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

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, March 27, 2023, at Leesburg City Hall. Mayor Burry called the meeting to order at 5:54 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

Mayor Burry gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America at the Greater Leesburg CRA meeting held immediately prior to this meeting.

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

2. PROCLAMATIONS:

A. Water Conservation Month

Mayor Burry read a proclamation declaring April 2023 as Water Conservation Month. Calling upon all members of our community to help preserve this precious resource by practicing water-saving measures and becoming more aware of the need to save water.

3. PRESENTATIONS:

A. September 30, 2022 CAFR Review by MSL

Joel Knopp, with MSL, provided a brief review of the city's annual comprehensive financial report (CAFR) ending September 30, 2022. The audit went as planned with clean opinions. There was a letter in the agenda that references the required communications. He pointed out that the auditors received full cooperation from management and there were no significant findings. They really appreciate the city staff and their cooperation in helping to complete the audit.

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.

Michael Rankin, managing partner for LPG, stated that two weeks ago this body gave him, Mr. Cantrell, and Barry Mansfield a 60-day opportunity to sharpen the pencil on the Lee School property and they are in the process of doing that. They are working towards a plan to bring back in the next couple of weeks. They listened and are working to do their best to keep the city manager apprised of the direction they are going and then will be prepared, as quickly as possible, perhaps a month from tonight, to propose the final plan. He thanked the commission for graciously granting them the extension.

5. CONSENT AGENDA:

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

Item pulled for discussion:

5.C.5 - Repealing Resolution 11,284; and executing an agreement to accept TDC grant funding from Lake County

Commissioner Pederson moved to adopt the Consent Agenda except for 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 March 13, 2023

B. PURCHASING ITEMS:

1. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Task Order with Dewberry Engineers, Inc. for professional design services for the Walmart Watermain Loop Project; and providing an effective date.**

ADOPTED RESOLUTION 11,285

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

ADOPTED RESOLUTION 11,286

C. RESOLUTIONS:

1. **Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Fox Pointe at Rivers Edge, a subdivision of the City of Leesburg, Florida, being a portion of Section 14, 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. (Fox Pointe Plat)**

ADOPTED RESOLUTION 11,287

2. **Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 75, 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. 75)**

ADOPTED RESOLUTION 11,288

3. **Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 77, 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. 77)**

ADOPTED RESOLUTION 11,289

4. **Resolution of the City Commission of the City of Leesburg, Florida establishing the special events venue area for the Annual Leesburg Bikefest event, taking place April 28-30, 2023; and providing an effective date.**

ADOPTED RESOLUTION 11,290

5. **Resolution of the City Commission of the City of Leesburg, Florida, repealing Resolution No.11,284; 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 11,293

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

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

Mayor Burry requested comments from the Commission and the audience.

Commissioner Connell said his comments would tie into the item that is at the end of the agenda. His understanding was that the TDC grant with the County would tie into a joint JPA. He does not think the city should get arm twisted because we could possibly compromise our future growth by satisfying the county over a grant of one million dollars for Susan Street. This is not in the city's best interest. He recommended temporarily tabling Susan Street until we find additional money. We should not let the county do this to us and compromise our future growth. **Mayor Burry** said there was a meeting with the County that they would talk about later and this does have little to do with that. There were a couple of meetings and one meeting was requested by County Commissioner Kirby Smith to specifically address House Bill 1171, which will be talked about later. At that meeting there was no mention of the TDC grant. At the second meeting, which was requested by Commissioner Parks, both he and the city manager attended, and at that meeting Commissioner Parks did not indicate it was the board's decision in any way. He did indicate that for him our lack of participation in discussing JPA agreements would coincide with him not supporting the TDC grant. **CM Minner** agreed. **Mayor Burry** continued by saying to be clear, he did not get the opinion that it was not the whole board's opinion, just his. There are five commissioners that will get a chance to vote on this, but that was Commissioner Park's opinion. **Commissioner Connell** did not want to approve this on the condition that we join this JPA with them. He would rather not have the money than do that to the city. **Mayor Burry** responded by approving this item, it would not include the JPA. **Commissioner Connell** said the county did not accept the city's recommendation. They wanted to tie it to hotel rates, which were modified at the last meeting, and the county rejected that. They do not play ball with us at all. **CM Minner** said for clarity the two issues seem to be tied but they are separate. Some of the Board of County Commissioners are concerned about where the city is at with respect to the Joint Planning Agreement (JPA). The mayor specifically asked that this body talk about that and that item is at the end of the agenda. It is important that this body have a good discussion on that because this body has changed since the election of Commissioners Berry and Reisman. It is important that this body publicly discuss the JPA and give him clear direction so the county knows that he speaks on behalf of the entire city commission. With the TDC money, at least one of the county commissioner's comments does come into play. With the TDC grant that was approved at the last meeting, there were discussions about their fiduciary responsibility on how to spend TDC money.

