

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

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, March 13, 2023, at Leesburg City Hall. Mayor Burry called the meeting to order at 5:31 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 were previously given at the Carver Heights/Montclair Area CRA meeting held immediately prior to this meeting.

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

2. PROCLAMATIONS:

A. Red Cross Month

Mayor Burry read a proclamation declaring March 2023 as Red Cross Month. This is a special time to recognize and thank our everyday heroes who reach out to their neighbors when they are in need. They are committed to providing help and hope to people during difficult moments. He encouraged all citizens to support this admirable organization and its humanitarian mission.

B. Friends of the Library 70th Anniversary

Mayor Burry proclaimed and congratulated the Friends of the Library, Inc. on their seventh anniversary. He expressed appreciation for the many contributions the Friends of the Library, Inc. have made to the Leesburg Public Library.

3. **PRESENTATIONS:**

A. **Employee Service Award Recognitions:**

**Five Years: Lisa-Deanne Goppert, Customer Service; and Melissa Horton, Library
Ten Years: Jacob Firkus, Water Treatment; and Eric Lamoreaux, Police
Twenty Years: Angela (Marie) Carter, Electric; David Lott, IT; Dan Miller,
Planning & Zoning; and Jeff Moore, Fire
Thirty Years: Denys Neff, Fire; and Greg Veilleux, Fleet
Thirty-Five Years: Greg David, Electric**

HRD Arriaga and CM Minner recognized and congratulated each employee for their years of service. They were presented with their service award.

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.

Carol Nichols, 2061 Montclair Road, Leesburg, thanked the city manager for having the grass cut on Center Street. It looks a lot better. She wanted to see about getting the ditch fixed next to Oak Ridge Condominiums and a path from Carver Heights to the apartments on the other side of Montclair Oak Ridge.

Edward Sloan stated he brought his wife, Becky Sloan, with him. He asked how citizens could have their voices heard when they have a problem with the building department. They have an ongoing problem that has been going on for over a year. They had a new roof put on their house and it is not code-compliant. They paid for the permits, hired ACI Roofing out of Mount Dora to do the work and they screwed their roof up. They expected to have the city inspect it. On the certificate of completion, it states the work will be inspected for compliance with the Florida Building Code. He found out afterwards that the job was not inspected either physically or virtually with photos. Ann Kinsley, the building official, told them from day one that her hands were bound by the state. That the state says she has to accept a contractor's sworn affidavit and the city does not inspect workmanship. They only ensure that minimum codes are met and she has no enforcement powers because she has to accept the sworn affidavit from the state. The end result is the roof shingle nailing was not compliant and the rafters that were fixed are not code-compliant. They are now out fourteen thousand dollars. They filed a small claims suit against ACI Roofing and that is still ongoing. They also filed a complaint with the Department of Business and Professional Regulation's (DBPR) and that is still ongoing. The charges against the contractor have not been finalized. The building officials were very helpful the first two months when they interacted and then the contractor came out and met at their house. After that, things went downhill drastically and they have been dealing with this for the last seven months. In January, the building official wrote a letter to DBPR providing a summary to help them with their decision on his complaint. In his humble opinion, and he hated to say it publicly, it has risen to the level of liability. The letter was filled with non-factual, misleading information and lies. He brought that to the attention of the city manager and they had a meeting for about a half hour. All three of them met; the building official, the city manager and himself. The city manager agreed that the entire system failed them and he returned their permit money. He also had the building official retract the letter that was sent to DBPR. He did not feel that the building official did anything unprofessional in this matter. Mr. Sloan stated he has proof and that is absolutely untrue.

They have been dragged through the mud over the past year between ACI and the City of Leesburg's building department. He would like to know who they could speak to about this so they could see what happened. They would like to come to some kind of resolution so this does not happen to somebody else down the road. **CM Minner** stated he was aware of the situation and he thinks Mr. Sloan summarized the comments correctly. The system did let Mr. Sloan down. He did not know how many people know, but these days, or at least over the last three to four years, the building inspection model has said that building inspectors do not go up on roofs. They have stopped doing that. Back in the day, we would see inspectors drive around with a ladder and they would go up on roofs to inspect them, but they no longer do that process. That was done out of safety. The building department accepts a building inspection in several ways; virtually, so a video will be taken showing how it was done correctly, there could be pictures showing how they nailed stuff down or the contractor can submit an affidavit saying they inspected the job and everything was done correctly. The building officials had leeway in terms of what they did to accept it. There are pros and cons to this method and it is an industry standard. It is not that Leesburg does not go up on roofs, it is an industry standard. In this particular case, what happened was the building official accepted the affidavit. In her opinion, she weighed that at the highest. When the building official learned about the situation, Mr. Sloan demonstrated that the roof was indeed not nailed down correctly. She reopened the case to allow Mr. Sloan to file a complaint with DBPR. At this stage, the case remains open and that causes problems for Mr. Sloan. He is trying to get insurance and it is making that very problematic. He is also stuck in a situation. They had a few conversations and there was one conversation where Mr. Sloan discussed all this and the rigamarole of the delays. The reopening and the misconception about how he thought the building official was; that was the catalyst, and the city returned his permit fees. The system failed him for those reasons. However, failure of the system does not mean unprofessional action or that reliability falls on the city. It means we have a frustrated resident and the right thing was to return the permit fee of ninety dollars. Subsequent to that, Mr. Sloan was not happy for understandable reasons. During the second visit, Mr. Sloan inquired who he could speak to at that stage. He recommended the city commission. Mr. Sloan also sought damages of fourteen thousand dollars from the city and it is not the city's place to return that. They are now at a little bit of an impasse. He asked the city attorney to discuss some of the options available to Mr. Sloan. **CA Watson** said obviously there is frustration anytime there is any kind of construction defect situation that arises. As the city manager said, everyone can understand the frustration that has been expressed and they have been through the ringer. At this point, they have the DBPR complaint on going and, depending on how that shakes out, there is also a construction recovery fund in Florida he could apply for. He did not know if they had spoken to DBPR about that yet. If they find that there was liability on the contractors' part in terms of not meeting their professional obligations, they can require them to pay restitution. There is also a state fund they could apply for to have their claim reimbursed. The DBPR process is probably the best option right now. They need to see how that plays out and there is also the litigation case. **Mr. Sloan** said their claim is with the small claims court because they could not afford an attorney. **CA Watson** replied that with small claims the limitations are eight thousand dollars. They could submit to the county or circuit court as an individual. They have the right to access that. It is a constitutional right to access the court, so they could move their case to the county court and get out of small claims. Small claims are made through mediation as a first step. That gives them an opportunity to try and work things out. However, if they could move the case to county court that way, they would not be capped on damages. Also, check with DBPR about the construction recovery fund. There should be a claim form on their website for you to fill out and send. Since they already have a point of contact with DBPR, they could have that conversation about the recovery fund. That could make them whole. **Mr. Sloan** asked about the letter that was sent to DBPR from the building official. He was not an attorney, but looking at who was liable, that was spelled out in that letter. That letter painted a picture of him being the bad guy and it was a lie. There was a lot of misinformation in that letter so the city manager had her retract it. However, she sent it three times. He sent two demand letters to have her retract those letters, but she kept altering them a little bit and sending them back to DBPR. They are not factually true and there are lies in the letters.

CA Watson answered that he did not want to go down the rabbit hole with that issue. What he heard was there was a letter sent to DBPR that put forth the perspective of the problems suffered and that there was a problem. **Mr. Sloan** pointed out that it was in the fourth letter. Three other letters were sent out and they were absolutely untrue. They had false information and flat out lies about what information that building official based her decision on. They are letting this contractor get away with what he did. **CM Minner** remarked that he would go down the rabbit hole because this became an opinion matter about what the letter said or did not say. From the building official's perspective, she closed out the case based on the affidavit she accepted from the roofing contractor. That is a legit building official and building inspector practice these days in the State of Florida. Mr. Sloan was correct that drone video footage and pictures were not used as a basis for that. Because of that, he thinks the building department did not do their job and that is a reasonable statement. However, what supersedes that is the acceptance of the affidavit. When a contractor signs the letter, that is like putting your hand on the bible saying they did the job pursuant to code. That is why it was reasonable for the building official to accept it. They issued the certificate of occupancy, closed the building permit and project.

