

**AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, MAY 22, 2023 5:30 PM**

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, May 22, 2023, at Leesburg City Hall. Mayor Burry called the meeting to order at 5:30 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.

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

2. PROCLAMATIONS:

A. None

3. PRESENTATIONS:

A. FY 24 Salary and Wage Proposal

CM Minner stated normally we tackle these issues in the budget process, but because this year is a little bit different with the CBAs, with some personnel issues, he wanted to give the commission ample time to kind of ponder where we are. We discussed it at the visioning session and one of the goals the commission is considering is how to ensure that our personnel pay classifications and our pay across the board for all city employees is a priority and is competitive. Several months back, probably in the fall, Commissioner Connell asked him to look into this issue, as well as start a salary survey. We did an overall survey of our personnel wages and the purpose here is to get you updated on this information. There will be several meetings where we talk about it, so this is not an action item tonight but an

informational item. As a result of the comprehensive salary survey, basically what we found was that the city's general employees are behind. We have three classifications of employees: the General employee, which is most of all folks who work for the city of Leesburg, the PBA, the Police Benevolent Association, which is our sworn officers, and we have the IAFF, International Association of Firefighters. In the police department, they are ranked below sergeant to the entry level officer, and in the fire department it is all firefighters at lieutenant and below. The survey showed the private sector and the public sector quickly moving to \$15 an hour before the recommended February 2026 time frame.

Our entry level rate of about \$12.74 is behind and as you come through our ranks, you see several positions that are open, basically in maintenance worker positions, in other administrative positions, and this needs to be addressed. If you tackle bringing up that baseline from the \$12.74 to \$15 an hour pay range to be competitive, you then have to face a compression issue. Second, we also found that our wages in the police department are again out of competition with regional departments. That magic number for an entry-level police officer is moving to the sixty thousand dollars a year range. Each police department is different because of the hours worked, 24-hour shifts, 12-hour shifts, but it is really the sixty thousand dollar mark at our rate, which is 2,210 hours' work. With the IAFF, they were not too bad off but they were slightly under the regional range, so those were the issues. Our recommendation moving forward in Fiscal Year 24 on how to address that in the upcoming budget process, is that each unit has a different way to address how to compensate in a better manner for the city. First, for general employees, we have several pay grades that go from level 112 to 142. We need to increase that previously mentioned \$12.74 entry level rate at the initial step, 112, of our pay scale. The recommendation is to increase that entry level 112 to \$15 an hour, then for each step after that, 113 would start at \$15 an hour plus four percent for each step from 112 to 142. Increase four percent overall as far as the step plan goes, and that is where the compression hits when you look at the organization overall. By jumping to \$15 an hour for entry wages, we have probably somewhere in the neighborhood of about 30 employees who then get a significant increase, but then that causes a compression issue throughout the organization to about the level of a 133 pay grade.

So how do we address a fair and equitable way to address pay and benefits for the city? We devised that concept whereby everybody is adjusted in their current pay range and then they get one percent per year of service for a longevity bump. So, for those employees who, for example, right now, might make only about thirteen dollars an hour, they would be at a 112 pay grade, getting \$15 an hour. There may be an employee who is in the 133 pay category, so they go immediately to the beginning of the 133 and then they get that longevity bonus of one percent per year service and then, if you follow that process throughout, you address compression. Then there are still some senior employees who start to get up in the supervisory, above the 133 pay grades who then they are a flat five percent increase.

So the recommendation becomes increase the starting pay rate to \$15, adjust the pay scales by four percent over the several steps, apply a formulaic approach to consider longevity for those long-time employees of one percent for years of service or five percent, whatever is greater. That is how we will be recommending the pay scale coming in fiscal year 24.

We met with the PBA, the police benevolence association. This is their third year of the contract and the third year of the contract also requires that we start negotiations prior to June 1, so that is again some of these extemporaneous pressures that are kind of pushing this decision a little quicker. Long story short, with the police department, it is about a 16 percent overall increase to get this entry raised up to \$60,000. We tentatively agreed to a deal whereby the entry level rate instead of the \$59,120 will be \$60,000 right on the number. Officers with at least six months of service will get an extra half a percent of the hourly rate, which will actually make their pay \$60,300, so there is some cushion between newly employed and then everybody above that number would get a 16 percent raise. Right now we have 72 programmed officers, there is a shortage of about seven positions and one of the ways to make this affordable for the city is to freeze the remaining seven positions and phase them back in. Four positions would be unfrozen in April '24 and then the last three would be unfrozen in October '24, which is fiscal year 25, and then that becomes affordable. As the Villages' tax revenues come in, with an ultimate goal to build to about

90 officers.