TDC grant money is derived from the heads in bed tax that is paid when you stay at a hotel. It goes to the state and then back to the county where the hotels are located. In Leesburg, about thirty to forty percent of that TDC revenue is generated from our community and that has an impact on our general fund. The TDC dollars generated from an average night's stay in Lake County is about eighty-five dollars a night. If we multiply the number of rooms in Lake County by twenty-five to twenty-eight hundred and then multiply that by three hundred and sixty-five days a year, that brings you to the formula. The amount is about three million dollars. The revenue of TDC dollars in Lake County is somewhere between 2.8 to 3.2 million dollars. It can be argued that the room nights in Lake County have peaked because they are generating close to the maximum revenue that the county can generate when considering the number of rooms in Lake County. The TDC Committee is appointed by the Board of County Commissioners, BOCC. There are two ways that money can be spent. It can be spent on capital projects or advertising events which bring in heads in beds. The county has grappled with that issue for some time, at least over the last five years. For a while there was a moratorium put on some of the TDC money due to covid. There was an internal argument at the county about this, but that argument ended and in the last few grant applications for the city they included a clawback provision. When we received the six hundred thousand dollars for the boardwalk along Ski Beach, an argument came up and at that time the BOCC did not take the recommendation, so they did not put a clawback provision in it. Obviously, the million dollar request for Susan Street is a capital project and the discussion came up again and the BOCC seemed to be listening a little more to the recommendations from the TDC, which was to include a clawback provision. Back in October, when he and the recreational director were at the county, Commissioner Reisman was there in his pre-election mode and they listened to the arguments. The argument was that the City of Leesburg certainly understands the fiduciary responsibility of the TDC's recommendation to the BOCC about spending tax dollars wisely. Our recommendation, however, was to have a clawback provision because that is part of an elected official's fiduciary responsibility. We respect and understand that, but if we tie it to the heads in beds tax, no project in Lake County, whether it is a City of Leesburg project, a county project, or any other municipal corporation's project in Lake County, they will not see that revenue rise because hotel rooms are capped. We did not come up with a model of how to measure that, but the recommendation from the TDC that went to the BOCC, said before any money is issued we needed to come up with a model. That is paragraph six of the agreement. The big point of the discussion was the model and the county wants to do it in two steps. They want to approve the agreement with the clawback provision which is paragraph six. It is called performance measures and reimbursement. That provision says that Lake County and the City of Leesburg will further discuss how to come up with a principle. The agreement that was approved at the last meeting had a couple of minor revisions in the agreement. It also included Schedule A, which was a proposal on how to measure the clawback provision. Since the direction was to approve the agreement and to make Schedule A part of the agreement, both documents would be returned to the county for execution. They had issues with the directive because the original agreement was slightly modified by the city. At the last meeting, they essentially put the wrong agreement before them and the county respectfully requested that their agreement as written be considered by this body and that is before them now. It is pretty much the same. He recommended that they approve that agreement and the city would transmit the draft of Schedule A with it. Schedule A looks exactly the same as they saw it except it has the title header of the agreement which reads the City of Leesburg in Lake County. The city attorney reviewed it and agreed that it was substantially the same form as Exhibit A. He asked that they approve the agreement as written. The commissioners' concerns about quid pro quo with the county are certainly reasonable. The concern of moving forward with a multi-million dollar project is reasonable, but the majority of the commission that voted on this stated that Susan Street is a marquee project and it was made a priority. He recommended moving forward with this. Missing out on a million dollars from not receiving the grant would certainly put a kink in the project's funding. If that happens, there is some time and they will continue to move on with the design and planning. Hopefully, by summer we will have the TDC clawback provision ironed out and approved by both bodies. The reason for the two-steps from the county is because they want the

TDC's opinion on it too. They want to submit the draft to the TDC for comment. After that, the BOCC will deliberate on it. It is pretty similar to the things this body does when they seek opinions from the advisory boards. That was a reasonable request. At the end of the day, if we do not get the grant, we will need to find other sources of funding. There are healthy reserve levels and we are reviewing other grant funds with DST monies for the future. He did not want to discuss our financial position while asking the county for a million dollars. We would indicate that the improvement is a county-wide improvement and the county would benefit from it too. Along with businesses, all will benefit from these TDC dollars. It is difficult to determine that because there is a regional impact. He wanted everyone to know that they stressed the importance of the Susan Street project to the TDC board and that the project focuses on bringing people into Lake County and the region in down times like summer. There are lots of heads in beds from Labor Day through Easter (September through April). A lot of people come to Lake County for various reasons and then it slows down in the summertime. Part of the goal is to bring people in during the summertime. He encouraged the approval and they would work quickly to iron things out. He asked them to enter into this agreement even though it is a little open-ended because of the magnitude of this project. **Commissioner Connell** said there should be an understanding with the county about what we are willing to agree to before making a motion to agree. He would like to know what parameters are set and what is up for a vote tonight, including the performance measures that would satisfy the grant requirements. **CM Minner** replied that the performance measures submitted to the county for their review concerned the number of events that would be conducted at the facility once it is fully constructed and operational. They would lay out the layer of events between local, regional, and summer events. They would define what each one is and then award each a point for the event. Based on that point-summary, at the end of the five-year period, that would be the ratio of how we pay back. If we get eighty-eight to one hundred percent, then we pay back nothing. Then it claws back all the way to where we will have to pay back the full amount. At the end of the five-year period, once we have met the initial measuring stick and the parameters of the clawback provision have been met, it will no longer be. It will be null and void and we will move forward in perpetuity. **Commissioner Connel**l asked if that was what they proposed to the county and they rejected it? **CM Minner** said no, he did not believe the provision was submitted. **Commissioner Connell** wanted to know what was kicked back. **CM Minner** replied that the county asked them to review the TDC grant agreement. They asked that we do the grant agreement first and then do the supplemental agreement pursuant to paragraph six. So before them is the TDC agreement. If we are awarded one million dollars, paragraph six says, in the future, they will mutually agree to an agreement on how to make a clawback provision. **Commissioner Connell** wanted to know if the agreement would be agreed upon prior to the city receiving the money. **CM Minner** said no, the provision for the clawback would be done subsequent to the agreement and accepting the TDC dollars. **Commissioner Connell** did not think we should take anything until there is an agreement that is workable. What happens if we take the money and then find out we cannot come to terms with the county? **Mayor Burry** remarked that currently the county would like to see heads in beds as a marker of how successful we are. We do not want to have heads in beds because the heads in beds are already maxed out. **CM Minner** replied in all fairness to the BOCC they have not really talked about what they want to see as a clawback provision. By asking the city to make the agreement in this fashion, the BOCC seriously wants to consider a clawback provision. The argument right now at the TDC Advisory Board level, with there being nine people on that board, is that the opinions about the clawback provision are all over the place. It is important to understand the composition of that board. There are three hoteliers appointed by the BOCC, then there are members from the largest city and another city. There is a BOCC representative and a couple of others. The main discrepancy in the clawback provision is coming from a small minority of hoteliers on the TDC Advisory Board and there are some open opinions on the TDC Board about how to measure that performance. The BOCC wants to iron this out and there has been trepidation at the county level about these capital improvement TDC requests for some time. Lately, Leesburg has been one of the more aggressive ones asking for TDC money, so we are the guinea pigs. If this body was giving those types of monies, you would want that fiduciary responsibility, so it is a reasonable question as long as we get it defined right. The other provision about the commissioner's concern about accepting a grant and then not getting paragraph six fixed is that the grant money is given in increments. It is not like we are going to get one million dollars and go spend it and be stuck. There is a time frame where we need to move forward with design to get this going. By the time we find out if this works, there should be no problem. If it does not work, then we will have to put our hats back on. The biggest issue is, if we do not get the TDC money, we will need to find one million dollars. We may have to limit the project and cut off a couple of fields to get on budget. What they have encumbered right now is half a million dollars for design. We need to get this moving forward. We need to get the bid out and if we do not have the money, then we will whittle back. Instead of five fields, we may have three fields. He understands the concerns, but if this body thinks it is an important project, there are ways to mitigate the financial gaps that may come up. **Commissioner Pederson** wanted to know if they approved the design at the last meeting. **CM Minner** answered that they approved the design contract. **Commissioner Pederson** said he was on the TDC board for two years and he did not buy into the head in bed count. That troubles him. He had a couple of people explain it to him and he did not buy into it because it was not accurate. That was his opinion, so it does scare him, but we could always reject this later. We could approve this tonight and if the county goes sideways, we could reject it. **CM Minner** agreed. We can give notice that we have terminated the TDC grant agreement if we cannot figure out the parameters in paragraph six. **Commissioner Connell** asked if there was a time frame for how long it would take to find out what the county would want. **CM Minner** replied our concept is on their desk, so they could turn around in April and have that discussion with the TDC Advisory Board. Then, in May, it will probably go before the BOCC for discussions, so it could be May or June. **Commissioner Connell** asked, in the meantime, would the city be awarded this money? **CM Minner** said with the BOCC, he talked with the county manager, and the BOCC is scheduled to have this on their agenda on the second Tuesday of the month. **Commissioner Pederson** pointed out that the city could reject it at anytime. He respects the opinion, but if we do not like it down the road, it could be rejected. We are not binding ourselves tonight. **Commissioner Connell** wanted to know if there was interest tied to the payback of this money. **CM Minner** responded no. **Commissioner Connell** said it was not a good business deal. Everything should be taken care of up front before agreeing to sign and go along with anything. **Commissioner Pederson** said it was just bad timing. The TDC board has been talking about this clawback provision for a while and now that our project has come forward it is drawing more scrutiny. When he was on the TDC board, he said it needed to be done the same way for everybody. However, he did not know that Leesburg generated thirty to forty percent of the hotel rooms. That does frustrate him a little. **CM Minner** added that the city used to generate closer to half or a little over half before they started counting the B&B's.