Upon Mr. Sloan's complaints that the builder did not do their job and capitulated to that, the building official reopened the case and wrote three letters on Mr. Sloan's behalf to DBPR. There was one sentence, in his opinion, in the three letters that maybe the building official should not have written. They are not liable, but she provided her opinion that perhaps Mr. Sloan damaged the product when he started lifting up shingles. That was her opinion and it did not need to be stated. However, the lion's share of the letter stipulated that the project was not done to code. She reopened the case so Mr. Sloan could fight the contractor with DBPR. In the end, after meeting with Mr. Sloan, he asked the building official to remove that sentence and provide a brief letter to DBPR that said the job was not done right. Everything else was taken back to make Mr Sloan happy. Hopefully, if there was any prejudice that the building official may have done that, that was now removed in the final letter. He did not think that the building official acted unprofessionally. She did her job and she did not prejudice DBPR. This is a difficult situation and there are still options available to Mr. Sloan as the city attorney outlined. **CA Watson** said that DBPR worked with the city to reopen the permit so they could open an investigation. That seems to indicate that the city was not holding any earlier statements against him. They have accepted the comments from the city that there are problems that need to be investigated. Ultimately, DBPR is doing what they want them to do. They are investigating the situation and once they have made their findings they will have more information in terms of where things are. If DBPR says the contractor breached their professional obligations and that you were damaged by fourteen thousand dollars, they will order restitution of fourteen thousand dollars. However, at this point they need to wait until DBPR has issued their ultimate ruling on the situation. They also have the lawsuit going as well. Depending on how that shakes out, DBPR might solve the problem for them outside of litigation. **Mr. Sloan** agreed with that, but from day one it had been the building official washed her hands of this, that they needed to go bark up another tree with the DBPR. Now, he felt like they were hearing the same thing. No one wants to look at what he has in writing that came from the building official over the course of the last year and how this has played out. He has been dragged through the mud for the last seven months. **Mrs. Sloan** added that the attorney for the contractor is using the information he received from the building official as a weapon to not resolve the case. **Mr. Sloan** said during mediation about a week ago, their attorney used the building official's words against them as a claim. It was used as a defense against his claims. This was because of the letters written and she copied the contractor on everything she sent to DBPR. This is what he was trying to say. There are other things going on behind the scenes here and he cannot hash this out with anyone now. All he was asking for is an opportunity to sit down with somebody that actually wants to give him a little time to go over this so it does not happen to anyone else. They were not looking for a full fourteen thousand dollar restitution from the city. That was not their intent. They are out fourteen thousand dollars and they are going to try and get back what they can. He thanked the city attorney for information about the state fund. They will pursue that. However, they cannot renew their homeowners insurance in three months because they have a failed roof. It would not be at this point if it was handled

differently by the building department up front. They would not be there at this point. He did not want to be there. He actually likes the building official as a person. He did not like the way this was handled. That is where they are now and that was why they were asking for somebody to meet with them outside of this forum to discuss this further. **CM Minner** stated he was always welcome to his office. They did not need to go down the rabbit hole, but he could walk in and meet with him. He read the email about how he was curt and unprofessional and that was because you demanded fourteen thousand dollars from the city. **Mr. Sloan** remarked that they did not demand fourteen thousand dollars. **CM Minner** stated they did not need to go down the rabbit hole. They are welcome to come in and he will hear them out, but at the end of the day he will stand by the building official's work. They are in a predicament and if they need to work with the city attorney to get this worked out, they will. **CA Watson** said he was more than happy to meet with them. **Mr. Sloan** mentioned if they are willing to do that, contact him because they have his phone number, address and email. Contact him to set up a time. He would be glad to show up. **CM Minner** stated they would set something up. **Mr. Sloan** stated he appreciates that.

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.1 - Authorizing the execution of a Task Order with Halff Associates, Inc. for design and engineering services for Lake Densham Trail PD&E Study;
- 5.B.2 - Authorizing the execution of a Construction Services Agreement with Guaranteed Maximum Price (GMP) with Wharton-Smith, Inc. for \$2,948,271.00; and
- 5.C.5 - Authorizing the execution of an agreement to accept a TDC grant between Lake County, Florida and the City of Leesburg

Commissioner Pederson moved to adopt the Consent Agenda except for 5.B.1, 5.B.2, and 5.C.5, 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 27, 2023

B. PURCHASING ITEMS:

1. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Task Order with Halff Associates, Inc. for design and engineering services for Lake Denham Trail PD&E Study; and providing an effective date.**

ADOPTED RESOLUTION 11,282

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 they were talking about two hundred thousand dollars. One ninety-nine and some change for an engineering study to see what it will cost for the project. He understands that there is no funding source even after finding out the costs. We should quit spending this kind of money just to find out what something costs. There is no current funding for this. We should not be spending anything until we have a funding source. This should not be prior to having a funding source for the project. It is two hundred thousand dollars just to find out the cost. **Commissioner Pederson** stated they have had this discussion a few times. The city has the obligation to do the study and we talked about it during the budget workshops. He fully supports this. We approved the one for TavLee and the way this works is the city has to fund the engineering and the estimates. It will then go into a pipeline for state funding. This is a state-funded project and we would be getting it in line for state money. **Commissioner Connell** stated they have done this before, and we were getting ready to do it two years later. It was three times the amount the study said it was going to cost. **Commissioner Pederson** remarked that all they are trying to do is join all the other cities in the rails to trails movement. He supported the Tavares/Leesburg trail and he will support this. Spending two hundred thousand dollars to position us for state money is the right thing to do. He is a big supporter of rails to trails and he supports this. **Commissioner Reisman** commented that he also supports the rails to trails. This is the first step to getting funding. He will support it. **Mayor Burry** asked if there were any other comments from the commission. **Commissioner Pederson** pointed out that they do not use city money for the construction of the trails. He wanted to make sure that was clear. They have not set aside money for actual construction because it will be done with state money. **CM Minner** added that the PD&E study is done with American Recovery Act funds and it will set the city up for design, then potentially construction. Hopefully, they will have MPO money and state money. We may have to reach into our pockets for discretionary sales tax money or another special revenue to help fund the project; however, hopefully, we get state money. **Commissioner Pederson** mentioned that he reads about these in the paper and everyone he has read is fully funded by the state. **CM Minner** replied yes, so far. **Commissioner Pederson** said if it comes back before this commission and it is one or two million dollars on the commission, they will have a debate at that time.

The roll call vote was:

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

Four years, one day, 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 Construction Services Agreement with a Guaranteed Maximum Price (GMP) with Wharton-Smith, Inc. for \$2,948,271.00; and providing an effective date.**

ADOPTED RESOLUTION 11,283

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 wanted clarification on this. He believed this project has been majorly modified from the original concept that was approved years ago. He asked what was approved years ago and what the costs were.

CM Minner said about two years ago, when this was put on the books, the project sought to redevelop Pine Street from Canal to Lake Street in two phases. The project is a beautification type of project. It also had a safety component that started at Rambo and went to Lake Street and they were going to put in a roundabout and some other safety devices at the hospital. When they set out to do the project, they thought the project was going to be about 2.5 million dollars. It has taken about eighteen to twenty-four months to get to this phase and a lot of things have happened in the last twenty-four months. We have increased costs, covid, inflation and the list goes on. There was another parking lot in the initial concept. However, the real driver of the increase was inflation. They did the design and set aside 2.5 million dollars of the ARP money to do the project. The city has spent about three hundred thousand dollars designing the whole project. They worked with the hospital to get everything coordinated. They held public meetings for information. By the time they got down to it, we were in the heat of covid and inflation started to crank up. The Construction Manager at Risk method, through Wharton Smith, said the project was going to cost about nine million dollars. We missed the mark and it seemed like a big miss on the surface. We have to add in the costs of the things from the economy and environment that have transpired. Those numbers are understandable and everybody sees the inflation numbers. Obviously, at nine million dollars, the project was not doable. They had to go back and figure out what they could do to make this project doable, because it is an important project and it will help the minority businesses on Pine Street. It will improve the corridor and add other beautification measures to the community. The most economical way to do the project was to scale it back between Childs and Canal Street. In order to make it affordable, we will not be doing the roundabout and some of the landscaping on the east end of the project. They will not be doing some of the infrastructure improvements that would have to be relocated. The new street hit a lot of utility conflicts and that was going to be on the east side. On the west side, they avoided a lot of the utility conflicts and scaled the project back to realigning the roads. We have on-street parking and we decreased the scope of the CDC parking lot. There will be a parking lot. The initial scope was for soil stability where buildings would potentially be built. They abandoned that part of the project to keep the CDC parking lot. They will have on-street parking, some streetscape and new pavement for the road and sidewalks. That number came in at 2.9 million dollars. They did their best to try to get this back between a 2.2 to 2.5 million dollar budget. Wharton Smith has worked extremely hard to get that number to the 2.95 million dollar mark. They are hopeful that it will be below