Firefighters, we presented one category which was about a seven and a half percent across the board increase for those union members. They opted to do something a little bit different, which for us we estimate is going to be about a seven and a half percent increase. They asked for the five percent across the board increase in exchange for the concept of all hours worked, which means if you earned PTO, paid time off, during your scheduled shift, but then are called in because of other outages or shortages right now, that the policy is that we pay you at regular time. They requested a payment of time and a half, which matches the PBA. We estimated that that would be an increase to the payroll of about \$66,000, which \$66,000 plus five percent is seven and a half percent. They felt like that was a better benefit for their members. For us, the cost differential was the same, so we tentatively agreed to that. We also agreed to an increase in the paramedic incentive pay from about \$12,190 to \$13,000, which makes our paramedic incentive pay the highest in the county. At that rate, he thinks that is a good incentive that you want, since about 80 percent of the things the fire department does are those EMS calls, so ensuring we have competitive paramedic pay is very important for us. As far as the tentative agreements, the CBA process goes after management has reviewed, then we move into the ratification votes. The ratification vote for the PBA is scheduled for the end of this month and then the IAFF will have their ratification votes in the first part of June so that by June 12th your consideration for a ratification vote will be on your desk.

Overall, it is about a 10 percent increase. We have looked at a five percent increase that leaves the general fund in a deficit right now of about 1.2 million dollars, which is nonetheless, still for the general fund, a considerable increase. That is based on assumptions that will come to fruition. The first one is June 1 when the tax appraiser numbers come out for what your fiscal year 24 numbers and tax revenue would look like. The second is still that 1.2 million dollar deficit. We assume a 10 percent increase in tax revenue, which is close to what last year was, about 13, so hopefully we will see about the same. At this stage, he thinks that is a reasonable number, and when we meet at the workshop in July we will actually have the first stroke and a revision. Long story short, we will recommend you increase the fire assessment fee this year. The fire assessment fee is done on an annual basis and it is considered an assessment, it is a tax, so there is that feeling, but it is an assessment, so the process for it is a little bit different; you will need to pass a resolution. Similar to the DR-420, which you do in July for the fire assessment fee, which we have done every year, but essentially that needs to get passed in June, which says the assessment may be up to "X" dollars, so that resolution along with the DR-420, which comes out in July, will go to folks as trim notices which come out in August. Then, in September, you approve a final assessment for the fire assessment and then approve the final millage rate and then the final budget.

So, the pinch we are in a little bit is the consideration of approving pay increases that actually pin you into a deficit. That is a predicament, but to a degree, remember with the new Villages growth on the horizon, if we work ourselves into a situation where we ultimately do not increase the fire assessment fee, you will have new tax revenue that will cover that deficit by fiscal year 25 and you will have cash to cover the deficit for 24. He does not like the timing, but we do need to consider this in a relatively short time, as the pinch we have is a lack of officers, the lack of maintenance workers, and the need to keep up.

We do have the cash in fiscal year 23, which is the current year, to maybe even consider giving raises early in the last quarter of 23 so that we can get some folks hired. One of the things we are starting to see a little bit around town is some lack of maintenance issues. The police department is feeling it too, a shortage of personnel, so the sooner we can get the raises the better. We can accomplish that with cash, it is just a matter of how we want to approach that shortfall for fiscal year 24. He does not think that using the cash going forward is the best policy because what you do then is you take about a third of what you anticipate in the Villages revenues to fill the bucket, which will lessen our ability to do other capital projects, new programming or that will affect us in trying to establish the goal of getting 90 officers. He will have more numbers and details on that, but he thinks there is a caveat that if you do increase the fire assessment fee, it is an increase from \$87 to \$165 dollars per year, so that is about an \$80 increase, a 90 percent increase, which is a considerable increase, but the benefit you have from that is you isolate this

fire costs to an assessment so that your other general revenues can pay for other general services, first off. Then you assess at a rate that captures about 80 percent of what you can capture by statute. Right now, we are assessing at only about a 40 percent level and your assessment then is still, not going to say, considerably lower, but regionally, at \$165 dollars per ERU, fire assessment fee is still one of the lowest ones in Lake County. Leesburg assesses pretty much third to the bottom, Eustis and Clermont still do not have a fire assessment fee. Clermont is a little bit different because their tax base is about double what ours is, so they have a little more buying power and their ad valorem than we do. Moving it to that amount is not an unreasonable amount and you will also have a couple other things to offset it. We spoke a couple of meetings ago about the power cost adjustment, and I do anticipate that the power cost adjustment will be down, maybe mid-summer, no later than October 1. He thinks, at a minimum, you will see that come down at thirty dollars a month, so that is \$360 a year for the average consumer, and then that will also help out the commercial side who have really been hit hard by the power cost adjustment. You will still have a negative total out to the taxpayer utility user if you do increase the assessments. The third thing also is, if the assessments come back in on the tax side or higher than the 10 percent, then you could probably look at maybe even lowering the millage rate. In the future, that is probably where we want to be as the new Villages growth comes in. There really are some big things in here, but he thought it was important to bring them up publicly, to give you some consideration and no action is needed tonight.

