the east and west sides of the property. They have the standard thirty-five percent open space requirement, irrigation controls and it would have point-nine acres of recreational area including a weight room, pool, and boat docks. The agenda memo says that the planning commission approved it at their October 22nd meeting but it should read, October 2022. In the planning and zoning commission minutes there were some issues where it said the vote was zero dash. That should have been filled in before he picked it up and they would make that correction. However, the planning commission did approve this request. The public works department said the project would require relocation of wastewater lines and the construction of a lift station. The Lake County School Board indicated it would generate sixteen students. Mr. Ryan Soltice of LPG out of Mount Dora is here to answer any questions.

Ryan Soltice, LPG representing Lake Harris Acquisitions. He started by playing a video of the February 14, 2022 Lake County Board of County Commissioners meeting where they provided an overview of the project and were provided recommendations. A letter was submitted to the Leesburg City Commission with the recommendations from the Board of County Commissioners. He wanted to present a request to annex the property into the city and change the future land use from Lake County Urban Medium, which allows for seven dwelling units per acre. The City of Leesburg Low Density Residential, allows for eight dwelling units per acre. They would like to request rezoning from the county's planned commercial to small planned unit development. The proposed density on site is seven point five eight units per acre and the buildable acreage is six point two acres. According to the low density residential future land use within the Leesburg comprehensive plan, this land use category is generally located in densely urbanized areas. The site itself sits behind the Goodwill and it is in close proximity to US 441. It would be on the same side as Steak and Shake and Starbucks. Across the street, there would be access to commercials such as Publix and the Lake Square Mall. This is a forty-seven unit condominium complex utilizing single-family home buildings. The developer is proposing twenty, three-story townhomes and twenty-seven, two-story bungalows. The development would have an improved marina, clubhouse and pool. The estimated price for the townhomes would be five hundred thousand dollars and the bungalows would be four hundred thousand dollars. The site has been designed with a lot of care. They are proposing a six foot stucco and masonry wall on the north side and a six foot vinyl fence to the east and west. In addition to that, there is a fifteen-foot buffer along the perimeter of the property where they would utilize a species of bamboo called MBG from Osceola Farms. In two to three years, the bamboo will reach heights of thirty-five to forty feet. That would provide added protection and privacy for the neighbors. Over one acre of the site is currently being utilized as a water retention area. As in the preapplication meetings, St. John indicated that they did not want a single drop of water from this site ending up in the lake or abutting neighboring properties. The roads will be improved, so the east/west portion of the site will be improved from its current standing of potholes and it is only about eighteen feet in diameter. It will be paved at twenty-four feet. It will have a curb and gutter to allow stormwater to be redirected. The road which is utilized for the mobile park and the single family residence will be maintained by the condo association in perpetuity. The fire marshal indicated that the north/south ingress/egress easement that is not dedicated to this property would be adequate for fire protection and emergency services. The developer is replacing the old/private sewer and water lines in the current development. The sewer line runs from the old commercial up on US 441 through part of the single family homeowner property and then west to the other two mobile home parks. The private line on their property would be improved and a lift station would be added to increase flow. It would benefit the neighbors to the west substantially. The neighbors to the east and the single family home along with the mobile home park would have their waterlines improved. If there were any questions regarding wetland or mitigation, he brought Jessica from Stillwater Environmental with him.