The roll call vote was:

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

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

6. Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from Lake Square Apartments, LLC, for the purpose of granting the City an Easement over the property described therein; and providing an effective date.

ADOPTED RESOLUTION 11,291

7. **Resolution of the City Commission of the City of Leesburg, Florida hiring Gray Robinson Attorney's Advisors Consultants to represent the City of Leesburg in Opposition to House Bill 1331; and providing an effective date.**

ADOPTED RESOLUTION 11,292

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, annexing certain real property consisting of approximately 109.63 +/- acres; and being generally located east of U.S. Highway 27 and south of Florida's Turnpike, lying in Sections 07, and 08, Township 21 South, Range 25 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 3; and providing an effective date. (Blue Cedar)**

ADOPTED ORDINANCE 23-21

Commissioner Reisman introduced the ordinances, 6.A.1, 6.A.2, and 6.A.3, to be read by title only. CC Purvis read the ordinances by title only.

Commissioner Reisman made a motion to adopt the ordinance, 6.A.1, and Commissioner Pederson seconded the motion.

Mayor Burry stated, seeing how items two and three are quasi-judicial, asked the city attorney to swear everyone in.

CA Watson asked if everyone in the audience who is planning to present any testimonial evidence on any of the public hearing items tonight, to please stand, raise their right hand to be sworn in. He then swore everyone in.

Mayor Burry requested comments from the Commission and the audience.

PZM Miller stated this was the second reading for the Blue Cedar project. This is an annexation, large-scale comp plan amendment and a planned unit development. The property is located on the eastside of US 27, south of the Turnpike. It consists of approximately 110 acres. There will be an annexation and future land use that goes from Lake County Regional Office to City of Leesburg Neighborhood Mixed Use. They are requesting a rezoning from Lake County Agriculture to City of Leesburg Planned Unit

Development. The project is a mixed-use development on 110 acres that would consist of 315 single-family units broken down into a density of 2.8 gross units per acre. There would be 118 townhomes on 22 x 110 lots, 141 single-family homes on 50 x 110 lots, and 48 single-family homes on 55 x 110 lots. That is the maximum. In addition, on the westside of the property there would be 300,000 square feet of commercial uses to include retail, offices, restaurants, daycare, schools, and medical uses. They have a good mix there because it runs along the highway immediately south of the Lake Medical Pavilion. They have a standard list of prohibited uses, which includes tattoo parlors, check cashing and thrift stores, that sort of stuff. There are design and architectural standards for all uses, including the dark sky lighting, fencing requirements that include a berm or a fence on Blue Cedar Road and on the northern boundary there would be an eight-foot wall, and on the eastside, to separate the commercial property from the residential area. They have landscape and buffers, the standard thirty-five percent open space along with irrigation and water controls for Florida-friendly landscape requirements. Under recreational development of this size, it creates 2.3 to 2.4 acres of recreation. For recreation, there are two separate areas. There are timing requirements for the installation, so the first recreational area will be done no later than fifty percent of the residential being done and the second one will be done at eighty percent. Tonight, Ms. Carolyn Haslam of the Ackerman Law Firm is there with her whole team.

Carolyn Haslam of the Akerman Law Firm, 420 South Orange Avenue Suite 1200 in Orlando, stated they were present for their second reading. It is for annexation, a comprehensive plan, and a rezoning amendment. With the annexation, there are two parcels that not only meet the Florida statutory requirements but are specifically included within the Interlocal Services Boundary Agreement (ISBA). The two parcels are shown in the exhibit so they can be annexed by the city. For the future land use amendment, they are proposing a neighborhood mixed use, which is consistent and compatible with the adjacent areas, particularly the hospital and commercial that exists within the city future land uses to the north. The neighborhood mixed use allows up to four dwelling units per acre for residential use. The project is located east of US 27 and south of the Turnpike. They are proposing 118 townhomes and 189 single-family units for a maximum of 315 units and a gross density of 2.8 dwelling units. That is well under the four units per acre allowed. The 110 acre site is proposing a maximum of 300,000 square feet of office, commercial and institutional uses. They are proposing a PUD rezoning in addition to the existing future land use, which is currently Lake County Agriculture. The areas that have been developed have been moved to a commercial designation. The permitted uses that are proposed are residential and they are sticking to single family and detached/attached townhomes. For commercials, they are looking to include uses that are complementary to the hospital. Major medical facilities, medical offices, and other office uses. They will expect to see things like general and highway retail along US 27, which is adjacent to the Turnpike. The prohibited uses are only the typical standard uses, but they include the residential uses that were not proposed, such as multi-family and duplexes. They have preserved the wetlands adjacent to the water bodies. Referring to a rendering, she said the yellow units are the largest and they are 55-foot wide single family homes. They will take advantage of the beautiful views of the water. To the west, will be the smaller units and townhomes. The commercial will be on the front of US 27. They are proposing 118 townhomes and 141 single-family homes. There is a provision in the PUD that allows flexibility, so when they are in the design stage, which they are ready to do if the unit mix can change within ten percent either way, but they cannot exceed 315 units. They can make those changes without having to go back and amend the PUD. The project has the standard open space and landscaping requirements. They have some architectural standards that include dormers and gables. They have a staff recommendation for approval. They went before the Planning Commission in December and received a unanimous recommendation for approval. After first reading the project and the comprehensive plan amendment went to the state. They received the letter back with no comments. They have only received positive feedback on the project, which is amazing and they are really happy about that. They believe their project is a good one. Not only is it within what should be annexed into the city, it is consistent with the area and compatible with the codes and comprehensive plan. They asked for consideration in approving all the three ordinances. Her client and his consultant were also present to answer any questions.