Mayor Burry thanked the city manager for the information.

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.

Athea Lindsay, owner of Cotton's Kitchen, 305 Pine Street, stated she is here today because she knows construction is coming to Pine Street and it is going to have a major effect on her business and all the businesses down there. She wanted to know if there is anything the City could do financially for the business owners on Pine because this is going to have a big impact. She is there five days a week; this is her livelihood and her employees. **CM Minner** stated we had a citizens' meeting and obviously this issue came up, where the businesses can remain open, albeit it is not the best situation which we understand, because front of businesses are closed, but this is the other side of the equation when we do beautification and improvement projects. From a financial standpoint, he did offer Utility Billing assistance for the employees, so that we would not cut you off in that time frame, and kind of keep a rolling balance, and after the construction work, then payment plans to pay that back. The direct question was financial contribution, remuneration to the businesses, which is an un-ordinary request. CM Minner apologized to Ms. Lindsay for not returning her phone call, but assured her she would hear from him. **Ms. Lindsay** thanked them.

5. CONSENT AGENDA:

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

Commissioner Pederson moved to adopt the Consent Agenda 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 April 24, 2023**
- 2. Regular meeting held May 8, 2023**

B. PURCHASING ITEMS:

- 1. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the City to use the Master Services Agreement awarded by the Florida Municipal Power Agency (FMPA) to Irby Construction Company to provide services related to Electric Utility Transmission & Distribution Construction and maintenance; and providing an effective date.**

ADOPTED RESOLUTION 11,320

- 2. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the City to use the Master Services Agreement awarded by the Florida Municipal Power Agency (FMPA) to SPE Group LLC. to provide services related to Electric Utility Transmission & Distribution Construction and maintenance; and providing an effective date.**

ADOPTED RESOLUTION 11,321

C. RESOLUTIONS:

- 1. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 80, 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. 80)

ADOPTED RESOLUTION 11,322

- 2. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 81, 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. 81)**

ADOPTED RESOLUTION 11,323

- 3. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 82, 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. 82)**

ADOPTED RESOLUTION 11,324

- 4. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 83, 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. 83)**

ADOPTED RESOLUTION 11,325

- 5. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute Public Transportation Grant Agreement, FM No. 438449-1-94-01, between the City of Leesburg and the State of Florida Department of Transportation, for Construction of Phase I, Aircraft Hangar Buildings and Associated Taxilanes Project, at the Leesburg International Airport; and providing an effective date.**

ADOPTED RESOLUTION 11,326

6. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the emergency gas line installation by SabCon Underground, LLC. in the amount of \$59,732.00 for a gas service line to provide service for a new customer (Opal Fuels); and providing an effective date.**

ADOPTED RESOLUTION 11,327

7. **Resolution of the City Commission of the City of Leesburg, Florida granting authorization for staff to submit three (3) CDBG Applications to Lake County for FY 23/24 Funding; and providing an effective date.**

ADOPTED RESOLUTION 11,328

8. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Gas Service Agreement between the City of Leesburg and Stanley Martin Homes, LLC., for the purpose of setting forth the terms under which the city will provide natural gas service to the development known as Robuck Ostrander Phase I; and providing an effective date.**

ADOPTED RESOLUTION 11,329

9. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Interlocal Agreement between the City of Leesburg and the Village Center Community Development District; and providing an effective date.**

ADOPTED RESOLUTION 11,330

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

Mayor Burry read the quasi-judicial process for the record and asked the city attorney to swear everyone in. **CA Watson** asked everyone present who wished to speak on the Treasures Trove or Sundance matters to please stand and raise their right hand; he then swore in everyone standing.