Commissioner Connell asked about the ingress/egress back to US 441. Will that be improved all the way back to the highway? **Mr. Soltice** answered that the access point is actually an easement between the Goodwill, Take 5 Oil Change and the property owner. At this time, it would not be improved. There was a recommendation by the county, but that cannot be legally improved without the property owner allowing them to make those improvements. **Commissioner Connell** questioned if he had an easement for use but not for the improvements. He wanted to know the width of the easement. **Mr. Soltice** responded that it was about twenty-one feet. It is narrow and there is about eighteen feet of paved asphalt. **Commissioner Connell** questioned how many other residents use that road presently? **Mr. Soltice** answered that there was a single-family resident and a mobile home park. **Someone from the audience** said there were forty-eight residents. **Commissioner Connell** asked if they were looking to add forty-seven units and if there was anything in the development that would be considered commercial. He was concerned about additional traffic down to the development other than the residential traffic of the residents who live there. **Mr. Soltice** responded that the marina would remain private. The sole use would be the condominium association and the residents who live there. They hired an architectural firm to give flexibility for the commission in the design and implementation of this in-fill development project. He provided two renderings of the designs. One was a ten-unit townhome with cement lap siding that mimicked a wooden appearance as well as stone veneer. The second one was for single-family detached bungalows. They have a third option with stucco and darksky lighting for both the bungalows and townhomes. Depending on the options, they would range between two thousand twenty-six square feet of livable space, while the bungalows come in at sixteen hundred square feet. **Commissioner Connell** questioned the building height because the plan states two stories and now he was hearing three stories. **Mr. Soltice** replied that the recommendation from the planning and zoning was to limit the site to two stories. However, with the small-scale comp plan amendment and the rezoning to the SPUD, he wanted to request the three-story townhomes be considered. The site would have bamboo which will grow to be six to nine feet high. They would need the commission's approval for the bamboo to be used as a landscaping buffer vegetative product. **Commissioner Connell** inquired what the overall height was for the three-story buildings? **Mr. Soltice** answered it would max out at thirty-five feet. **Commissioner Reisman** wanted to know if this would be a gated community. **Mr. Soltice** replied it would not.

Alexis Swarsky, 10550 Holloway Drive, stated she is a resident of the mobile home park located right next to this property. She was old enough to not be delusional about this project. Most of the residents in her mobile home park are aged. They fully expect some type of development to pass, but what kind of development? This is not an upscale community and it cannot be gentrified by this development. They are mostly working class medium income people and senior residents. The development will have the Goodwill, Take 5 Oil Service Center and Steak and Shake in the frontal area. The developer could put up a twenty-foot fence around the property and the businesses will still be present and visible for prospective homeowners. Upscale residents who can afford five hundred thousand dollar homes are not going to want to move to that area. The architectural drawings show a plan for almost fifty multi-story units on about seven acres. They cannot fit all that housing, a recreation center, pool, cement walks, garden areas and whatever else in that area. Plus, a fifty foot waterline setback can not be adhered to. They will simply pay mitigation costs and do as they please while the environment is damaged. With the access point, when they say you sometimes have to stop, that is ridiculous, because almost everytime she leaves she has to stop on the access road. She mentioned before how ambiguous their design scheme was with both low and medium level building supplies and materials. There is no commitment to the level of quality they plan to use. Cheap fiber board versus real stone. Is this a suggested availability or is this guaranteed access? Can they change it when they finally start building? Further, there is no stated occupancy limit on this. How many people are going to be able to fit into a unit that has three stories? Two, four, six, ten, twelve? She lives in a two-bedroom mobile home and she can only have two residents in her home. If the commission approved the plan, do you really know what you are approving because she did not? She suggested the developer resubmit a plan that conforms more to the community.

Robert Harward, stated he was in education for forty-three years. He has been a resident for twenty-one years at Hideway Park. He did not know if he appreciated being called aged because there is only one person in the park that has been there longer than him. He bought into the community because of the beauty of the lake. It is a peaceful, serene area. He really enjoys it. The proposed land usage is not comparable or compatible with their park. The proposed land use and density will change and it will never be the same. They only have forty-four units in their park. They are family homes. There are twenty-nine homes with only one person in them and the remaining fifteen have two people. Plus, five people do not own cars. He hoped that they would protect the beautiful environment and the lakefront area. Please deny the proposal. The intensity of this proposal and the anxiety it has created in their park are great. This is important to the residents.