that. Some of the delay in bringing this number back to the commission was the construction market and lining up the subs to get some guaranteed prices. Wharton Smith had to design a framework to bring a maximum guaranteed price project. They are hopeful that we will be below that. The CDC parking lot is about two hundred and fifty thousand dollars. The CDC is repaying the grant monies back to the city. That is how the CDC parking lot will be done. The deficit is about six hundred thousand dollars and that would be taken from the ARP pot. An email was sent out to the commission two to three weeks ago that summed up these projects. Capital monies have been stashed away. There is about 1.7 million dollars in the ARP monies that have yet to be allocated and about two million in other monies. Whether it is general fund, revenue money, or some DST monies. There are other special revenues earmarked for capital projects. There is a war chest of about 3.7 million dollars before tapping into monies above the required reserve in the general fund. This project has been on the books for a while and it is important for the minority community and the pool. With the ARP monies, we can get a major portion of the project done. Hopefully, in time, we can complete the project on the east side. The hospital has worked extremely well with the city and they took the news well. They took it reasonably and they understood because they see the same issues with the market. The staff recommendation is to do the project and reallocate the additional monies from the ARP. That would leave around 3.1 to 3.2 million dollars in the quote-unquote war chest to do other projects. **Commissioner Connell** questioned what percentage of Pine Street would be done. **CM Minner** replied about half. There is a three to four block area and this will take care of some of the big stuff. The roundabout was a big ticket item. We would be covering the part where a good bulk of minority businesses are. We will work to improve the entryway and the corridor for the aquatic facility. **Commissioner Reisman** stated he went to the pool over the weekend and he could not find a parking spot anywhere. He wanted to know if the CDC parking lot would be open to the public at all times. **CM Minner** said yes. **Commissioner Pederson** mentioned that construction costs are kind of crazy. He spoke to the city manager about this project and some other projects. He could not speak for the whole commission, but he sees the commission putting some other projects on hold until the economy cools off so they can build projects at a better price. When the city put the pool on Pine Street, he supported it. He stated then, if they were going to put the pool there, the city needed to improve Pine Street. That was part of the deal. It is hard to comprehend 2.9 million dollars for this project, but it is important to the Pine Street community. We spent money on the pool and it was time to finish it. However, moving forward, they might want to slow down on some other projects to see if construction costs come down. **CM Minner** remarked in that same memo, the other big project of concern was the marina. We set aside about two million dollars for the marina with the purpose of doing three things. Rebuilding the welcoming reception with the possibility of a concession stand and putting in more floating docks. We have been working on that project through the construction manager at risk procurement process and it worked out well in the past. The Venetian Center was built because of that construction method. At that time, we saw how working with an architect and a contractor changed some methods in the design of the Venetian Center. We wanted to see the whole vision of what the architects wanted to do. That contract method worked really well to get us a quality building pretty much on budget. The construction manager process worked well with the Resource Center and the Teen Center. With the Pine Street project, the numbers went crazy. When they received the initial quote and no disrespect to the construction manager and the marina project, the numbers were one thousand dollars a square foot and they were working in the blind on much of that. Moving forward, we have two big projects, excluding Pine Street, assuming they will approve it; there is the Susan Street project and the marina. He recommended that it might be time to go back to a good old-fashioned design, bid, and build on a couple of the projects. The first test of that will be the modification of the marketplace. However, we have two big projects and we still have the construction manager at risk working on Susan Street. We will go with the design, bid, and build on the marina to see where that comes back. The next big test is whether the economic market will be too hot when we start negotiating the RFP for the design parameters of the marina. The comments were well heard and he did not disagree. We will see where the market goes.

Pastor John Christian, Executive Chairman of the Community Development Corporation of Leesburg, provided packets to each commissioner. Referring to his handouts, he said there were three things he wanted to discuss. First was the vacant land contract. When they sold that property to the City of Leesburg (on page three, near the end), it said the buyer, the city, would endeavor to extend the life of the Downtown Leesburg CRA to the extent permitted by applicable law. When that was done, it said they would partner with the buyer to redevelop the Pine Street corridor. The buyer also agreed to adhere to the requirements of the consent decree as amended in case number 92.165. In the consent decree (page six), it talks about the things the city would do to support the redevelopment efforts of the CDC. It talks about if there were any conflicts with funding, they would both sit down to discuss it to come up with some type of resolution. Lastly, he found a newspaper article from 1996 by Frank Stafffield and Don Fernandez of the Orlando Sentinel. It was interesting because it talked about the Pine Street lawsuit. On page two, it said the city was conspiring with the hospital to bribe people of their property and failing to help low-income property owners. They could only get enough federal aid. They used code enforcement and zoning laws to select condemned property. When the city received federal funds, they were stolen and misused, which is what the suit said. In 1981, one city worker and two contractors pleaded guilty and they were sent to prison in connection with misappropriation of federal grants earmarked for Pine Street. On page three, it talked about Mr. Jim Hill, who is a three-generation barbecuer and he is still in operation. One of the comments he made was there is always a blighted area that society leaves alone. The surveyor of the city always neglected that area. The city commission has an opportunity to make a bold statement to rewrite a wrong that happened to Pine Street many years ago. He strongly urged them to vote to approve this 2.9 million dollars. We were shocked about the increase because we wanted to see Pine Street from Canal to Lake Street done. We know and understand that nine million dollars is excessive. They must remember when they built the aquatic center it was not just for Pine Street and the neighborhood, it was a regional attraction. It is a magnet and, as Commissioner Reisman said, he could not find a parking space. People are literally parking on the grass at the aquatic center near the fire hydrants. The parking lot will be a joint partnership with the CDC and the city. It would not just help the local businesses, it would help the people that come to visit Pine Street. It is monumental for the city commission to get a 5-0 vote. They are depending on the commission to show a strong support of Pine Street and the redevelopment. They have several business owners in attendance who had invested their life savings in starting a business on Pine Street. He did not know if they wanted to hear from all of them, but he would stand in agreement with them that they believe in this project. He sold them on the parking lot and beautifying Pine Street. There is onstreet parking. That is true, but through the settlement with the Pine Street Commercial District, there are no handicap parking spaces on the street. This parking lot would be ADA complaint and they would do something good on Pine Street. They need to provide handicap parking. It would allow for a safe passage if two cars are coming down Pine Street. Right now, if someone is on the road, the other person has to stop to allow them to pass. When you invite someone to your house, your house should be in order. They are inviting people from this entire region to Pine Street and they should stand with their chest out and say Pine Street is now a street to be proud of.

Mayor Burry asked if there was any other public comment. There were none.

The roll call vote was:

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

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

3. **Purchase request to replace the Venetian Center carpet with Shaw Industries, Inc. in the amount of \$78,007.64.**

C. RESOLUTIONS:

1. **Resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute a directive to Florida Gas Utility (FGU) to purchase Firm Gas Supply at discount pricing from Black Belt Energy District; and providing an effective date.**

ADOPTED RESOLUTION 11,277

2. **Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 73, a subdivision of the City of Leesburg, Florida, being a portion of Sections 8, 9, and 16, 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. 73)**

ADOPTED RESOLUTION 11,278

3. **Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 76, a subdivision of the City of Leesburg, Florida, being a portion of Section 16, 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. 76)**

ADOPTED RESOLUTION 11,279

4. **Resolution of the City Commission of the City of Leesburg, Florida adopting the expenditure and implementation of two (2) Crime Scene Technician position(s) and two (2) Police Services Aide position(s) within the Police Department; and providing an effective date.**

ADOPTED RESOLUTION 11,280

5. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement to accept a TDC grant between Lake County, Florida and the City of Leesburg; and providing an effective date.**

ADOPTED RESOLUTION 11,284

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 spoke to the city manager earlier today about this. He understands this is a million dollar grant but we have to meet some requirements or refund the money. It was proposed to modify the agreements and send them back to the county on the tourist provisions. **CM Minner** answered that is exactly it. He was going to ask the commission about this, but he did not think it would be a big deal. The issue at hand is that the Tourist Development Committee (TDC) wants fiduciary responsibility for ensuring that TDC dollars are spent correctly and that they justify the expense as a good expenditure. Fiduciary responsibility is certainly understood by our staff and him. He knows how important it is to ensure the public that the elected officials are living up to their fiduciary responsibilities. There is conflict amongst TDC staff at both the county and the city level, on how that fiduciary responsibility should go. They were present for the TDC recommendation to the BoCC, Board of County Commissioners, and at that time there was significant discussion. The composition of the TDC was very complex, from appointments of city commissioners from jurisdictions within Lake County to hotel owners who are at-large members. The TDC panel is made up of seven members. The crux of the matter is whether we spend TDC dollars, which are the heads in bed tax, on advertising for events which the hotels love, because there is a direct connection on that weekend. They know how many people were in a hotel room because of an event and the hotel owners love that direct connection. There is a more abstract connection, because when you take the TDC dollars and evenly spend it on capital improvement, sometimes the hotels do not see that. When we build ballfields, marinas or build other capital structures, which draw people in, that puts people in the hotels just as much as when we advertise an event. That is the core conflict and what the TDC wants to do is tie everything to room nights. If the TDC and the BoCC ultimately approve TDC dollars being spent on capital, we can measure the impact of room nights. The agreement specifically calls that out. It says the city and the BoCC will work to design a clawback provision. However, because we have not come to the conclusion of how to make that clawback provision, it was left open in the agreement. Now, what should the provision be for the clawback for paying back grant dollars? There should be a measuring standard. This capital expense was not seen as a success by the BoCC. Our version of the agreement has an exhibit which gives our proposals and that proposal is not to do it by heads in beds or whatever the hotel room count is, because TDC dollars bring in 2.8 to 3.2 million dollars every year. The average room cost for a hotel room in Lake County is around eighty-five dollars. Eighty-five dollars times three hundred and sixty-five times the total number of hotel rooms in Lake County is 3.2 million dollars. The argument there is that the rooms are already being filled. We can only build so many rooms in Lake County. When we have big spillover events like the Spring Games that are going on right now and Bikefest, those rooms are full. They see people who are in Lake County starting to spread out to Marion County and Orange County. They are going to other hotels near Leesburg. Their argument was that they do not measure them by that standard because that standard and bucket are already full. We are already spilling out of the bucket. Therefore, to measure the events that are held at these facilities, we are using TDC monies. That is what the exhibit in the agreement says. Do not use room dollars for this reason, use a standard on major, minor, and small events. We define that and we will have an "x" number of these and if we do not have an "x" number of these, then we will pay back that percentage. He found it odd that the county and the BoCC did not, or at least, it had been projected by staff that they did not want the agreement approved. That is why the packet showed an