A. SECOND READING OF ORDINANCES

1. **An Ordinance of the City of Leesburg, Florida, annexing certain real**

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

ADOPTED ORDINANCE 23-03

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 ordinances, 6.A.1, 6.A.2, and 6.A.3, and Commissioner Pederson seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Planning and Zoning Director (PZD) Dan Miller stated this is the Treasures Trove annexation, large-scale comp plan, and plan unit development. The project consists of 55 plus or minus acres, and the future land use request is from Lake County Rural Transition to City of Leesburg Estate Residential, and the zoning request is from Lake County Agriculture to City of Leesburg Planned Unit Development. The development is west of County Road 44 and south of East Treasure Island Avenue. The request is for 110 units at a density of 1.98 units per acre. There are 50 by 120 lots for 6,000 square feet, and 60 by 120 lots for 7,200 square feet. Within the PUD zoning there is 35 percent open space, the only use permitted is single-family and there are design and architectural standards for all homes. Dark sky lighting requirements, which as you know, is the shielding and directing of light inward, gutters on all four sides for houses with lots smaller than 60 feet wide. There are landscape buffers around the property, trees are required in each yard, and the wetlands are protected. Irrigation controls require the use of Bermuda, Bahia, or Zoysia grass, which is Florida-friendly landscaping, and there are 0.71 acres of recreation area. Quick history, in July '22, the Planning Commission looked at this project and recommended disapproval due to density, access wetlands, and traffic concerns. It came to the City Commission for its first reading in August of 2022. Then sent to FDEO (Florida Department of Economic Opportunity) for comments; none were returned. The first second reading was on November 14, and the Commission requested that the developer revise the plan and come back with the density lowered, wetlands not be disturbed and Treasure Island Road be used for emergency access only. The second second reading came on February 27 and the city commission requested that, because the plan had been substantially changed from what the planning commission had originally seen in August, that it be sent back to the planning commission. The planning commission, at its April meeting, again denied the request by a vote of five to two, so we are now here for the third second reading.

Major changes were made to the projects, basically reduced from 155 units to 110, some of the entrance and roads and the density has been changed. He stated that Mr. Jerome Hennen and a representative from Lowndes Cantor Law Firm are present tonight.

Commissioner Connell asked what the planning commission's concern was for turning this down again. **PZD Miller** replied the same things: wetlands, traffic, and public opposition.

Petitioner, Logan Opsall, Lowndes Law Firm, stated he brought a powerpoint, but will save some of that for the rebuttal. He thanked PZD Miller for the timeline. This project has been around for some time. We have the developer, and the project engineer, so we can answer any specific questions the commission has. He gave a quick high level overview of a couple of slides. Again, this is 110 units, variable size lots that are being proposed-down from upwards of 150. The developer has worked with the city and the concerns of the residents to create a site plan presented to you as an intended use of the property that meets those concerns. We have heard about the wetlands, the traffic, our staff has presented that there is an ample level of capacity on these roads and that we would not be impacting the level of service of these roads. We have provided a traffic study and the traffic engineer is here today to provide those same conclusions upon working with the city and the feedback from the residents. We are not proposing impacts to any of the wetlands, he knows the environment has been brought up as a concern.

He believes there was even a topic of installing septic tanks, but again that does not seem to correlate when we are proposing not to impact the wetlands. The site plan went through a couple of iterations, these again to meet the comments provided by the city and the staff and to also satisfy some of the feedback we received from the residents. A few highlights; moving the access road down south on County Road 44, providing for additional open space, about 50 percent open space, no impact to wetlands, and again reducing lots at the city's request down to 110 from our second submittal. We have been working with the city and trying to work and collaborate with the residents. We appreciate their time and them being here today.

Mayor Burry inquired as to the entrance on 44, much further to the south. **Mr. Opsall** replied, yes sir, that is per the county's comment. Thank you.

Larry Mott, 8700 East Treasure Island Avenue, stated he has lived in Lake County a good long time.

Was told that this project is good. He has been wondering why PnZ turned it down twice and it is still here. He might have found the answer earlier in a presentation that said we are 1.2 million dollars in debt. Understands why we need the other taxation. As to moving the entrance down south, he suggested that it was their suggestion, not the county's. He pointed out that he has built a lot of homes, a lot of subdivisions in Lake County and he loves Lake County. He is not against this subdivision, he is just against the density. Fifty-five plus or minus acres with wetlands, I know you are going to say it is doable, but the density is only like maybe 26 acres.

Ray Hayden, 35121 Dennis Road, provided a handout presentation. He first stated, on the site plan shown, under #1, there is a note telling those neighbors across the street that they are going to have to give up their property if any widening on that road happens. That is illegal and unconstitutional. He stated that the contour map illustrates why neighbors have valid concerns about an increase in flooding, once trees at the corner of East Treasure Island Avenue and County Road 44 are removed only to be replaced by impervious concrete surfaces, such as building slabs, driveways, roadways, and sidewalks. The highest point of Treasure Trail is at the northeast corner, at 80 feet, and as you move further west and south, you note that the elevation rapidly drops down to 65 feet and finally just south of Treasure Island Road, where there is migration water, to this day drops down to 60 feet. While these drops in elevation are significant and will definitely direct runoff properties to the south and west, what is more concerning is that there is nothing that could be done to stop controlling runoff once it enters the bay head. The surrounding properties will be impacted by devastating flooding. Treasure Island Road, one of only two access points to charge your trove and Treasure Island communities could also be rendered impassable, creating a safety concern in the event that emergency services are needed in the area or an evacuation is necessary. In addition to stormwater runoff, there is concern that building on top of the underground river, which acts as a conduit transferring water between Lake Eustis and Lake Griffin, will displace underground water sending it into the neighboring properties, thereby significantly increasing the flooding risk due to the surrounding community. Neighbors also have serious concerns about the impact of adding more traffic on that already deadly County Road 44 corridor. Other developments, along with