Lisa Reynes, stated she resides at 10550 Holloway Drive Lot 13, in the Hideaway Mobile Home Park. Her background is in forestry. In Florida, she works for the Department of Agriculture and Consumer Services. She has over forty years of experience working in the environmental field. Although there are many issues with this proposal, she wanted to address the removal of the heritage trees on the property. The live oaks and the sabal palms are very large and that is the state tree. There are some cypress trees of a really good size which are not even on the developers' list. The heritage trees are irreplaceable. They cannot be mitigated by putting in four inch trees in different areas and they are asking for a non-native bamboo. The trees on the site are homes to eagles, hawks and so much other wildlife. The size and impact on the lake environment is irreplaceable and it cannot be mitigated by newer small trees. Once they are gone, they are gone. She hoped that they would consider the trees. In the Leesburg code of ordnance, under tree protection, it says the designated protected trees require approval by the City of Leesburg to be removed by permit. She asked that they follow the code and protect the heritage trees. She read part of the city's mission statement under values, citing that this is a diverse community energetically working in collaboration to ensure that the City of Leesburg upholds its history, ambiance and natural resources to become and stay a vibrant community. A diverse community energetically working in collaboration to ensure that the City of Leesburg upholds its history, ambiance and natural resources to become and stay a vibrant community. When she looks at the area around the lake as a community, it has traditionally been all county and this is only being made city so they can mitigate the distance. They plan to mitigate twenty-five feet and they will cut down all the trees. Where will the wildlife go?

Timothy Thompson, 10550 Holloway Drive Lot 11, stated he is a tenant and the manager of the mobile park. He is also the maintenance man. He travels the road more than anyone, being the manager and maintenance man. He goes back and forth because they also own the Beach Mobile Home Park next door. When the FedEx and UPS trucks come through, he has to pull his golf cart off the road to let them through. That is how narrow the road is. He does not see where they will have space to widen the road. He has been hit almost twenty times at the curve where the oil change is located. That is where they come into the property. He knows there has to be growth. He is not saying do not put anything in there, but what is being proposed is a monstrosity. It does not work with their community. They will be pinned in on that back side. They will not be able to get in and out. The wildlife on that site cannot be replaced. He sees it every day on his travels.

Sam Rahrig, 10550 Holloway Drive, stated she is the president of the HOA for Hideway Mobile Home Park. She was there representing the community. No one ever approached them to talk about this development and they were asking for three-story, thirty-five-foot monstrosities. They will be within viewing distance looking down on them every single day. The area that is appropriate for construction is just under four acres. The six point nine acres that the developer quotes contains wetlands and the marina and the lake is right in front of that. With the Goodwill, their parking lot was overlaid within that parcel and that conversely shows how small the actual building area is. The developer wishes to insert forty-eight towering two and three-story multi-family units and place a pool in the wetlands at the front of this. The plans for the community and the surrounding area along with the number of additional cars will be staggering. Their community only has thirty-eight vehicles. There is only one ingress/egress to that property which serves the private residents and the community of forty-five single-family homes. In addition, at the end of the narrow winding entrance, before you gain entrance to US 441, you have to traverse through a five-point star-shaped intersection that only has two stop signs. For every two people that stop, three people run through it. The massive amount of traffic generated by the commercial strip along the front includes Take 5 Oil Change, Steak and Shake and Starbucks along with the Goodwill Store. Starbucks has its own issues, they have excessive traffic that blocks turning north at the light and it backs up cars on US 441. Pedestrians, as well as bicycles, struggle for their fair share of the road. The intensity of this project would not be compatible or enhance the surrounding area. When you choose an action, you choose the consequences of that action.

Joanne Kost, 10228 Bumblebee Lane, said she lives on Lake Harris and she was there for the lake. Lake County has been blessed with many beautiful lakes that provide many sports with so much enjoyment for thousands of residents and visitors. Please help them to preserve that beauty, by not allowing over development of lakefront property. Do not annex it to the city, please let it stay in Lake County.