Mayor Burry asked if there were two exits on US 27. **Ms. Haslam** replied yes, there are two exits. One is on US 27 and the other ties into the hospital. **Mayor Burry** wanted to know if that second one was located on their property. **Ms. Haslam** answered that the property is currently owned by the hospital, it is being deeded. It was supposed to be a dedicated right of way. However, that has not been done yet. **Mayor Burry** wanted to make sure they had access to that. **Ms. Haslam** replied yes.

Commissioner Reisman asked if the PUD restricted gambling or the Try Your Luck casinos? **PZD Miller** replied that they could add that it would not be a problem. It is in some of the PUDs. There is a code that was done by an ordinance back in 2014 that put a number of conditions on those types of uses. It includes full-time security, bulletproof glass, a safe on site, an active cash management policy, a fifty thousand dollar cash bond and the list goes on. However, if they would like to have that in there, they could certainly add that. **Commissioner Reisman** said moving forward they should add that to all PUDs. **PZD Miller** said they could do that. **Commissioner Reisman** stated he would be in favor of adding that to this PUD. He would like to see all PUDs going forward have that language. **PZD Miller** wanted to make sure he wanted it added to this? **Commissioner Reisman** said he would like to add it to this one and all of them moving forward. There is a special language where they can go around and put them in. He sees them popping up all over Tavares and there are a ton of them. **PZD Miller** added there are a ton of internet cafes and adult gaming. **Commissioner Reisman** said there was one that opened up across from his house. **PZD Miller** pointed out that the city's ordinance is extremely restrictive and it allows very few spots to do it, but they can add it in PUDs.

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.

2. An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 109.63 +/- acres from Lake County Regional Office to City of Leesburg Neighborhood Mixed Use, for a property generally located east of U.S. Highway 27 and south of Florida's Turnpike, lying in Sections 07, and 08, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Blue Cedar)

ADOPTED ORDINANCE 23-22

Commissioner Reisman made a motion to adopt the ordinance and Commissioner Berry 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 adopted the ordinance.

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

ADOPTED ORDINANCE 23-23

Commissioner Reisman made a motion to adopt the ordinance with an amendment to exclude any internet cafes, etc., and Commissioner Pederson 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 ordinance.

4. 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)

ADOPTED ORDINANCE 23-24

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.

PZD Miller said this request is to allow for a Community Development District on a portion of the Whispering Hills development. It is located across from Plantation on the eastside of US 27. It is the largest proposed development to date. There are 22,942 units for this CDD and it is permitted under Chapter 190 of the Florida Statutes. They form a special purpose district to manage financing and to deliver basic community development services. They are specific to a described area and they have no zoning permitting or police powers. They are used for financial funding for constructing and operating water, wastewater systems, bridges, transit, shelters, environmental conservation areas, schools and security measures. Mr. Wes Haber of the Q-Tec Rock Law Firm in Tallahassee was available to answer any questions. There are CDD's in the city now. They are in Arlington Ridge, which was the first, then there is one in Tara Oaks and several in The Villages.

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.

5. 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)

ADOPTED ORDINANCE 23-25

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 Reisman seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

PZD Miller stated this property is located south of US 441 and west of Sleepy Hollow Road. The vast majority of this property, which consists of approximately seventeen acres, is wetlands. There are about two and a half acres that are usable. It was zoned under Ordinance 09-53 and it allowed for a variety of uses which were drawn up and put together prior to the current boom we are in. Under the current zoning proposal, it allows for 10,000 square feet of commercial uses. The primarily anticipated use at this point is for self-storage units. It is the staff's opinion that this would be one of the few uses that could go there. They could do a single-family house, but it would be right on the road. There could be a daycare, office, or storage units. The property would be very difficult to put anything on. They have the standard list of no tattoo parlors, check cashing stores and they will add the internet cafes. They were looking for a use that was not intensive or conflicting with the neighborhood that is growing there, including Bradford Ridge Drive to the north which was just platted. There and the others on Spring Breeze Lane. They are trying to find something consistent and not too intense. It would have the standard PUD conditions.

Mayor Burry asked for any further comments. 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.

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 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)

ADOPTED ORDINANCE 23-26

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

Commissioner Pederson made a motion to adopt the ordinances, 6.A.6 and 6.A.7, and Commissioner Reisman seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

PZD Miller stated this was a good project. It is for Hudson's Furniture. It is a small-scale comp plan amendment and a rezoning. The property is already located within the city limits. It is located on the northside of CR 44 and north of Progress Road. It is under contract with Hudson's Furniture. They would change the future land use designation from Industrial and Conservation to Planned Unit Development. With future land use, they are looking to change from Industrial and Conservation to General Commercial and Conservation. A large portion of this property is wetlands. They are actively looking for uses that can utilize the land and save the conservation areas. There are about twenty-two acres. Hudsons does sell a good line of furniture and Leesburg needs that in the market. There would be about 54,000 square feet of commercial use, which is over an acre under the roof. The furniture store is on the southwest side of the property. There would be mini warehouses and storage on the northwest corner. They have the dark sky lighting requirements, shielding of the lights, buffers, irrigation controls and so forth. They made one concession on the buffers because there is a power line easement that goes through there and staff normally works with the applicants when there is a power line easement to ensure that there are no trees being planted under those easements. They have a letter of intent to Mr. Mitch Collins who was there. He is the engineer for Hudson's and the project manager for this site. The staff and Planning Commission recommend approval.