this proposed development, will double the population of the neighboring Treasure Cove and Treasure Island communities. We are asking that you protect this unique rural community by denying the application, as has been done twice by the Planning and Zoning Board of Leesburg. Thank you.

Alan Chen, 8010 Treasure Island Road, wanted to focus on housing density, Larry touched on runoff and capture, and the engineers, the "so-called experts", compared this property to others and did not rubber stamp the approval. On housing density, at the PnZ, Hennen's attorney repeatedly mentioned that the density was a low two dwellings per acre. At the same meeting, we indicated that that definition was incorrect because, as mentioned on the top right image, half of that land is unusable. He knows the definition states the entire property, but essentially, it is not usable, so really the density increases to about four dwellings per acre and then, if you look at these tiny one-seventh acre plots, the density locally is really seven dwellings per acre. They also show sketches of houses with land and trees to make them look beautiful, but these are going to be next to each other. You cannot even put a tree in between the houses, I am sure; that is misleading. PnZ board members picked up on this redefinition, and actually brought it up during their final deliberation prior to their vote to deny it. Question is, do we really want to approve a housing plan that appears to contain high-density cookie cutter housing given the tiny one-seventh acre plots and small 50 to 60 foot width. Currently, this property is full of pine trees and the runoff would be about 10 percent, but once you develop it increases to about 40 percent and the roadways are 90 percent impermeable. Hennen's lawyer, at the PnZ, also indicated there would not be any runoff due to the way the property and the roads would be constructed, per their engineering experts. Given a significant drop of 20 feet, which Ray mentioned, how can we guarantee no runoffs and total capture into the two small retention ponds listed? Do we really want the runoff with pesticides, poisons, fertilizers, weed killers, oils, and gases to run off into and compromise the wetlands? Despite all the promises, it is the developer's greed that drives this project. To make as much money as possible, they talk about the concessions they have made, but that is primarily due to the fact that they cannot use the wetlands in the first place. This is not your typical property and, as a senior director of engineering with two advanced degrees, I know engineers make mistakes; in fact, that is how we learn and adjust. This property is in a bad location, with terrible traffic patterns, especially during school rush hour. We presented an alternative plan, which was rejected by the developer as we have dealt with many PUDs. Please consider all of this, follow the wise recommendation of your planning zoning board and vote to deny. Thank you.

Michael Chen was sworn in by CA Watson before speaking. Mr. Chen, 8010 Treasure Island Road, introduced to the commission a map which he calls Treasure Trove Island in a sea of Lake County. The Treasure property is surrounded almost entirely by Lake County properties and roads. It's only connection to the city is technically through a tenuous bit across the county road to another city property that is also located within the county region. Many of the Treasure Trove's neighbors all reside or live on county land. The wetlands seem to be extremely delicate to the human touch and neighbors not impacted in this way are also being offered up as alternative sacrifices to surrender some of their land to make the road north of Treasure Trove wider on East Treasure Island Road. Much has been said about County Road 44 and how densely populated regions along the road will continue to severely increase the driving dangers. Anyone who has driven on it, whether dry or flooded, knows the fear of whether or not other drivers will act impatiently and illegally when dealing with thicker traffic. His point is that Treasures Trove does not exist in a vacuum. It is not surrounded by the City of Leesburg, it is for all intents and purposes, surrounded by county roads, county lands, county homes, county citizens, and adjacent to the Emerald Marsh Conservation Area. Any vote you make will impact us both directly and indirectly. To not take this into consideration and only vote with a city in mind would be short-sighted and at best possibly, morally reprehensible, at worst. Planning and Zoning twice voted against the annexation and development of Treasures Trove. I ask that you consider this two for two denials, from Planning and Zoning with due diligence as they certainly considered our rural lives and impacts on our community

very carefully. Thank you very much.

Gary Custer, 8909 East Treasure Island Avenue, stated the first page of his handout is a Leesburg city ordinance and he does not think that this development or any other development along 44 where you have all these white spots, on the second page, jumping from one place to another that is called LeapFrog development. Add all these cars on East Treasure Island and on the north end you have the development entrance and then, just south, in less than three quarters of a mile, you have three major intersections.