Daniel Howard, 10534 Holloway Drive, provided the commission with some renderings. He stated the nearest two stories were one mile away to the west of the proposed development and those are Lake Harris Cove apartments. To the east, the nearest two stories are four point four miles away and that is On the Green. From the back porch looking over the lake there are zero two-story buildings anywhere visible. He knows they have been overlooked a lot and everyone seems to keep jumping to the mobile home park to the east. Those are a 1960's and 1970's design and currently they have forty-four units on six point eight acres. They are single-wide homes with single-car driveways. There are single-lane roads throughout the mobile home park. It is a retirement community of 55+. There are no setbacks or retention areas. The developers have full use of almost the whole seven acre parcel. If the mobile park was developed to the current county standards and codes, the park would be approximately twenty one to twenty two units on almost seven acres. Prior to the demolition, there used to be fourteen single-story homes on this site. They have lived there nine years, so they did not see them occupied. This is a six-point-seven acre parcel with a point eight two marina. If you subtract the fifty-foot setback from the water and the county side setback, they are left with a three-point-seven-six acre building envelope. With the marina and wetlands on the bottom one third of the property. That was the reason for the unqualified purchase deed and the low price. On the property appraisers' website there is a tool that calculates area and the three point seven six acre parcel in discussion is the same size as half of a Home Depot. It would be the same thing for Lowe's. A proposed single-family story would be consistent with the surrounding land uses. They need to stay out of the wetlands and incorporate the large cathedral oaks into the development. There should be no more than two point one to two point seven units an acre. That is consistent with many of the city annexation developments. Examples are Frazier and Sleepy Hollow at nine point seven acres and two point seven units per acre. If they do this backwards and they take the forty-eight proposed units and divide them, they are going to be left with fifteen units. Please require the second access for the new development and require sidewalks for the first and second access from the development to US 441.

Deirdre Griffin, 10534 Holloway Drive, stated she was there to express her concerns about the annexation rezoning case that does not have a second access for ingress/egress. The planning and zoning approval stipulated that there would need to be a second approved ingress/egress. The only ingress/egress is on to US 441 and it is overrun by heavy commercial development. It causes congestion and confusion in the interior roads. The inadequate easements are legally granted at twenty-one feet with eighteen and half feet of pavement. The easements are merely a driveway. This would become a major safety risk due to the width. It would also be a risk to the pedestrians due to the lack of sidewalks. The road network has significant safety issues and if something blocks the road, since 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. The proposed multi-family, multi-story weekly, monthly and yearly rental units will produce up to one hundred and forty-one additional vehicles and the housing will be up to two hundred and eight occupants with no sidewalks heading out towards US 441. Essentially, new development would make a substandard condition worse. With the mitigation of wetlands, mitigation is usually done when development is unavailable. However, mitigation can be avoided and this development proposal is unnecessary. There is no need to build eleven multi-family rental units fifteen feet off of state waters or a pool and clubhouse in designated wetlands. The displacement of surface water from the development by mitigation credits will cause a negative impact on neighboring properties since the development sits at a higher elevation than the neighboring properties. There is no tangible way to protect them from being impacted by stormwater runoff and displacement. The proposed annexation resulting development would not be consistent with the comprehensive plan. The streets are not adequate to support the anticipated traffic, and the development will over load the non-exclusive easements outside of the planned area. The small parcel is not suitable for the proposed use when considering its size, shape, location and natural features. Multi-story, multi-family rentals will significantly alter the character of the surrounding properties. They will endure significant limits and it will impair and prevent them from using their property in the same manner that they have been. Their privacy will be stripped away from them and their children will not have a safe place to play on their property without being watched at all times. Her home will suffer substantial investment loss. This is not the environment that they bought and invested in. This proposal jeopardizes the safety and welfare of the existing community and provides no second access to ingress/egress. Herself and her community would like to see less intensity and single-story homes with two car garages. By changing the intensity and developing more towards a lakeside residential-estate, traffic and safety concerns eliminate themselves. This is an opportunity to create infill that will have long term sustainability while being environmentally friendly and compatible to the lakeshore. This needs to be consistent with the neighboring property intensities and land uses. Put community safety first. Please deny this proposal.