agreement with Exhibit A. He was asking for a friendly amendment to be made so that they can make Exhibit A part of the agreement. It would be part of the agreement between the City of Leesburg and the BoCC and we will define the definition of the clawback provision. This discussion occurred after the commission packets went out and he did not get a chance to separate that into the packets. He suggested that because of the way the County and the BoCC were setting this up, they were out on a limb. If we accept this agreement, we are putting ourselves on a million dollar limb. However, he did not think so, because at the end of the day, if we cannot agree to a clawback provision in the agreement, there is a time span from when that money is issued and the city will not take it or we go back and terminate the agreement if we cannot come up with a reasonable clawback provision. He suggested approving the grant agreement and they would send the agreement with what the commission wants to define in the clawback provision. They will send the BoCC two agreements and let them deal with it however they may. His inclination is that county staff will probably put the TDC agreement in one meeting and then the clawback provision. The Recreational Director and himself will try to beat up county staff as best they can to get the BoCC to look at both agreements at the same time. He did not know if they would be successful, but this body needs to say we want the grant money. The City of Leesburg is one of the biggest providers of TDC dollars because we have five or six hotels. About forty percent of all the hotel rooms in the county come from the City of Leesburg and TDC dollars need to be spent in the City of Leesburg. During his time being the city manager, they received six hundred thousand dollars in TDC money to help build the docks and Sleepy Hollow. This is a one million dollar request and the city brings in about forty percent of the dollars. The City of Leesburg generates about five hundred grand or so of TDC money every year. Our police, fire, and general services are taking care of those hotels and we have received some of the smallest TDC dollars back. This body needs to approve the TDC grant and approve the clawback provision agreement as recommended. He recommended approving the agreement and granting the administrative ability to have the mayor sign the agreement. **Mayor Burry** asked if they needed a motion to amend that. **Commissioner Connell** asked at the last meeting if they were asked to spend hundreds of thousands of dollars to move forward with engineering. **CM Minner** responded it was about five hundred grand. **Commissioner Connell** said at the last meeting he recommended that they not move forward until money had been secured to fund the project because it was so much higher than anticipated. However, the commission approved to move it forward anyway. Now we are back and we still do not have the funding. We should not be moving forward at all. We should not spend any money on this project until we know we have the funding to do it. That is what he said two weeks ago and he stands by that. **Commissioner Pederson** said he voted to support the project and he respects the comments. What he said in the meeting was, if we do not get the one million dollars, we will have to pull back on the design of the project to find ways to cut costs. At the time, we were very optimistic that we would get the money and he liked the city manager's recommendation. He served on the TDC board for two years and he never really quite bought into how they count hotel beds. He complimented the city manager on how he approached it. It is a much better way to track money. The clawback money is not a zero or a million. It is tiered so they could be at risk, but he does not think we are. We could be at risk of having to send some small amount back. We could be at risk of sending a million back, but he feels good about the project. They did approve the engineering at the last meeting and he will support the city manager's recommendation. **Mayor Burry** asked if there were any other comments. **CM Minner** said if they could amend the motion to turn Exhibit A into an agreement form and authorize the mayor to execute that. So, when they make their vote, it would be one vote to approve the grant agreement and the clawback provision.

Commissioner Pederson made a motion to amend the motion turning Exhibit A into agreement form and to approve the grant agreement with the clawback provision and authorize the mayor to execute it and Commissioner Reisman seconded the motion.

The roll call vote was:

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

Five yeas, no nays, the Commission approved the amendment to the resolution.

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 resolution as amended.

6. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the City Manager or their designee authority to issue Trespass Warnings on behalf of the City of Leesburg at Properties and Facilities of the City of Leesburg; and providing an effective date.**

ADOPTED RESOLUTION 11,281

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)**

ADOPTED ORDINANCE 23-10

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

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

Mayor Burry requested comments from the Commission and the audience.

CA Watson said he wanted to swear everyone in. He asked for anyone wishing to provide testimony or evidence to stand, including the audience and city staff, for all items under 6A and 6B of the agenda. He swore everyone in.

PZD Miller stated this was a small planned unit development for Lee Village. This proposal is for a revision of the permitted uses and development plan for Lee School. The property consists of approximately five acres bounded by West Line, Herndon, Perkins and Lee Streets. Under the current PUD there is an allowance for fourteen apartments in the existing south building and forty-eight townhomes on the remainder of the property for a total of sixty-three units. This approval included demolition of the north building, which is the smaller building. Under the new proposal, the allowance in the PUD zoning is for sixty-three townhouse units. It is the same number of units but there would be no apartments. It would include the demolition of both buildings. The density being requested is the same as it was before, but the existing buildings will come down. The new PUD document includes the standard conditions for the thirty-five percent open space, dark sky lighting, etc. The new conditions allow for the demolition of the existing structures. That was approved by the historical board at their January meeting. It would be the construction of sixty-three townhomes and no apartments. They would have fifteen thousand square feet of playground/park area and a provision for a small memorial park on the property as a memorial to Lee School. The new PUD includes a specific timeframe for them to demolish and commence construction. That timeframe is an eighteen month time period to begin construction by pulling and pursuing a building permit. If that action is not taken, these conditions would become null and void. The reason for the short time period is because the structures have been vacant for years and they have become a magnet for crime, vagrants, drug deals and other things of that nature. At the February 23rd planning commission meeting, the planning commission voted unanimously by a vote of zero to seven to deny the request. The basis for their denial was the density was too high. The site should have a better overall design for the units, and the recreational water retention needs to be spread out. The traffic would be higher than necessary and the setbacks on the structures would be too close to the road. However, the planning commission agreed with the neighborhood that there was a great deal of appreciation for the potential redevelopment of the site. They noted that they liked the new facades, but not in the current zoning. They like the new facades and they appreciated the opportunity to redevelop the site. The staff recommended, if they choose to approve this project in any form, that it include the new facades. Mr. Tim Cantrell, who is the local representative for Mr. Barry Mansfield was there to answer any questions. **CM Minner** added that the historical society met and granted approval of demolition. **PZD Miller** agreed that they met and granted that approval.

Tim Cantrell, representative for the applicant, stated he was there on behalf of the applicant. **Commissioner Pederson** said he liked the project and it would be good for the downtown. It is time to see this blighted project cleaned up. He looked at the site plan and he received feedback from the community leaders regarding concern about inadequate parking. They support the planning commission's recommendation of lower density and he would like to discuss lowering the density and improving the parking. The concerns were with parking not only on the streets in the project, but the possibility of overflow onto the side streets. Having said that he wanted to find a way to make this project work, he does not want this plan to sit any longer. He drives by it all the time. He had started driving around it just so he did not have to look at it. He asked if he could speak about that and to see if there was any flexibility there. If he could also speak about the planning commission's concerns and if there were ways to improve the site plan and retention. **Mr. Cantrell** said they designed this project to be rear load. The whole idea behind a rear load garage is to keep all of the traffic and parking off West Line, Perkins, and other streets. It would all be contained to the interior of the project. The owners of the property would drive into the center of the development because that is where the garages will be. That is what they requested and staff made comments in their last meeting about having ten-foot setbacks instead of

twenty. The driveways for the townhomes will be on the interior not on the front streets. There would be yards and a front door facing the streets, but all the parking would be inside and behind the houses.

Commissioner Pederson asked if they all have garages? **Mr. Cantrell** answered yes. **Commissioner Pederson** continued to say he read that but the conceptual drawing showed some without garages. **Mr. Cantrell** responded that the conceptual drawing gave an idea for the flavor and type of architecture they are looking at, but all the garages will be on the rear and interior of the property. That, along with the setback, would allow them more room for two vehicles in each driveway plus one in the garage.

Commissioner Pederson questioned if it was his opinion that two cars could park in the driveway? **Mr. Cantrell** answered yes. **Commissioner Reisman** wanted to know if it would block the sidewalks having two cars in the driveway. **Mayor Burry** inquired if they could put one car in the garage and then park two in the driveway? **Mr. Cantrell** answered it would be one in front of the other. If they were granted the ten-foot setback on the front, it would work. They have eighteen feet on the rear and twenty feet setbacks on the front. The number of units was based on what they were previously approved for in the current SPUD. They have front setbacks of twenty and eighteen in the rear. There are twenty feet on the sides between the buildings and there is more than one unit per building. There are six units in each building. **Mayor Burry** asked about the numbers. **PZD Miller** responded that the setback was twenty in the front. **Mayor Burry** asked if it was twenty from the sidewalk to the front door? **PZD Miller** answered yes. This is different because there is an interior load and it was designed for the interior. **Mr. Cantrell** (referring to a site plan) said it was the same rendering as presented on first reading. **PZD Miller** stated what they saw were twenty foot setbacks from the roadway into the project and eighteen foot setbacks on the outside. **Mr. Cantrell** said the ten-foot setback would just be on Perkins Street and West Line Street. **Mayor Burry** asked if that encompassed the sidewalk. Is it twenty feet overall from the road to the front door? **PZD Miller** answered where the cars would park. It would be twenty feet from the house back to the road. **Mayor Burry** asked if that was actual pavement and if there would be sidewalks. **Mr. Cantrell** said there would be sidewalks. **Mayor Burry** clarified that the sidewalks would be on the outside and not the interior. **Mr. Cantrell** said there would be sidewalks on the interior of the property down the middle. **Mayor Burry** inquired if the sidewalk would take up four feet. **PZD Miller** said yes. **Mayor Burry** said they would be down to sixteen feet. They say sixteen feet from the carport or garage to the sidewalk. Do they believe two cars could park there? What is the length of a parking space? **PZD Miller** said it would be one hundred and twenty feet. **Mayor Burry** said there is no way that would work. **Mr. Cantrell** said they wanted to take ten feet to try and change the Perkins and West Line. There would be ten feet more in the rear to allow more room to park. If they added that, it would be for parking. They are keeping the traffic inside because there is no parking anyway.