There are three crosses now. How many more do you want to put up there? The turn lanes go from power pole to power pole once you get in there and if you look real close at the drawings, it is a dangerous road. There is nothing being done with the road. We went to the county and the county says it is on the five-year plan. We have complained enough over and over. You say it is a county problem, so we go to the county, and they say we will get to it. For all the complaining about The Villages, when they come in, the first thing they do is build the roads; they deal with the county, the city, the state, or whoever. At least they start with the infrastructure. You guys do it backwards. Thank you.

Lisa Hayden, 35121 Dennis Road, thanked the Commission for patiently listening to the neighbors; you have heard us before and are doing so again. She believes you fully understand our position and we are asking you to deny the Treasures Trove application. Our request is based upon a preponderance of safety concerns for the community and most importantly is the developers' proposal of another entrance onto the already dangerous County Road 44 at 55 mph corridor. Leesburg's planning board has twice recommended denial of this proposal based, in part, on traffic concerns along County Road 44. Jeff Earhart, Lake County engineering manager, suggested relocating the Treasures Trove entrance to the safer option of East Treasure Island Avenue and giving the community the opportunity to obtain a traffic signal. He suggested that if we could get the traffic all coming out of that upper right-hand corner, that he could petition, get a traffic warrant study done, and that is what we would like. The developer has flat out refused to entertain this option and we have asked, almost begged, but the developer has even gone so far as to use the scare tactics that a couple of other people mentioned that the neighbors who reside on the north side of East Treasure Island Avenue would have to give up land; that is absolutely not true. That statement has been emphatically disputed as false by both Jeff Earhart and Seth Lynch, project manager.

At the last meeting regarding the East Treasure Island Avenue entrance, we stated we would support this plan with all our other reservations, and we have many, if they would rework that intersection to be 90 degrees. We were told that accommodation by the developer is not possible. The only time the developer has worked with the community is when Leesburg's commission compelled him to do so. We are asking you to act to protect our community by denying this application, thereby forcing the developer to work with the neighbors to make the safer East Treasure Island Avenue entrance a reality. The neighbors of Treasure Cove and Treasure Island communities are grateful for your interest and support in protecting our community. Thank you.

Mayor Burry asked if there was any rebuttal from the staff. **PZD Miller** replied no.

Mayor Burry then asked if the petitioner had any rebuttal. **Logan Opsall**, stated he would be brief. First is the right-of-way to the north. That was just a note received in some comments. We are dedicating close to three acres of land for right away and the only way in which that land that the residents are talking about, which is about 30 feet, would be taken or otherwise given up, is if they volunteer it to the county or if the county comes, by eminent domain to acquire, and the county has not indicated that would be the case. We will have our traffic engineer make a couple of comments about a few of the other things that were discussed. The runoff was discussed as well. We have to go from the state to the district to get permits and we will have the project engineer speak to that as well. I did want to talk about density because that was discussed. We are requesting the lowest possible density, 1.98 units per acre, and even when you exclude the wetlands, that density comes out to about 2.82 units an acre, so this is not

a dense project. The developer has worked with the city to reduce that density, again by almost 40 units across the project. He wants to make sure we get the answers to these questions and comments from our experts. He did want to be clear, as well, that they have worked with the county on this entrance. The Planning Commission, for various reasons, offered denial, but we have the opportunity with this commission to provide you with your own staff's support of this project and recommendation for approval based on their own expertise. Their experts are here to answer these questions in response to these two high-level issues that the residents have discussed; the runoff and traffic.

Muhammad Abdullah, Traffic and Mobility Consultants, McGuire Boulevard, Orlando, stated his firm prepared the traffic analysis for this development in accordance with the city's standards. They prepared a methodology study and it was reviewed by city staff, by the Lake Sumter MPO, Lake County, and all the agencies. It was approved and found to meet your standards and requirements. We looked at the capacity on County Road 44. You heard that the roadways are over taxed, certainly, the roadway is busy during rush hour. The capacity of that roadway is at a level service C, which you know by the world we work in if we are doing better than F we are doing great. Level service C, just so we can frame it for this roadway, that is the highest level of service achievable. It is operating at about half of its capacity. The access originally was on Treasure Island Road and through discussions with the neighbors and through requested changes, you now see there is emergency access there only. The access was moved to County Road 44 and will meet Lake County standards. We worked extensively with the county engineers; with Jeff Earhart, Seth Lynch, George Gadil, and Sharon Lewis. The standard design detail will have turn lanes and it will allow for traffic to move efficiently and safely in and out of the community as well as to move on County Road 44. In addition, we are also talking to the county, not related to this project, but in general about County Road 44 to reduce the speed limit and looking at some of the design standards. That is a separate effort the county is really looking at very closely. Regarding a signal at Treasure Island, a traffic signal requires warrants and warrants are federally mandated, and these are in accordance with the manual on uniform traffic control devices. That is what sets the need and engineering requirements for a traffic signal. This intersection currently experiences eight left turns and 21 right turns in the morning peak hour. In order for this signal to begin, towards the signal, it would need to have upwards of 55 left turns every hour for eight hours of the day. With this development, we would not even come close to that; maybe around 20 to 25 in the morning peak hour, one hour of the day, so it is highly unlikely. Jeff promised he would ask for a warrant study, but I can almost assure you that the one study would not meet the level of traffic threshold required to install a signal here.