Ray Hayden, 35121 Dennis Road, stated he knew where this was located. He drove out there knowing where this development was and he still missed the street. He presented a video showing the development. He showed the narrowing of the road when entering and leaving and how he had to wait for another vehicle to leave the site before he could drive in. He stated the location of this site is very confusing for drivers. When leaving the development, there is a five-way intersection on to US 441. He asked the commission to deny this development due to safety concerns.

William Becker stated he was there on behalf of Mr. Alex Stewert, the owner of the Hideaway. He was a lawyer. He read a letter stating "this letter has been prepared on behalf of the Hideway HMP and the owner, Alex Stewart. The Hideaway Mobile Home Park is located at 10550 Holloway Drive. The property is in an existing residential mobile home community constructed in 1945. The owner notified the homeowner president of the Hideaway Mobile Home Park of the proposed development for annexation. The owner stated they do not have consent or authorization for any second access or ingress/egress along with any emergency access gate or any easement in through, over, across or upon his private property.

Kara Singletary of Hunt Law Firm, stated she was there on behalf of Daniel Howard and Deirdre Griffin as their representative. She wanted to address some legal implications of this annexation. It was reflected in the minutes of the planning and zoning board that in order for the project to move forward to the city commission, it would have the condition that a maximum two-story dwelling would be allowable along with a second-access being required. That was the stipulation made for this project to even come before the city commission and those requirements have not been met. As the developer testified, he intends to move forward with a three-story development with no possibility of a second access to this development. It would be necessary for that secondary access to reach out to Starbucks and they do not have their approval. Access is granted through easements and deeds. It would not be possible to acquire that, especially not at the city level. Under the city's land development codes, Section 25-274 says that a SPUD is specifically provided for proper private development of infill areas as well as for the development of limited uses such as office, commercial or light industrial. It indicates a single-family dwelling, but what has been shown does not appear to be a single-family dwelling. Under the planned development process, in order to move forward, the procedures must be met. Under Section 25-278, it says that during the review, the planning division shall distribute copies of the proposed development review to the committee for study and comment. The planning division is required to consider the following; that the resulting development will not be inconsistent with the comp plan and zoning objectives currently listed. There are inconsistencies in the application. It states multi-family for purposes of traffic evaluation and it later states single-family condominiums and townhomes. That is inconsistent. These inconsistencies are not consistent with the comp plan. The streets are not adequate to support the anticipated traffic and development. It will overload the streets outside the planned area. It is obvious from the statements that have been given by all the neighbors that the traffic analysis is not accurate for what is planned and there is no second access available. The streets are inadequate to support the anticipated traffic and development. The parcel is suitable for the proposed use when considering its size, shape and location, topography, existence of improvements and natural features. They received testimony regarding the wetlands, the nature and the trees. The size of this proposal is not suitable for the land based on the presentation given. The proposed development would alter the character of this community. The facilities are not adequate as the developers specifically stated. It would require the creation of a lift station to accommodate the sewage. There was inconsistency in the testimony of the developer from the first reading to the second reading regarding the use of the docks. Docks are specifically noted in the land development code as a specific use category and the water oriented category. Those categories require a specific zoning where water is going to be used for the selling, leasing or rental of covered or uncovered boat slips or dock space. It was testified by the developer at the first hearing and that testimony would be prejudicial to a court of law. At the first reading, they said there would be eleven rented boat slips and at this reading they said they would be privately owned. That is an inconsistency that the commission needs to consider along with all the other inconsistencies you were given. What type of perjury is going on? Everyone stood and took an oath that we would state the truth. In the interlocal agreement, it addresses the enclaves. A document was later provided to her that says under paragraph 3.C.2, that the county consents to the annexation of an enclave which results in the creation of an enclave, so long as the city agrees to provide services to such enclave. That has not been addressed about why the enclave would be created, and that was addressed in detail at the first reading. The city is to hold a public hearing prior to such annexation where the owners of all properties within the enclave and not just those of this development or the neighboring ones, but all the ones that would reach into the enclave. That means everyone going down to where the Home Depot is. They would all have had to receive notice and she did not believe they did.