Mayor Burry asked if he was asking people to back out on to Perkins. **Mr. Cantrell** said every garage is in the rear, which would be on the interior. They are keeping all the traffic in the interior. **PZD Miller** said there would be an entrance off of Herndon. The spaces would hold two cars, one in and one behind.

Mayor Burry asked if they would still have another car in the garage. **PZD Miller** said no. **Mayor Burry** stated they said three cars earlier and he wanted to understand. **Mr. Cantrell** replied they should be able to get two in the driveway. If they took the twenty-foot setbacks on the front and made them ten, they would have more room in the rear for the garage. They already have eighteen feet back there. He was trying to swap it and put it on the back so it would make twenty-eight feet. Then they would still have the garage. **Mayor Burry** said the real issue is that a lot of people are talking about the density, the traffic problems, and where will all the cars park? Every family has a minimum of two or three cars. Is there parking for all the residents? That is what he was trying to figure out. **Mr. Cantrell** said he was not an engineer, but by design, that is what the engineers designed it for.

Tom Grizzard said he has been a resident of Leesburg all his life. He is a member of the St. James Church right across the street. As Commissioner Pederson mentioned, he is very much in favor of a project of this type. At this location, it would be the perfect use of the property. However, the density is too high and the interior design is woefully insufficient. With parking, when you pull in off the street and

pull into the rear loading garage, that is a great idea, but they only have twenty feet from the street to the building. They would get one car in a single-car garage and the other car would be right behind. In order to get the car out of the garage, they would have to move the car that is parked in the driveway. They would have to put that car somewhere to get the other car out of the garage. He lives in a community very similar to this except they have two parking spaces outside the garage to park cars. They will only have forty feet, so it will be difficult for someone to pull right up to their garage door without having the rear of the car hanging out in the street. The whole design is woefully insufficient because it does not provide enough room between the units. Then there is the blind corner at Herndon and Perkins and if that went to ten feet in the front it would be difficult for cars to see coming down Perkins. If they do that, it will cause an accident. When considering parking, if someone comes to visit, he doubts they will park across the development to walk to the house. They will park on the street without a doubt. If some thought was given to the design of this project, the open space and parking would be interspersed in the interior where the residents are. The distance between the front door and the street is only twenty feet. He was also concerned about the open space, retention pond, recreation facilities, and the playground for all the kids that would be in one space. It is not interspersed throughout the project. How would the maintenance of those open areas be enforced? Particularly, the playground. That would be right across the street from the church. If you look at the condition of the property since they owned it, it is concerning. Their history of maintaining the property is not very good. There would need to be some pretty heavy enforcement put in there.

Linda Workman stated her and her husband purchased their home on Herndon Street in 1996. They had an eight-year-old, six-year-old and eleven-month old. They had their fair share of traffic. It has gotten worse over time and they deal with it. It is a quarter mile run. Herndon to her is like Magnolia. It is a cut through. People who do not want to use Main Street cut through Herndon and Magnolia. They live at the end of Herndon and if you make a left to go south on 12th Street, that takes you to the traffic light. If you sit outside and watch the majority of people head west on their street and make a left, they go to the light because it is easier to get out. They want to be good neighbors. The Lee School is an eyesore and it is disgusting that it has gotten to this point. It used to be a beautiful building back in the day. It is what it is and it needs to come down. She feels bad for the people that live across from it who are putting money into their homes and they have to look at that. They have dealt with their end of the street with drugs and homelessness, so it does need to come down. The rendering of the buildings looks great. It is a good idea, but it could be a win-win situation. She does not agree with garages, because anyone that has a one-car garage uses them for storage. There are no sheds, so they will not use the garage to park a car. She has a Yukon XL and her husband drives a full-size truck. When she backs into the carport with him in front, they push it all the way to the sidewalk. There is not a lot of space. If these people have full-sized vehicles, it is not going to work. Everyone on their street has two vehicles and a few houses have three. If there were three bedrooms or even two bedrooms, it would be too tight. Almost everyone has a child, brother-in-law or sister-in-law, someone who is sleeping on the couch. It does not make sense. They are for it because something needs to be done in that area and it is an eyesore. What she saw in the pictures looked nice and it fits with the area. However, she was concerned. She will die in her house. She loves her house. Her other neighbor could not make it, but she has been there since the beginning of 1997. They have six grandkids that come to the house and she does not want them in the front yard with the traffic they have now. This development will have a minimum of one hundred and twenty-six cars coming back and forth. It is not feasible. She agreed with Mr. Grizzard about pulling out onto Perkins. Right now, it is a nightmare. She watched a car get t-boned because the person never stopped. She hoped that they would take that into consideration. It is a good idea, but not sixty-three units.

John O'Kelly asked if he could speak about this matter since he was on the planning and zoning board. **CA Watson** replied yes, he could speak about this item. **Mr. O'Kelly** said the whole board agreed with the folks that live in the area. Unfortunately, one of the neighbors had a wonderful presentation but

she was unable to be there. If she came, he would not have to say anything. She hit the nail on the head with everything. The density was a concern, along with the traffic and parking situations. As the board recommended, they want to see this property developed. However, the density was the biggest issue. That would be creating more of the same problems the folks are concerned about now. Some of this could be solved by spreading the water retention area throughout the entire project. That would allow more space between the units rather than concentrating them all in one location. With the existing zoning, it is a historic piece of property, so they could get increased density, but it allows for forty units. They had hoped that the developer would go back and make some concessions on the design of forty units or something between sixty-three and forty. That could solve some of the problems. However, they want it developed. Everyone wants it developed. He has resisted having the schools torn down for years, but he sees the light. It needs to happen. Please consider the density, because that was the biggest issue, but the concept is wonderful.

Tim Cantrell stated they started this journey back in early 2020. About that time is when everything went crazy. The planning and zoning board and the commission have been wonderful. The only thing that the applicant is asking for is what was previously approved by all bodies. Since we now have permission to tear down the south building, they are staying within the same density approval they previously had. They are not asking for anything additional. They only want what was previously approved. It was for forty-nine townhomes and fourteen apartments. **Commissioner Pederson** said he came into this meeting with the idea of taking out buildings seven and eight and turning them into parking. After hearing from people before the meeting and hearing some of the comments in the meeting, he understands. He respects the comments on having two parking spaces in front of each house. He wanted to know if they could find a way to pull the density back instead of taking out buildings because he did not want to tell them how to design. However, he wants to see the density pulled back to create the two parking spaces side by side. It seems that would be workable. He would rather give up the playground. **Mr. Cantrell** said it was his understanding, based on the price point that they are at, they have to have enough units. Everyone thinks the developer is trying to get rich. He has been in this since 2018, when he bought it. He spent a lot of money trying to figure out what he could and could not do with the south building of Lee School. He had to find out the real condition of the building. They are several years into this project and quite a bit of money has been invested. **Commissioner Pederson** stated he heard everyone's comments and everybody wants this developed. They have really helped the developer by allowing both buildings to be demolished. He understood it was going to cost a tremendous amount of money to repair that building. It is a give and take and we are not that far apart. **Mr. Cantrell** felt they were not either. **Commissioner Pederson** said he did not know how he felt about recreational facilities. He knows we need green space and we need permeable areas. **Mr. Cantrell** said there was some movement and he discussed it with planning and zoning about trying to reduce the playground from fifteen to twelve thousand feet. They are moving numbers. That is what they are doing. Even with the frontage, there would be no backing out on Perkins Street or West Line. There would be no garages or driveways in the front. It is all rear load. **Commissioner Pederson** said he was not an engineer and he could not speak about Mr O'Kelly's comments on swales. He did not know if that could be done in the city limits. He heard him say that we do not typically do that, but we are grasping at anything to find a way to keep the developer happy and get this project developed. **Mr. Cantrell** agreed. That is what they are trying to do. **Commissioner Pederson** commented that he appreciated his patience. **PZD Miller** stated everything would be curbed and guttered within a development at this location. There would be no option for swales. **Commissioner Pederson** mentioned that his idea coming in was to knock down buildings seven and eight to create more parking. However, he liked the idea that was presented that would take it from sixty three to fifty one. If they took and did the math with fifty one and spread it out more, they could do the parking and the two parking spaces behind each unit. He is not a site engineer, but this is workable. **Mr. Cantrell** said that was the point he was trying to make with the existing SPUD. They are at forty-eight and fourteen. **PZD Miller** said there were sixty-three in total and fourteen of those would be townhomes. **Mr. Cantrell** said