Mayor Burry asked for further comments. 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.

7. 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 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 PUD)

ADOPTED ORDINANCE 23-27

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.

8. 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.

ADOPTED ORDINANCE 23-28

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

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

B. FIRST READING OF ORDINANCES

1. None

C. NON-ROUTINE ITEMS

1. Resolution of the City Commission of the City of Leesburg, Florida, in Opposition to the passage of Florida House Bill 1331 sponsored by Representative Busatta Cabrera and Senate Bill 1380 sponsored by Senator Martin; and providing an effective date.

ADOPTED RESOLUTION 17,294

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

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

Mayor Burry requested comments from the Commission and the audience.

CM Minner stated House Bill 1331 and Senate Bill 1380 are bills that would significantly affect how the City of Leesburg operates. They seek to limit our authority over the utility systems. They seek to limit the amount of financial transfers. They seek to demand elected utility authority boards and demand different ways of how outside customers pay for water and sewer structures. It takes away the city's ability to provide surcharges for non-incorporated residents who are on the city's system. All these things would significantly impact how we operate and our model is at stake. There are a lot of different theories on why this has happened, but the bottom line is that, essentially, it continues to assault the investor-owned utilities in the way of how municipal electric utilities function. It is absolutely critical that this body passes the resolution. Earlier this evening, they passed a resolution that hired a lobbyist for us and this is an issue that needs to be watched. It is extremely consequential and can have significant grave financial impacts on the city and perpetuity should it be passed.

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 resolution.

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

A. Financial Reports as of January 2023

Mayor Burry asked if there were any questions or comments on this report. There were none.

8. CITY ATTORNEY ITEMS:

A. Request Shade meeting to discuss litigation pursuant to Sunnyside Lake Land Holding, LLC. vs. City of Leesburg

CA Watson reminded everyone of the Special Magistrate hearing on April 25, here at City Hall, at 9:00 a.m. He stated to the new commissioners that, per Section 286.011, Florida Statutes, there is an exception to allow a meeting in a closed session with your attorney in certain circumstances. Your attorneys Brionez + Brionez have requested a closed session meeting to discuss the settlement agreement that has been proposed to the city. He asked if everyone would be agreeable to April 10th immediately following the scheduled commission meeting. All were in agreement. CA Watson stated the closed session meeting attendees would be the commission, the city manager, city attorneys and a court reporter. **CM Minner** stated now that the shade meeting had been requested, he will provide a copy of the agreement to the commission, which is exempt from the Sunshine Law.

9. CITY MANAGER ITEMS:

CM Minner stated he appreciates the Commission's support on legislative matters. In his almost 30 years of city management, this executive legislative session has been the most busy for him. We chased down bills on solid waste issues, which have been mitigated. That had a significant impact on the city as it would have potentially kept us out of franchise rights on non-single family residential. There was an amendment to that that excluded the municipal corporations who have their own personnel and equipment. The word on that bill is that it would die. There are a couple of others about hiring CEOs, City Managers, County Managers along with Superintendents and that is not worth talking about. Bill 1171, is a local bill from Lake County on the RPA's. He understands it will die because it was deemed unconstitutional. Bills 1331 and 1380 are still on the table and those are of concern and we will continue to watch them.

10. ROLL CALL:

A. Mayor Burry - Discuss Joint Planning Agreement (JPA) concepts with Lake County

Commissioner Berry had no comment.

Commissioner Pederson had nothing further.

Commissioner Reisman had no further comment.

Commissioner Connell commented about a month ago, Commissioner Reisman brought up the possibility of having discussion on some of the grant money the city gives out for facades or redevelopment and he thinks there should be some conditions on the property owners that receive the free money. It was brought up that they should have a discussion to put some restrictions on it. He wants to bring that back up and he spoke with the city manager about it today. He knows he has been busy with the legislation issues, but he would like to see this come back for discussion. **CM Minner** said he would get with the city attorney on that. He was not sure if that was specifically for the facade, sign, landscape grant, the home grant or the downtown historic building redevelopment grant. Those are three separate issues. He was unsure if it was done by resolution or ordinance, so he would get with the city attorney and they could come back with some suggestions for modifying the ownership to be two or five-year periods before selling. **Commissioner Connell** added that he did not have a number. He just thought it was worth some discussion about whether they should put the number on it. There could be a discussion about putting some type of condition on these. There could be a time frame put on them and if they sell prior to that, there should be a payback schedule. It could be eighty percent after the first year or sixty percent after the second year if they sell before the five-year period is up. **Mayor Burry** said they could discuss it and decide that way the commission does not have to go through them every time one comes up. **Commissioner Berry** asked if this would include all businesses or just non-profit businesses. **Commissioner Connell** said it would be for anyone who receives money for redevelopment. **Commissioner Pederson** inquired if he wanted to apply the conditions to everything or just the downtown. **Commissioner Connell** said it would be everything. **Commissioner Pederson** said he disagreed with that. **Commissioner Connell** said it would be for the sign grants and everything. **Commissioner Pederson** commented that he would agree if they gave them one hundred percent of the money, because that is different. We gave someone two hundred and fifty thousand dollars because they put seven hundred and fifty thousand dollars into it. There was another one that put one million dollars into it. He would make that deal any day to improve the downtown. He does not care if they sell it tomorrow. If we talked about one hundred percent, he would have a different tune on that. He would like to separate the two. We can talk about this but there have been votes on this. **Commissioner Connell** said he would like to have an open discussion about it. **Commissioner Pederson** said he thinks he knows where the commission stands on that.