Mayor Burry asked, you stated that for a traffic signal, that is federal, so the county cannot decide to put in a traffic signal or does it have to meet a certain standard. Does that also apply to roundabouts? **Mr. Abdullah** replied exactly. Roundabouts are a traffic control device, so it is not just signals. To be fair, a roundabout could be installed if it operates, but in this instance, there would not be enough traffic on the side road for the roundabout to operate properly. **Mayor Burry** stated when you said it needed 55 cars turning left, it would need to meet those same standards. **Mr. Abdullah** replied almost. When you approach FDOT to install a signal, that is when they say look at the roundabout, but they do not say look at the roundabout if you do not need a signal.

Gary Beverly, Civil Design Solutions, project manager for this project spoke a little bit about the runoff. In the pre-development state, the runoff, the side slopes at the top corner to the wetlands and nothing collects the runoff because it is in a pre-development state. You just have trees, vegetation, and so forth that just slopes off. In the post-development state of the project, all the lots would drain to the right and then the right way has a collection system of pipes inlets and so forth to collect the water. Then they based on the area it would actually go to the retention pond. The south is very small, so it is going to only collect a small basin and the rest of it would go to the larger retention pond. The water is collected, run over to the retention ponds from the piping and inlets and then from there is treated for all the pollutants and so forth that would come off of roads, oils, and that type of stuff and then it is discharged to the wetlands. Nothing can be discharged in the pre-development state. This is all based on the state's

guidelines that we have to work with, the St. John's River Water Management District.

Mayor Burry said we are used to seeing retention ponds just about everywhere you go and normally they are dry, no water in them to speak of. Is it your contention in this, that these ponds will always be full and, therefore, there is some discharge from those ponds that is always going to the wetlands? **Mr. Beverly** answered that usually there are two types of retention ponds; a wet pond that looks like a lake and then a dry pond. Our intention is to make this a dry pond and when doing so, we will have to raise the site with fill that will come from the developed site. The district will not allow us to impact folks downstream.

Commissioner Pederson stated he met with the owners at the site, talked to them on the phone and they continue to express concern that there is flooding right now to the west of this development. He has continued to represent to them that with this project being self-contained, it should reduce flooding. Is that a fair statement? **Mr. Beverly** replied, yes, that during rainstorms, they have to collect that water. That first flush of rainfall goes to these retention ponds and we have to design the ponds for the 25-year 24-hour storm event, which is 8.6 inches.

Larry Opsall thanked everyone that came out tonight and this commission. Our goal was to provide substantial informational evidence on the record so that we can have these concerns addressed and reach a comfort level on these topics that were discussed. Their request tonight is that we agree with the city's staff's recommendation for approval and he is happy to answer any follow-up questions. Thank you for your time.

Mayor Burry asked for commission deliberations.

Commissioner Pederson stated we have been talking about this project for a long time, it has been before the commission numerous times and he has met with the adjoining property owners at least once, maybe twice. He had numerous phone conversations, and if he lived out there he would not want this development in his backyard, but it does meet the requirements. He thinks the developers tried to meet the demands of the folks around it, think it is compromised, do not think they got everything. The entrance roads on 44 have been moved many times. I am sorry if the residents are not completely happy. I think this one has played out probably better than it does in a lot of developments and even though the residents did not get everything, I think the developer has tried to accommodate them. He has spoken about the runoff over and over and, for some reason, that is not being heard. On the roads, like on all developments, I tell people we do not control red lights, we do not control roads being widened. I travel this road all the time, would like to see it widened, and at least we heard it may be widened in the next five years. Right or wrong, there will be lights coming on this road at some point, because there are other developments up and down this road.