they are already giving up more. Yes, they need to remove both of the buildings but they are going further backwards, not just on paper but making the numbers work on this project. To get to what they were asking for, he did not know if it would work. **Commissioner Pederson** commented that he was not going to sit there and do math, but he did play with numbers. Land cost numbers and building cost numbers. He spoke to builders and he played with market prices and what he came up with was a pretty good profit with fifty units. He did not want to recite the math on public record. He is not trying to push the developer too hard, but this would be great for our city and the downtown. He was trying to plead with the developer to find a way to work this out. There have been some good ideas presented tonight. They just need to spread it. **CM Minner** said with all due respect, Mr. Mansfield had two weeks to come back to this body for a discussion on whether he wanted to reduce the density or not. The commission needs to remember that he does have an approved PUD that calls for rehabbing the old school and knocking down the south building. He would have sixty-three units in that PUD. They could probably bank that Mr. Mansfield will not execute that PUD and it will expire. Therefore, the ball lies in this body's court. He did not think they needed to re-engineer the site, but at this stage, if the commission has a number for the unit count, that needs to be said. Then, they could specify that this evening. He suggested the number be fifty-one. There is a concern about parking and the architectural features of this project. A one-car garage will not look right and it would be hard to put two cars in front of a house with only a one-car garage. That may not be specified in the code, but this is an oddball type of development and it is in a PUD. It is more like an apartment complex. Therefore, they need to come up with a reasonable number of off-street parking spots. If they were to go with fifty-one units, they would have one hundred and two cars. They could figure that most people park at least one car in the driveway and zero cars in the garage. They need to have that capture. Seventy-six seems to be a reasonable number. He suggested letting the planning and zoning director review this. Let the engineer put together the plan and specify the setback requirements. If they want fifty-one units, then they need seventy-six parking spots on site. If it is approved within those parameters, it puts the onus back on the developer to redo the site plan. If Mr. Mansfield decides that fifty-one units is not a reasonable number, he will not sign the PUD. Then they go back to square one, which is a PUD that is approved and he will probably not build. They do not need to dictate to them about parking or what buildings to tear down. He is smart and he will figure it out. The compromise here between what the planning and zoning board said and what the public said is that fifty-one units seem to be the right number. Fifty-one units would bump them up into the special density issue which is within the commission's prerogative to issue. **Commissioner Pederson** said he did not want to tell the developer how to use the site. However, he came in with the idea of taking out buildings seven and eight. He would now withdraw that. He would like the common parking lot in the middle of the development because it would be more convenient for everybody. They would have to put it dead center and chop off some buildings. That is just one idea and he may regret saying that. Some of the complaints were about the parking being on the northeast corner. If it was in the middle, the person on the western boundary might park there because it is right across the street. He lived in apartments and he had to park away from his unit. He hoped they could find a way to do it. **Mr. Cantrell** said that Mr. Manfield would have been present, but he is on the City of Ocala's council. **Commissioner Reisman** agreed with Commissioner Pederson's comments and Mr. Grizzard's comments. **Mayor Burry** said they have the PUD as it exists right now. Is there any movement on the city manager's suggestion? Would someone like to make a motion to decrease the overall number to fifty-one and approve that PUD? **Commissioner Pederson** questioned if they wanted to do that or allow the developer a chance to come back? **CM Minner** commented that they need to place the onus on the developer. This body needs to say what number of units will be accepted. They need to make them open-ended in the PUD and let the developer redesign it. That is within administrative determination. If they start dictating where to put stuff, it may become too cumbersome. If they specify that they want seventy-six parking spots and fifty-one units, they will figure it out. **Commissioner Pederson** said he would want to see the redesign. **CM Minner** inquired if they continued this, would they need to re-advertise. **CA Watson** said they would need to re-advertise. **Commissioner Pederson** mentioned they would be delayed for two meetings

because they could not come back to the next meeting. **CA Watson** asked if the advertisement was thirty days or ten days. **CC Purvis** said it was ten days for second readings. **Commissioner Pederson** wondered if that would give the developer enough time. **Mr. Cantrell** said their engineer is currently out of the country. He will be back next week. **PZD Miller** mentioned the commission could decide on a number, with the right to have this come back for review of the site plan. They could approve the PUD tonight with the understanding that when a site plan comes back, it will be re-advertised for a public hearing. **Commissioner Pederson** said the timelines would be the same. All they are doing is rehearing it. At this point, he would like to see fifty-one units and seventy-six parking spaces and then he would like to see the revised site plan. **PZD Miller** added that each unit would require a minimum of two parking spaces that is listed under the codes. **Commissioner Pederson** said they were counting the garages and they will be used for storage. **PZD Miller** wanted to clarify that they were saying extra parking spaces? **CM Minner** mentioned that is where the argument lies. The developer will say they are providing a garage and a driveway. Those are two spots and they are doing that for every apartment complex. Therefore, it meets the code. Plus, the twenty-three parking spots are a bonus. The commission says the code in this application does not work even though they are providing a garage and a driveway. No one will park in the garage and there will be parking sprawled out throughout the development with overflow on to the streets. That is a reasonable counterargument. They are saying what needs to be done and we need more on-site parking. They are pulling a magic number of seventy-six because that is seventy-five percent of the potential two cars per unit. Some people will park in the garage but most will not. **Commissioner Pederson** said right now the PUD says there are thirty-nine parking spaces. They want to take it from thirty-nine to seventy-six parking spaces. **CM Minner** said yes. However, to get that many on-site parking spots, he would have to lose buildings. If he loses buildings, he loses density. **Commissioner Pederson** said he was trying to refrain from telling them which buildings. **CM Minner** mentioned that the easy compromise would be to tell them to take down buildings seven and eight. We know the parking will wrap around the corner and there is a green space and retention area across the street from the church. If they start messing with the parking and dictating to them what they want to open, they may not like the way the buildings look. He may have to turn buildings around. He suggested they just knock down seven and eight and wrap the parking around it. They could tell them what they want to see or not approve it tonight and tell them to bring it back with potential modifications. They will bring it back if he wants to do it. If he does not, we will not hear from him ever again. **Commissioner Pederson** agreed, but he would rather see buildings four and six go down versus seven and eight only because they are in the middle. **CM Minner** said they need to readvertise for it anyway, so maybe the suggestion is that they deny this and then the developer will know what they want. They want seventy-six on-site parking spots. **CA Watson** mentioned there could be some procedural issues with a denial in terms of coming back and timing. Tabling would be an option to allow them an opportunity to redesign it and come back. **CM Minner** said if they have to come back maybe they should put a two-month window on it. **CA Watson** said that would be a good idea. It gives them a timeframe for coming back. **Mr. Cantrell** said they would welcome the two-month window. **CM Minner** questioned if they would not come back in two months. **Mr. Cantrell** said they are fifty percent done with the engineering. They are talking about starting all over. **CM Minner** responded that Mr. Mansfield might not want to do fifty-one units, so they may not get this back. **CA Watson** said he likes the idea of putting a time frame on that. **Commissioner Pederson** said he just agreed to sixty days and wondered if he did not like the sixty days?

CM Minner responded that they needed to put pressure on Mr. Mansfield. He has had two years and we have bent over backwards for the developer. He loves Mr. Mansfield. However, they have been fighting for this project for two years. **Commissioner Pederson** felt if they were willing to work with us he would give him sixty days. If we can get this thing right, he will give them sixty days. **CA Watson** felt they could do that and make that part of the condition. **CM Minner** pointed out that the motion should be to deny the application in sixty days if they do not return with a modified site plan that is approved.

Commissioner Pederson wanted to verify that sixty days was okay. **Mr. Cantrell** said yes.

Commissioner Pederson said he was trying to help. **Mr. Cantrell** said they were trying to abide by what was already approved and now they have a change of opinion. **CM Minner** replied that Mr. Mansfield can build what is approved or he can work with us to reduce the density and he could knock down both buildings. The ball is in his court. He had an opportunity to bring a modified plan to this meeting. He chose not to. **Mr. Cantrell** answered fair enough.

Commissioner Pederson made a motion to table this item for sixty days and if a modified plan does not come back to this body, then the plan will be denied and Commissioner Reisman seconded the motion.

The roll call vote was:

Commissioner Resiman	Yes
Commissioner Pederson	Yes
Commissioner Berry	Yes
Commissioner Connell	Yes
Mayor Burry	Yes

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

2. **An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 34.7 +/- acres, and being generally located south of State Road 44 and west of Whitney Road, lying in Section 19, Township 19 South, Range 24 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 2; and providing an effective date. (Crossings at 44 AX)**

ADOPTED ORDINANCE 23-11

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

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

Mayor Burry requested comments from the Commission and the audience.

PZD Miller said this property was located on the south side of State Road 44 and west of Whitney Road near the Sumter County Line. The request is changing from Lake County Rural to City of Leesburg General Commercial. The future land use zoning will go from Lake County Agriculture to City of Leesburg PUD. It is a mixed use development on 34.7 plus or minus acres which consists of forty thousand square feet of commercial use on the north side closest to State Road 44. On the south side there would be two hundred and eighty multi-family residential units. In the middle of the development, there will be medical uses, to include one hundred and fifty rooms for assisted living, memory nursing care, physical rehabilitation and skilled nursing centers. They have the standard architectural standards, landscape buffers, dark sky lighting, wetlands and preserves. There is thirty-five percent of open space.

Mr. Ryan Solstice of LPG out of Mount Dora is present to answer any questions.

Mayor Burry wanted to make sure they updated the apartment size standards to match the apartments as previously approved. **PZD Miller** remarked that he believed they did, but he would double check and make that change if it were needed.