Mayor Burry said he wanted to talk about JPAs, which is something the county has been very interested in establishing with all cities for several years. His involvement with this started back at the end of December 2021. They had a joint meeting with the county commissioners at the Venetian Center and the specific discussion was about Whispering Hills. Whispering Hills came to us for annexation and we were going to vote on it. That was a rather contentious meeting. At least that is how the paper described it if you look it up in the Daily Commercial. Anyway, there was some banter back and forth and it was not an all-lovely dovey meeting. The city decided to go ahead and annex both Whispering Hills and Hodges. In 2022, there were a couple of meetings that the city manager and Commissioner Pederson attended since he was the mayor at the time these discussions were taking place and the county was very interested in the joint planning agreements. Then there was another meeting with the county after he became mayor and he and the city manager were there. That meeting was a future planning meeting. At that meeting, they were asked to give a five-minute presentation and from the county all they heard about was joint planning. As they moved along, they have not done a whole lot with the joint planning as a body. They have not agreed to discuss this. He thought it was important that we go on record and talk about it. They requested a meeting for March 9th with Commissioner Smith. They met with Chairperson Smith of the Board of County Commissioners and the county manager, to discuss House Bill 1171. It was fresh on the agenda, and in our opinion it is grossly illegal. If enacted, it could have possible ramifications of saying that if our annexed property and the PUDs expire, it would revert back to the rural protection area which we do not even have a code for. They never thought it would go anywhere and it was very concerning because it felt like a direct attack on the city's ability to grow economically. In those discussions it felt like we got our point across. Then they received a text later that evening that had some new language that they were going to put in there that said these would last forever if they already issued a PUD on it so that those entitlements would be good forever. His understanding is that they finally figured out that the whole thing was not legal to begin with and it was off the table. That was the information he got. On March 14th, they received a request from Commissioner Parks to come and sit down with him, at which time they thought they would be talking more about Bill 1171 and its impact. However, the meeting began to go towards JPAs and his desire to have these joint planning agreements with all cities. He indicated that Leesburg was not moving forward with that, and it was made abundantly clear that there was interest on his part that if we did not play ball in the joint planning agreements he would vote to withhold the TDC funds. That is how that meeting went. When we talked about it, that was his comment. That comment did not come from the board, it was just him, just to be clear. Needless to say, their 15-minute conversation turned into two hours and it was not a good conversation. There was anger with both the city manager and himself and we did not like what Commissioner Parks was saying and we let him know that. They got through the conversation and the agreement that they came to was that we would discuss joint planning agreements. After that meeting, he told the city manager he would bring this up at the next city commission meeting. He also said any joint planning agreement that we would agree to would not compromise our ability to follow the ISBA from 2013 and 2014. He believes that any JPA that they would want us to agree to would be like joining the county and letting them get to decide. It would be a joint agreement for any annexation. We would have to get approval from them and that is not what the ISBA does for the city. He pointed out that the county has a mission and the county's mission statement is probably a lot different than our mission statement. We work for the City of Leesburg and we have to look out for the City of Leesburg and giving up the ISBA agreement would hinder our ability to grow. He made it clear at that meeting that we need our ability to annex as we see appropriately. Now we have the issue of what we do and have been doing for the county in the realm of services. The city manager will talk about some of the stuff in the agreements that we have with the county, especially with our fire services. It is an advantage for the county. It is not an advantage to us, but we have been doing it in order to get what we are getting. They could have another meeting once we know the direction this body wants to take. Another thing that Commissioner Parks wanted us to consider, along with the joint planning agreements, was the transfer of development rights (TDRs). He urged everyone to look that up because he was not really sure what it was. It basically says if you have farmer Joe who has 400 acres and he does not want to sell it for houses because he wants to keep it rural and nice, but he needs money, he can sell the development rights to a bank. He was not sure if they were talking figuratively, because a bank is just an entity and if a developer wants to develop in that area and he wants more density than the current code allows, the developer would have to go to that bank and purchase credit so they can put in more houses. He is just the messenger relaying what the county said and that is where it went.

CM Minner said the mayor summed it up pretty well. Using some acronyms for everybody in attendance; land development regulations (LDR) joint planning agreement (JPA) and inter-local service boundary agreement (ISBA). There was some frustration from Commissioner Parks and some other commissioners. They hold JPA meetings on a quarterly basis and for the last eighteen months there has been a real strong push from the BOCC that each and every municipal corporation in Lake County have a JPA with the county. It is important that this body directs him on how they want to move forward with this. At the JPA meeting, sentiment was expressed and it has even been outside of those meetings. Unfortunately, some of the commentary outside of the meetings has gotten more weight than inside the meetings. The commentary outside the meetings from himself and other Commissioners, including former Commissioners, has been that there is no way the City of Leesburg is doing a JPA. That is the interpretation of what was said. What has been said publicly before the County Commission and specifically at the last JPA was that the City of Leesburg would be happy to do a JPA with the county. The disagreement is what the JPA is going to be about. The county seems to insist a JPA model gives the county the opportunity to influence the city on our land development regulations. It would make the model of having municipal corporations have a more rural feel. This body and the former body did not appreciate that influence on our land development regulations. They told the county manager and Commissioner Parks to look at the PUDs that have been approved because our PUDs, while they may not be as rural as some others in the county's perspective, where they ask for one unit per five acres as reflected in Bill 1171, we do restrict it to four units. We have green space at thirty percent and require streets to be to city codes and dark skies. We require recreational uses and certain facades. From a land development standpoint, the positions for the PUDs approved by this body are good ones. They are conducive to urban development for municipal corporations and we take into account good planning principles that come from our planning department. They do not believe the county has even read the city's PUDs. **Mayor Burry** agreed. **CM Minner** continued to say that a JPA would be worthwhile if the JPA has the same flavor as the 2014 ISBA agreement. That was said at the meeting, and if we are going to talk about land development regulations, do not think that will float in Leesburg. They could talk about provisions for municipal services, fire protection, police protection, roads, water, sewer, parks, recreation and library services. If we are going to figure out how to provide urban services so that we do not cross wires on taxation and duplication of services, then we are all on board to talk about it. That would be a great conversation. For example, with roads, we already implement that in our PUDs where every PUD says they have to do what the county says with respect to roads. Every PUD specifically says they have to do what the county says with respect to roads. If there was a JPA that was in that flavor, then yes, Leesburg would do a JPA. The real question is what kind of JPA does the county want and the mayor and himself delivered that message specifically to Commissioner Parks. It is important for this body to direct the mayor and himself to meet with all five Board of County Commissioners so everyone gets the same message from Leesburg. As long as this body is in agreement with that philosophy, there are significant benefits to both parties and the 2014 ISBA, by his calculations. The county receives about two million dollars for fire service to their advantage in significantly dense urbanized unincorporated areas like Plantation, Highland Lakes, Bassville Park, and around Silver Lake, where our fire department continually provides fire service for the residents. That number was two million dollars. That is a real number and a real service. Leesburg has not complained about that because we agreed to it. We signed on the dotted line in exchange for developing as Leesburg saw fit in the inter-local service boundary territory that was identified. When talking about municipal services, he encouraged the body to provide feedback because that is important.