Mr. Soltice pointed out the recommendation from a planning and zoning board was not a binding decision. They are advisory in nature and he wanted to make that clear. The reason multi-families were used in the traffic study is because that was a requirement of the Metropolitan Planning Organization for the ITE code. This is a condominium. It would be fee simple and it is not multi-family. He provided a video from the Lake County Board of Commissioners stating, based on the fire marshal's recommendations, saying they wanted another access point. The fire marshal said, for the safety of the community, that he recommended the secondary access point. The HOA president said they were opposed and that they would get a legal letter drawn up saying they did not want another entrance. They are fine the way they are. They can get emergency vehicles in there and they do not need an extra entrance coming into their park.

Mayor Burry closed the public hearing and asked for deliberation or comments from the commission.

Commissioner Pederson said he has flipflopped on this one about five times over the past ten days. It is an extremely tough decision. He went out to the property and drove it. He cannot get comfortable with the roads. He cannot support this because of the roads. **Commissioner Berry** stated she went out there too, and it is very narrow. She could not support that. **Commissioner Reisman** said without the second entry he could not support this either. **Commissioner Pederson** mentioned that it would be nice if the residents could work something out over time for the sake of all the communities at that red light. He believes that is what the county would like and it would be good for the city and for traffic to get to the light next to Starbucks.

Mr. Soltice asked if the commission would consider tabling this item so they could work out the egress/ingress for the north-south road with the adjacent property owners. **CA Watson** stated that would be up to the commission. **Commissioner Reisman** asked if they would be tabling so they could work out the second entrance. **CA Watson** answered it would be tabled. They could do a continuation and come back with a reworked plan. They could present the new information for the commission to review. **Commissioner Reisman** stated he would like to meet with the developer as well.

Commissioner Connell made a motion to table this item and Commissioner Reisman seconded the motion.

The roll call vote was:

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

Two yeas, three nays, the Commission denied the tabling of the ordinance.

Mayor Burry stated that now they have the motion for the annexation. **CA Watson** agreed. **Mayor Burry** asked if there was any further discussion. There was none.

The roll call vote was:

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

One yea, four nays, the Commission denied the ordinance.

Mayor Burry stated they did not accept the annexation into the city, so they did not need to address the next two items on the agenda. **CA Watson** mentioned if annexation is not approved it makes the other items mute. There would be no rezoning or change since the property remains in the county.

6. **An Ordinance of the City of Leesburg, Florida 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 6.93 +/- acres from Lake County Urban Medium Density to City of Leesburg Low Density, for a property generally located south of U.S. Highway 441 and east of Anglers Avenue, as legally described in Section 23, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Anglers SSCP)**

FAILED ORDINANCE 23-08

7. **An Ordinance of the City of Leesburg, Florida changing the zoning on approximately 6.93 acres from Lake County CP (Planned Commercial) to City of Leesburg SPUD (Small Planned Unit Development) to allow for residential development on a property generally located south of U.S. Highway 441 and east of Anglers Avenue, as legally described in Section 23, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Anglers SPUD)**

FAILED ORDINANCE 23-09

B. FIRST READING OF ORDINANCES

1. None

C. NON-ROUTINE ITEMS

1. None

7. INFORMATIONAL REPORTS:
The following reports are provided to the Commission in accordance with the Charter/Ordinances. No action required.

A. None

8. CITY ATTORNEY ITEMS:

CA Watson had no items to address this evening.

9. CITY MANAGER ITEMS:

CM Minner had no items for discussion.

10. ROLL CALL:

Commissioner Connell wanted to follow up on what Commissioner Reisman said about having a discussion concerning the grant programs and putting some language in pertaining to the maintenance of ownership for a certain amount of time. It would be a good idea to have that discussion. He asked the city manager to bring that up as a discussion item at the next meeting.