Ryan Solstice of LPG representing Hesco Holdings LLC, said this was a mixed-use development and the planning and zoning director summed it up pretty nicely. It is a mixed-use development that has commercial uses on the frontage of State Road 44. In addition, the interior would have a one hundred and fifty bed assisted living facility, a one hundred and twenty bed rehabilitation center and a one hundred and twenty bed skilled nursing facility. At the very south portion of the property there would be a two hundred and eighty unit multi-family complex. They meet all the parking requirements by code. The development is required according to the PUD standards to have thirty-five percent open space. Currently they have forty-six point seven percent of open space on site. That is counting the retention ponds, which is allowed by code. However, minus that, there is still thirty-nine-point-one percent of open space on site. They meet the sixty-five percent ISR requirement as stated in the PUD. All structures built in this PUD will be three stories and forty feet in height. There will be twenty-five foot wetland buffers in accordance with St John's Water Management District. A twenty-five foot landscape buffer on all four sides of the perimeter and an eight-foot privacy wall on the southern boundary. This project is a great mixed-use project that will meet all traffic concerns. As far as concurrency, it does not degrade the level of service even in the projected years of buildout. It is a phased project. The first phase will be multi-family development and the second phase will be commercial. The developer is not sure if the second and third phases will coincide with each other. At this time there will be five different phases. However, there may be some overlap in the phases.

Commissioner Pederson said after the discussion, he looked at the site plan and the parking. He wanted to know if there would be one-car garages with room for one car behind them? **Mr. Solstice** answered it is a multi-family complex that would utilize surface parking. It meets the code requirements, which are two parking spaces. It is all surface parking on the south side, around the exterior. **Commissioner Pederson** mentioned when he looked at the plan it was unclear. He wanted to be fair after beating up on the last developer. He did not want to just sit and put a rubber stamp on this without fully understanding the parking. **Mr. Solstice** remarked that it is all surface parking and there are no garages proposed. They will have drive aisles around the perimeter of the multi-family complex. **Commissioner Pederson** inquired if this was an apartment complex. **Mr. Solstice** said yes. They are not townhomes and it will not be fee simple. They are apartments.

Denny McQuillan, asked if all the ingress and egress to this complex would be on SR 44. **Mr. Solstice** said that was correct. **Mr. McQuillan** wanted to know if FDOT talked about stop lights. They met the warrant about five to six years ago for a stoplight. There should be a stoplight right near where they are talking. He wanted to see if that had been addressed? **Mr. Solstice** replied that it has not yet. The traffic study did not indicate that a traffic light would be warranted at this time, but there is a potential once FDOT reviews the entire site plan. **Mr. McQuillan** said there would be two hundred and eighty multi-family units. We are talking about an extra five hundred and sixty cars coming out on SR 44. That is an awful lot of additional traffic with no commitment from FDOT as to how to manage it. He noticed there were no turn lanes. If somebody is going east on SR 44, there are no turn lanes into that community. They will have to come to five-miles an hour to turn and that will back up SR 44. They already have semis coming down there. The roads should be looked at more in depth as opposed to stopping to make a right-hand turn into fifty-five mile an hour traffic.

Elizabeth Reed thanked everyone for being there. Initially, they were told that the apartments would

allow for one and a half cars. Has it now become two cars? **PZD Miller** answered the plan as shown more than meets the requirement based on the different types of number of bedrooms per parking spaces for each unit. Nothing has changed. **Ms. Reed** said Mr. McQuillan was correct about the traffic and the heavy truck traffic on SR 44. If you are going to make right-hand turns with a semi behind you, good luck. She saw an accident this morning and it had nothing to do with a tractor trailer and it was just the beginning of rush hour. It is hard out there and nobody pays attention. This will be hazardous for people. Adding all these extra cars, plus the stop and go, commercial traffic and food trucks going to the medical centers, which does not include the ambulances. She did not know if anybody factored that in even though it met the code. The reality is far different than the code.

Mike Tyson of 406 Grand Vista Trail in Penbrooke stated his subdivision is right across from where this development is going. He personally has no problem with building and all that stuff. His main concern along with the concern of the majority of the people in Penbrooke, which has twelve hundred homes and safety and traffic access. There is a development just outside their back gate off Whitney Road where the fire station is. A developer started it and it came to a halt. The roads are there, but someday they will be developed. Whitney Road is being used more and more. There is other traffic coming down the back across from Wingspread. We will see more traffic coming that way. Right now, when they go out the main gate it is difficult, even after putting in a twelve hundred foot strip, to make right turns. The traffic is really picking up and there is more and more traffic coming down Whitney Road, east of SR 44. Then there is a sports center going in. A sports center that is currently in downtown Leesburg will be relocating to that area. It will be a four-stage situation. That will bring more traffic and he is concerned that when all this is done. They consider proper stop lights for the residents of Penbrooke so they can get in and out safely.

Cynthia Lukens of 434 Grand Vista Trail, Penbrooke Fairways said she came from New Jersey. They are tightly and highly regulated in every way, shape and form. From a roadway, SR 44 is abysmal. Most of the residents that live in Pembroke are over the age of 65. She dealt with developers up north. With what they are asking for in this development, the roadways need to be considered now. In the twenty years she has lived there, she watched SR 44 become more congested with traffic. They have Brownwood, which was not there before. They have all the construction for the Lake Deaton plaza that they did not have before. They also have a distribution center not even a mile from the front gate. Those tractor trailers come racing down SR 44. They reach third gear by the time they get to their entrance. They are asking the Penbrooke Fairway residents who want to come to Leesburg to jump over two lanes of traffic to get into the little turn lane. She was sure, in New Jersey, this would be completely illegal. It was a u-turn on to another two-lane highway. They are taking their luck because now she has to deal with commercial construction and vehicles coming in and out. She stated she was speaking on behalf of all the residents in Penbrooke Fairways who would never be able to make a u-turn. She kayaks and a Ford Explorer along with a trailer. If at 7:00 a.m they wished to come out of the entrance of Penbrooke to go to Mount Dora, they would never make that u-turn, because they have morning traffic flying in every direction. A tractor trailer could never make a u-turn in that turning lane. She does not see it addressed. She learned in the past that it is tug of war and you need to get into the game before the mud is put in.

Shirley Gaylord of Penbrooke said she has lived there for sixteen years. They have a speed limit that says fifty-five miles an hour, but people read it as seventy miles an hour. That is about the average speed limit of the traffic out there. It is very hard for them to do. They fought for a traffic signal to be put there about seven years ago because they had their own problems, but that is not happening. It would be very good to have one. A lot of people thought the traffic was going to come out on Whitney Road from this development, but it was not. There is no entrance or exit there. That is why some people did not show up because they thought it was going to come off Whitney Road instead of SR 44. That will make it hard for people. She felt sorry for anybody moving in there. They are glad to have them as neighbors, but they

want to be able to keep them and the new people alive.

Mayor Burry questioned staff about the comment regarding not having acceleration or deceleration lanes. **PZD Miller** answered, when it comes to zoning hearings, they send that information to Lake County or FDOT. Even though they do not necessarily see a turn lane, it is often because they do not know how far or how long they want that turn lane to be. It is more confusing to put them in and then have to go back and change them later. **Mayor Burry** questioned if it was his belief that there would be. **PZD Miller** said there would have to be a right turn lane coming in. However, he is not FDOT or Lake County, but that was his experience. These are legitimate concerns. The city does not want anyone getting killed out there. Having this may raise the warrants and it is more than someone being killed. There are accidents and they mean a lot of different things. It would accelerate the process of getting a light. It may not be what the residents want to hear, but that is true. He believed it would happen. There are existing turn lanes to enter the site from the left in each direction. Those according to FDOT or Lake County may have to be improved if they are not up to standard. These are conceptual plans that they bring in for review. No one will spend thousands of dollars to get it to a zoning hearing first as a concept. **Mr. Solstice** commented that the traffic study was done by Traffic and Mobility Consultants. They indicated that in the base year of 2025 the adopted level of service would be maintained into the year 2030. He echoed the sentiment that the planning and zoning director brought up. This development will help the residents of Penbrooke get that traffic light. It may not be the catalyst of this development, but it will certainly push that bar to get a traffic light at that intersection. **Commissioner Pederson** wanted to make it clear that it was a state issue and not a City of Leesburg issue. **Mr. Solstice** agreed because that is a state road. **Commissioner Pederson** was hoping to see acceleration and deceleration lanes, so he appreciated the planning and zoning director's comments.

Mr. McQuillan said they had a warrant six or seven years ago and why the stoplight did not could mean a lot of things. He failed to mention that they are talking about four hundred and fifty beds for assisted living rehab. Everyone that leaves the community will have to make a right-hand turn. Not only do they have five hundred and sixty cars. They have all the other emergency vehicles too. There are people who will visit the residents and they will all have to make a right-hand turn to go back out towards 75. Not everyone will go to Leesburg. They will head back towards The Villages where the jobs are. It is going to compound it with having to make righthand turns to use the directional diverters. He appreciated the experience and what was said, but having been here for twenty years in Florida, there are a lot of righthand turn lanes that never get installed where they should be. Especially in a fifty-five mile an hour speed zone. If that speed limit was thirty-five, maybe it would not be so bad.

Ms. Lukens asked, given that it is a state highway and, with all their experience, what would be the recommendation for their community to take as the next action? She spoke with FDOT and she recorded that conversation on her iPad. She talked to a man at FDOT who told her traffic lights cause accidents. **PZD Miller** answered that it may sound a little bit old, but the next best step would be to talk to Lake County Public Works and FDOT. There has been some turnover in FDOT and, hopefully, that has been to the positive. The first thing they should do is work with FDOT.

Mayor Burry stated that they need to vote on each of the items individually.

The roll call vote was:

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

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

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

ADOPTED ORDINANCE 23-12

The roll call vote was:

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

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

4. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 34.7 +/- acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow for residential, medical, and commercial mixed-use development for a property generally located south of State Road 44 and west of Whitney Road, lying in Section 19, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Crossings at 44 PUD)**

ADOPTED ORDINANCE 23-13

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 ordinance.