Commissioner Pederson said he has been on the commission four years and it is fair to say that he is pro-growth. He has turned some down due to inadequate roads. However, we approve a lot of development and because we have approved a lot of development we do have a lot to absorb. It is important to have a good relationship with the county and he would be open to modifying the JPA. However, he does not see us having an agreement that gives them the right to meddle in our approvals. We do not need that. He assumed there would be a term limit for this, like five, seven, or ten years and, if not, there should be. **CM Minner** answered it would be negotiated. **Commissioner Pederson** said our development for the most part has been down US 27. We have approved other developments, but the US 27 corridor is growing fast and it is becoming congested. He does not see the city going further east because that is a very sensitive area for the county. We should try to give them something that is a rural protection area. We should try to work with them to make them happy with the rural protection area. But, we need to work out the fire agreement especially with the pressures we are having on our budget. He does not want to give the county two million dollars worth of fire services. That needs to be fixed and that should be a reason for us to make an agreement with them. More importantly, he would want a good relationship with the county because we need their help on roads. Right or wrong, we are growing and our roads are not adequate and we need to work together on that. He is open-minded, but we should not let them tie our hands. We need to convince them that we can make them happy with the growth plans we have. We can continue to improve on developments, but he is happy with the ones that have been done thus far. We could do better in the future. **Mayor Burry** said when it comes to them not reading our PUDs, when you compare the PUDs that have been approved in that area to what the county has done, the numbers are about three per acre. **CM Minner** replied the contested area is a box that is about three miles long by one mile wide and that is the Yalaha/Apopka Rural Protection Area. It was in the Apopka RPA and that RPA runs from Lake Apopka, which is the center of Lake County, and it runs all the way across to within five hundred yards of US 27. That box consists of Whispering Hills, Hodges, Lydon Nickels and Lake County. There was another one but he could not remember. **Commissioner Pederson** commented that all of those have been off US 27 except one or two. **CM Minner** added that everything he just named is in the box off US 27 and it is a contested area. **Mayor Burry** pointed out that the requirements we put on those PUDs pretty much mirror what the county does. It is not like we are going to stick at eight units per acre. Our densities are lower than the county densities in that area. **Commissioner Pederson** said they count differently. They use net gross and we use gross, so there is a difference in the way they calculate. However, at the end of the day, we are about the same. **CM Minner** said they had a slide of what was in that box and the density was about 2.6 units an acre. Comparing that to urban unincorporated development, Plantation is about 2.9 and Highland Lakes is about 1.9. We are right in the box of reasonability. In essence, with what is located across the street and to the north, they are pretty much the same as what was approved to the south. It continues a pattern of combating contiguous urban growth down US 27. **Commissioner Pederson** remarked that he perceives the county's concern to be the rural protection area. They are looking at us and their perception of the City of Leesburg is that we will continue to annex everything eastbound all the way to Howey in the Hills. He does not see us doing that because we have enough to digest now. **CM Minner** stated by the 2014 agreement we cannot do that. **Commissioner Pederson** said he would not want to do that. We need to stay on the major thoroughfares. **Mayor Burry** said if we drew a line straight down from Trimpi Road, that would be our boundary. We are basically at that boundary now. We cannot go any further and we cannot go outside the boundary. **Commissioner Pederson** suggested finding a way to work this out with the county. It is important to have a good relationship with them, so we can work together on fixing the roads and the fire issue, because that is not right. We need to find a way to keep peace, but he does not want the county meddling in and telling us what we can and cannot approve. He inquired how other cities feel about this. He cannot see fourteen cities in Lake County rolling over to say they will do what the county tells them to do to develop their city. **CM Minner** answered there were fourteen different opinions. There are some cities that would be considered growth cities, like Leesburg and Groveland, where they have just as many entitlements approved as Leesburg does, but their city plan has them more scattered throughout the ISBA box. Then there are cities, like Howey in the Hills, Montverde, and even Mount Dora, which are more no-growth cities. They are in a no-growth position to where the county is more aggressive than they are. Tavares is kind of in the middle of everything and does not have RPAs. They have gone under the radar on this. Eustis continues to grow and they have saber crosswars with the county and the bill 1171 had a big impact on Eustis due to the Emeralda Marsh RPA. **Mayor Burry** stated that moving forward, we need to decide as a group on whether we want to explore entering into a JPA. It was his understanding that the county has a contract with the East Central Florida Regional Planning Council, which is a third party, and they are brokering all the deals. That is who the county partnered with and they are supposed to run the show. He asked if the board had the desire to move forward with a JPA. **Commissioner Connell** stated he had no interest at all. **Commissioner Pederson** summarized by saying it would be important to talk to them about it, but he does not see us letting them get involved in our land development approval. We may as well say no, but we should find some compromise. We need to keep them happy about how we approve developments and try to improve our roads and fix our fire imbalance. We can only strive to try and be better. **Commissioner Reisman** said he was open to having a discussion but he does not want the county meddling in our growth issues. **Commissioner Pederson** added that if they are in a no growth mode and their goal is to come and clip our wings to stop us from annexing and developing, then we will not see eye to eye. **Commissioner Berry** wanted to know if there have been any complaints about our PUDs and what has been done. **Mayor Burry** said they do not read them. They did not know in the meetings and it was very clear because they asked them if they had even read the Whispering Hills PUD and the answer was no. They are complaining about how we handle development, but they have not even read through a PUD. It is his position that when we compare what the county does to what we do we are not that far off with units per acre. We include the dark sky lighting, trees in the yard and roads being up to city standards. **Commissioner Berry** added that if everything was considered and listed, what would be the difference? **Mayor Burry** answered that he did not know, but it sounded like they wanted a joint planning agreement. Some kind of agreement that says what can get annexed and what cannot. **Commissioner Pederson** stated that the ISBA has no bite and they want something to bite into. **CM Minner** stated it would be just the opposite. The ISBA allows them a big bite and there are financial benefits. It is not a direct financial fund and the city is not writing a check to the county for two million bucks, but that number is based on the average per call number. The number of calls is divided by the total budget. **Commissioner Pederson** remarked that we cover their territory more than they cover ours. **CM Minner** said it is by about a thousand calls a year, so that is one thousand calls per year that the county does not have to cover. We cover it for them at their cost rate, which makes it a two million dollar advantage for them. That allows them to keep resources in other places and we cover that for them. Chief Mera would say that we have a good level of service (LOS) for incorporated Leesburg and unincorporated Leesburg, so the residents