Commissioner Reisman said continuing his comments from the last meeting. He would like to bring up the commercial kitchen at the Resource Center. He did have some preliminary discussions with the city manager. However, he wanted to see how the commission felt about making that kitchen a commissary kitchen. In the past, local businesses have expressed interest in this and it would allow them to pay a yearly commissary kitchen fee along with the rental price per hour based on the time frame used. Of course, peak hours would be at a higher rate and off-peak would be a lower rate. Any caterer who utilizes the facility would still be held to a ten percent fee, just like any other city-owned facility when there are events. The Director of Housing contacted Lake Tech to see if they are still interested, but they are having problems with class loading for the facility. There will be times when Lake Tech and other businesses want to use the commissary kitchen. There would be a schedule for the kitchen if the commission is open to this concept. The city would put together an RFP to develop a use list, price point and process, so they can get all interested parties lined up. **Commissioner Pederson** said when they built the Venetian Center there was a big debate and it was agreed that they would keep it to a limited number. **CA Minner** pointed out that they were referring to the Resource Center and not the Venetian Center. **Commissioner Pederson** apologized. He must have had the Venetian Center on his mind. **CM Minner** stated he would work with the Director of Housing on this. He would bring back an outline of a proposal. The City of Eustis does something similar to this. It would be a couple of meetings before he could bring a proposal back to the commission.

Commissioner Pederson commented about the basin at Ski Beach. Years ago, prior to him being on the commission, they voted to allow no speed limits there. Now he is getting complaints about speed and people rocking the boats out at Ski Beach. He was there when a crowd jumped up to evaluate the boats coming into the docks. When the commission approved the open speed limit, he thought it was for a one-year. **CM Minner** said there were wake zone discussions. However, he could not remember if it was done by ordinance or resolution. There is an ordinance or resolution on the books that states the basin is a no wake zone. If they were to draw a line from monkey island and go across the whole circle would be the no wake zone. That is how it is written in the code today. When the previous commission flirted with lifting the no wake zone. The compromise was to pass a one-year resolution or ordinance and that would have needed to be renewed to keep it. They never went back to implement another ordinance or resolution to continue the sunset, so it automatically reverted back to the no wake zone and it is still an applicable code. They did some research on that and it is enforceable by Fish and Wildlife. They do recognize it as a no wake zone and they can post it. On a local level through the Leesburg Police Department, they do not have the ability to enforce it because we do not own a water vessel. He did not think the Police Chief would be asking for a boat, but they have never had the capacity to enforce it other than the signage. The Lake County Sheriffs Office and Fish and Wildlife law enforcement have the ability to enforce that. It is listed as a no wake zone in the state. **Commissioner Pederson** said he would like to see the city post the signage. **Commissioner Reisman** asked if that would affect any events in the basin like when they have skiing? **CM Minner** replied yes, they would have to do a temporary lift for that event. With special events, they can handle those on a case by case basis. **Commissioner Pederson** asked if they could make a motion and build a section in the ordinance for special events. **CM Minner** said he would rather take them as they come. There has been maybe one event where there was a ski show. The feedback he received is that there is an overwhelming concern about it now, especially with the new restaurant and docks. If people zip through there, it will create a hazard. If this body wants that posted they will do that and move on from there. **Mayor Burry** agreed there needs to be a no wake zone. **Commissioner Pederson** said for the record he was not on the commission when they voted for it, but he was at the meeting. He thought it was a crazy decision.

Commissioner Berry had no further comment.

Mayor Burry said he attended the Black Heritage Festival Gala on Friday night. It was a great time and there was a record turnout. They did a really good job honoring some well-deserved folks in the community. This Saturday is the festival on the red road near the Resource Center. It should be a good time. He welcomed everyone to check it out.

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 the meeting and Commissioner Berry seconded the motion. The meeting adjourned at 8:13 p.m.