5. **An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 11 +/- acres; and being generally located west of Haywood Worm Farm Road and north of Rogers Industrial Park Road, lying in Section 14, Township 20 South, Range 24 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and**

ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 3; and providing an effective date. (Fort Knox AX)

ADOPTED ORDINANCE 23-14

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

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

Mayor Burry requested comments from the Commission and the audience.

PZD Miller stated this was a proposal for industrial use on an eleven acre property. It is generally located west of Haywood Worm Farm Road and north of Rogers Industrial Park Road. There is a request to annex and change the future land use from Lake County Industrial to City of Leesburg Industrial. The zoning would go from Lake County Heavy Industrial to City of Leesburg M-1 Industrial. It is a standard rezoning, so there are no specific conditions, as you would see in a PUD. The proposed use is a simple self-service storage/industrial type facility.

Ryan Solstice of LPG stated this was self-storage going from industrial to industrial for future land use and rezoning. They want to come into the City of Leesburg to utilize utilities and develop within the city as it should be. They want to do outdoor RV boat storage, indoor self-storage and some contractor flex space for individuals like plumbers and electricians.

Mayor Burry asked for any further comments or questions. There were none.

The roll call vote was:

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

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

- 6. An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 11 +/- acres from Lake County Industrial to City of Leesburg Industrial, for a property generally located west of Haywood Worm Farm Road and north of Rogers Industrial Park Road, lying in Section 14, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Fort Knox SSCP)**

ADOPTED ORDINANCE 23-15

The roll call vote was:

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

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

7. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 11 +/- acres from Lake County HM (Heavy Industrial) to City of Leesburg M-1 (Industrial) for a property generally located west of Haywood Worm Farm Road and north of Rogers Industrial Park Road, lying in Section 14, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Fort Knox RZ)**

ADOPTED ORDINANCE 23-16

The roll call vote was:

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

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

8. **An Ordinance of the City of Leesburg, Florida amending Future Land Use Element, Policy 1.1.6 to remove references to project acreage and the project boundary map, as well as to clarify that town centers are mixed use centers; amending the Villages of West Lake project boundary to reflect the newly added lands; amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg by changing the Future Land Use Map designation of certain property containing 18.34 +/- acres from Institutional to Age Restricted Development, for a property located south of County Road 470 and east of the Florida Turnpike, lying in Section 17, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (The Villages of West Lake)**

ADOPTED ORDINANCE 23-17

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

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

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

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 ordinance.

9. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 18.34 +/- acres from P (Public) to ARD (Age Restricted Development) for a property generally located south of County Road 470 and east of the Florida Turnpike, lying in Section 17, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (The Villages of West Lake)**

ADOPTED ORDINANCE 23-18

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

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

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

The roll call vote was:

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

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

10. **An Ordinance of the City of Leesburg, Florida, to modify the Chapter 163 Development Agreement between The Villages of West Lake, Area A; for the development of approximately 1,400 acres; providing a binding agreement and amendments for long term development; including but not limited to density, intensity, land uses and process; approving development rights and land development regulations; for a property generally located near Florida's Turnpike, the Lake and Sumter County line; and north of County Road 470; as legally described in Sections 6, 7, 8, 9, and 16, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (VOWL 163A Amendment 2023)**

ADOPTED ORDINANCE 23-19

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

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

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

The roll call vote was:

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

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

- 11. An Ordinance of the City of Leesburg, Florida, to modify the Chapter 163 Development Agreement between The Villages of West Lake, Area B; for the development of approximately 1,230 acres; providing a binding agreement and amendments for long term development; including but not limited to density, intensity, land uses and process; approving development rights and land development regulations; for a property generally located near Florida's Turnpike, the Lake and Sumter County line; and east and west of County Road 48; as legally described in Section 31, Township 20 South, Range 24 East; and Sections 5, 6, and 7, Township 21 South, Range 24 East, Lake County, Florida; and providing an effective date. (VOWL 163B Amendment 2023)**

ADOPTED ORDINANCE 23-20

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

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

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

The roll call vote was:

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

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

B. FIRST READING OF ORDINANCES

1. **An Ordinance of the City of Leesburg, Florida, establishing the Bellaviva at Whispering Hills Community Development District pursuant to Chapter 190, Florida Statutes; providing for authority and power of the district; providing for the Board of Supervisors of the district; providing for the district budget; providing for functions of the district; providing for miscellaneous provisions; and providing an effective date. (Bellaviva at Whispering Hills)**

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

Mayor Burry requested comments from the Commission and the audience. There were none. He stated this item would lay over to the March 27th meeting.

2. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 15.8 +/- acres from City of Leesburg PUD (Planned Unit Development) to City of Leesburg PUD (Planned Unit Development) to allow for mixed uses limited to light commercial and self-storage for a property generally located east of U.S. Highway 441 and west of Sleepy Hollow Road, lying in Section 20, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Sleepy Hollow Road Storage PUD)**

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

Mayor Burry requested comments from the Commission and the audience. He asked if this was an existing PUD that ran out and if it was the same? **PZD Miller** replied it is not the same. The original PUD came under Ordinance 09-35 and they were allowed at that point to do professional and medical offices. Almost the entire property is wetlands. There are two small acres that are usable. The new PUD asks for mini storage and those types of uses. It will support the surrounding residential development. **Mayor Burry** asked if their only access was off Sleepy Hollow at the very juncture of that road. **PZD Miller** agreed it is a narrow strip of roadway all the way back and they have this narrow strip of land. They will fence it off and clean it up. **Mayor Burry** asked if the building would be close to US-441, since that is where the buildable property is. **PZD Miller** replied yes, it would be closer to US-441 because it is not wetlands.

Mayor Burry stated this item would lay over to the March 27th meeting.

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 22 +/- acres from City of Leesburg Industrial and Conservation to City of Leesburg General Commercial and Conservation, for a property generally located east of Executive Boulevard and north of West Main Street, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Hudson's Furniture at Leesburg SSCP)**

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

the ordinances by title only.

Mayor Burry requested comments from the Commission and the audience. There were none. He stated both these items would lay over to the March 27th meeting.

4. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 22 +/- acres from City of Leesburg M-1 (Industrial) to City of Leesburg PUD (Planned Unit Development), for a property generally located east of Executive Boulevard and north of W Main Street, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Hudson's Furniture at Leesburg PUD)**
5. **An Ordinance of the City of Leesburg, Florida; Amending City of Leesburg Ordinance 2021-37 to grant a Non-Exclusive Non-Potable Water Irrigation Utility Franchise to the Wildwood Utility Dependent District, its successors and assigns; Granting such Franchise for a period of 40 years to construct, own, operate and maintain certain services and facilities to serve areas within and adjacent to The Villages Age Restricted Development; providing for conflict and severability; and providing an effective date.**

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

Mayor Burry requested comments from the Commission and the audience. There were none. He stated this item would lay over to the March 27th meeting.

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 wanted to clarify what would happen with the Treasure Trove procedures from the last meeting. There was an issue and confusion regarding the procedures. When dealing with a large-scale comprehensive plan amendment like Treasure Trove, the city is required to hold two public hearings. After the first public hearing, the proposed amendment is transmitted to the state agencies for review and comment. Once it is sent back with their comments, the city has one hundred and eighty days to hold the second hearing. At the last meeting, the direction was to send it back to the planning commission for review. In doing that, it would put them past the one hundred and eighty day deadline for bringing it back

to the commission. The good news is that state statutes allow an extension of the one hundred and eighty days. If the city and the applicant are agreeable, they can send a notice to the department, all affected areas and parties who commented along with the state agencies. At that point, they will grant the extension. At the last meeting, there was thought that they had to start all over with the first reading and go through the whole process again. That does not appear to be the case, as long as the city sends notice to the department and affected parties informing them that an extension was agreed upon. There is no need for a formal vote, he just wanted to confirm with the body that everyone was agreeable to this extension concept. They will go before the planning commission and then come back to this body. **Mayor Burry** agreed and said he thought it would be August or September with the projection that they would come back to commission. However, it looks like it will be late May or early June. **CA Watson** said he suggested August or September just to build time in, in case there were issues. They do not want to ask for another extension. **Commissioner Pederson** wanted to know why it would take so long. **CA Watson** answered that with the new extension deadline of August or September, the thought was if something got sidetracked there would be enough time for a continuance. It was based on a projection. The hearing will not be delayed. **Commissioner Pederson** said he thought it would go to the next planning and zoning meeting and then come right back to this body. He thought the process would be faster. **PZD Miller** stated the plan was to take it to the April planning commission meeting. The March meeting is next week and there was no time to do all the functions required to get it on there. The plan is to take it to the April meeting. Sometime in May it will come back to the commission. **CA Watson** remarked that the suggestion was to set that timeline for the department to reset the clock for the second hearing.

9. CITY MANAGER ITEMS:

CM Minner had no items to address this evening.

10. ROLL CALL:

Commissioner Connell had no further comment.

Commissioner Reisman had nothing to discuss.

Commissioner Pederson had no comment.

Commissioner Berry had no further comment.

Mayor Burry had no comment.

11. ADJOURN:

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

F.S.S. 286.0105 "If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the

appeal is to be based." The City of Leesburg does not provide this verbatim record.

The meeting adjourned at 8:06 p.m.