in the Leesburg ISBA box are getting a good level of service for emergency services. That LOS is a partnership between Lake County and the City of Leesburg and that was ironed out in the 2014 ISBA in exchange for Leesburg getting to develop land in that box as this body saw best. That was the quid pro quo and now the County is saying they do not like how we develop our land because we have taken in part of the rural protection area. They are ignoring the fact that they were party to the agreement that says we could annex that area if we provided fire services and we do provide those services. **Commissioner Pederson** inquired how much of our development was in the RPA just south of US 27. **Mayor Burry** stated it was about twenty-five percent. **CM Minner** said there was a map sent out to the entire commission and the map showed the Yalaha RPA. He did not know what percentage the three by one mile box was for the Yalaha RPA and the mayor would say that the area there is a burnout orange grove and that is located right on a US Highway. That is plum picking for development. It is not an environmentally sensitive area that has significant marsh or wetlands that need to be preserved. **Commissioner Pederson** stated the roads are inadequate there. He did not see the city supporting development back there on clay roads. It is a rural area. **Mayor Burry** inquired if he was referring to east of Dewey Robbins. **Commissioner Pederson** remarked it would be to the east of what we have already approved. **Mayor Burry** stated we are already at the border. **Commissioner Pederson** said he did not see us marching east. We have a lot to absorb now and we need to stay on the corridors. **CM Minner** stated we are not marching east. **Commissioner Pederson** said he thinks the county thinks we are. They perceive us as marching over the hills and right into Howey. **Mayor Burry** remarked that they are going by what we call the rule book for the ISBA which spells out the parcels we can and cannot annex. **Commissioner Pederson** said it is a tough issue because we are taking and we are taking away the rights of the property owner. We basically destroyed its value and that is what makes it tough for him. We have annexed a heck of a lot of property and Leesburg has a lot to digest now. We have the economy cooling, but he is still optimistic. It could take ten to fifteen years to absorb what we have already approved. **CM Minner** added that it is an important conversation to have regarding absorption and the entitlements that have been approved over the last few years. When they were at the JPA meeting, they also mentioned that because not only do we have the issue of absorption, we also have the infrastructure issue that was laid out to the developers. That said, all the entitlements that have been approved have to pony up some impact fee money ahead of time, so we can build that sewer interceptor and if that sewer interceptor line is not built, then development does not happen. They said that to the county as well. **Commissioner Pederson** remembered a development where everybody yelled at them about inaccurate roads and we said they needed to talk to the county because we do not approve widening the roads. We need roads, so we need to find some kind of common ground with the county. He learned somewhere along the way that there is more money spent in south Lake County than in the north on roads, but he did not want to say the wrong thing. **CM Minner** stated that was a true statement. **Commissioner Pederson** said he was educated that there has been an extraordinary amount of money spent in south on roads and we are not getting our fair share in north. There are a lot of issues that need to be worked through. **Mayor Burry** inquired about the direction they wanted to go so the city manager could move forward regarding joint planning. **Commissioner Connell** indicated that he did not want anything to do with it. Some commissioners mentioned that we should come to some kind of agreement with regard to services as long as they do not take away from the ISBA agreements of 2013 and 2014. **Commissioner Pederson** thought there should be a way to work through that. There has to be a way to work through it, but he does not want them telling us what we can and cannot approve. He does not think anybody wants that because it would just destroy our reputation for development. **Mayor Burry** recommended that everyone look up the TDRs because that was another issue that the county wanted us to consider. They want us to accept TDRs from developers and they could say specifically what areas those TDRs could be used in. **Commissioner Pederson** remarked it is a strong towns thing. Where the guy next door can put twice as much on his land and if you connect to a piece of land that is vacant, it could be great in certain categories, but it does not fix the road problem. **Mayor Burry** pointed out where it would be successful would be Alachua County because they are on the outskirts of the county. If they sell their development rights, then highrises could be built in the city. That is where that density is going and Commissioner Parks pointed out that our future is to not continue to grow and develop out. At some point we have to think about developing up. **Commissioner Pederson** said they are trying to look into the future. **Mayor Burry** indicated that they are looking at the crystal ball and they do not want the whole county rooftops, so the TDR is one way that would save rural property and create inter-cities. **Commissioner Pederson** said he heard County Commissioners say in meetings that they do not want Lake County to look like Orange County. He respects and appreciates that. **Mayor Burry** asked for directions on moving forward. Do we end the TDR and joint planning or do we want to discuss this at length? We need some direction from the board. **Commissioner Berry** said she would like further discussion. **Mayor Burry** wanted to know how to proceed so they could make a decision. Do we recommend further discussion and when would that meeting be? **Commissioner Berry** said it would be just to discuss. She does not agree with allowing them to make the decisions for us, but if we are meeting requirements now and there are no complaints, she does not understand what the problem would be. **CM Minner** said he thinks the commissioners, individually here in Leesburg, range from not talking with the county to ensuring that we have a quality relationship with the county. Everybody is on the same page, where if we get into a JPA, it needs to be about how we provide municipal services and not how we implement land development regulations. It is important to state publicly that we think we need a mutually beneficial relationship with the county and that relationship is important and we do not need to have some of the scuttlebutt and discontent that has certainly transpired over assumptions by both parties about where we are with the JPA. We need to work towards that endeavor and the mayor and the city manager should meet with the County Commissioners individually and they will report back periodically to talk about developments that have come up and agendized the conversation for appropriate times when developments have transpired beyond what has been discussed here. **Commissioner Pederson** said if they want to tie in TDC grants they can keep the money. **CM Minner** answered that the message had been delivered. **Mayor Burry** said he contacted Doug Shields and if you look at Leesburg and how Leesburg is cut up, we actually have three different county Commissioners that are responsible for certain areas in Leesburg. We are trying, we have Commissioner Smith, Commissioner Shields, and Commissioner Blake. He has made the calls, but he has not received a call back yet. The city manager may have talked to the County Manager. **CM Minner** said he actually talked to Commissioner Shields at the LEAD meeting on Thursday and he said to work through the administrative staff to set something up. **Mayor Burry** stated they are moving forward with trying to meet with each one of them to explain our position. We are in agreement that as long as they do not try to tell us what we can and cannot do and we stick to those accords from the ISBA, that we can move into a nice agreement.

11. ADJOURN:

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

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

Commissioner Reisman made a motion to adjourn and Commissioner Connell seconded the motion. The meeting adjourned at 7:44 p.m.