Mayor Burry said we have heard from the folks out there, and have tried our best to listen to all the sides. We just recently had a meeting with the county where we were specifically addressing Treasure Island Road and 44 and boulevard styles. We received a letter from Jeff Earhart and basically what we were asking him is which one is better. Basically, the response was either one is good with the county; that is in the letter, paraphrasing, but pretty much that. The county did not take a specific position to say whether the exit needs to come up Treasure Trove or it needs to go further south; they said either entrance exit would work. With that information, it is very difficult for us to push for one or the other. The developer originally had the exit going on Treasure Trove, it changed, and if you watch the film, because of you guys, that is what happened; it is all on record. It is not in our control when the county says either entrance will work.

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 ordinance.

CA Watson mentioned that we voted on 6.A.1, but we still have two other items to vote on.

Mayor Burry addressed the discussion in the audience and stated this requires five Commissioners to vote in the form of a majority, so it only requires three.

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

ADOPTED ORDINANCE 23-04

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 ordinance.

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

ADOPTED ORDINANCE 23-05

The roll call vote was:

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

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

4. **An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 33.45 acres; and being generally located east of County Road 48 and west of Haywood Worm Farm Road, lying in Sections 14 and 15, 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. (Sundance AX)**

ADOPTED ORDINANCE 23-31

Commissioner Resiman introduced the ordinances, 6.A.4, 6.A.5, and 6.A.6, to be read by title only. CC Purvis read the ordinances by title only.

Commissioner Reisman made a motion to adopt the ordinances, 6.A.4, 6.A.5, and 6.A.6, and Commissioner Pederson seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

PZD Miller stated this is a mixed-use development to include commercial and industrial uses on 33 acres on County Road 48. Generally located about 1,200 feet, give or take, west of the intersection County Road 48 and U.S 27. The request is to go from Lake County regional office to City of Leesburg Industrial and a zoning request to go from Lake County A (agriculture) to City of Leesburg PUD (planned unit development). Again, 33 acres, approximately 6.5 acres of office warehouse slash industrial use is on the northern part of the property and then 25 acres below that of industrial uses. Six office warehouse samples are shown in the packet under conceptual sample exhibit D. If this property looks familiar it is because you have seen this one before too, it originally came in as a proposal for single-family residential and the commission turned that down. It then came back for residential and self storage and the developer, at that time, withdrew that one. This one differs in that it divides the property into two areas for phasing purposes, essentially the same on each, just divided for phasing. He did receive and missed it in the emails, but we made some changes to the site plan to match up the wording on the PUD with the wording that should be here. He provided a handout of that site plan with the correct wording. Also, in the packet was another sheet of what the buildings could look like. Basically, 142,000 give or take on commercial office, flex space, office warehouse, mini warehouse, and professional trades. We do need space for the trades and contractors that we do not have enough. Nothing that would allow smoke particulates or excessive noise, and we anticipate some outdoor storage. Standard PUD conditions are in effect for landscape and architectural standards and landscape buffers. Staff did incorporate Lake County's comments regarding access and roadway improvements. Both Mr. Dwight Sadoff and Mr. Chris Germana, the engineer, are present if there are any questions.

Dwight Sadoff, 5535 Osprey Isle Lane, Orlando, stated he really did not have a presentation, just wanted the commission to know they were present. So there is no confusion, on the site plan Dan submitted, basically when we sat down with him prior to the initial reading, we worked out all the language on the uses, the setbacks, and the buffers. He then discovered afterwards, that their plan notes had not been updated, so they just updated the plan to be completely consistent with your main zoning ordinance. Nothing changed.

Commissioner Pederson complimented Mr. Sadoff on his patience, based on how many times we have turned these different proposals down on this property, and appreciates their commitment to doing work in Leesburg. **Mr. Sadoff** thanked him.

The roll call vote was:

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

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

5. **An Ordinance amending the Comprehensive Plan of the City of Leesburg, changing the future land use designation of certain property containing 33.45 +/- acres from Lake County Regional Office to City of Leesburg Industrial, for a mixed use development on a property generally located south of County Road 48 and west of Haywood Worm Farm Road, as legally described in Section 15, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Sundance SSCP).**

ADOPTED ORDINANCE 23-32

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 of the City of Leesburg, Florida, changing the zoning on approximately 33.45 acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development), to allow for a mixed use development, for a property generally located south of County Road 48 and west of Haywood Worm Farm Road, as legally described in Section 15, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Sundance PUD)**

ADOPTED ORDINANCE 23-33

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.

B. FIRST READING OF ORDINANCES

- 1. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 0.97 +/- acres; and being generally located south of Griffin Road and east of Snowberger Avenue, lying in Section 21, 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 1; and providing an effective date. (Polk Gorman Properties AX)**

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

Mayor Burry requested comments from the Commission and the audience.

PZD Miller stated this is 0.97 acres for annexation, small scale comp plan, and rezoning just south of Griffin Road and East of Snowberger Avenue. It is just an expansion of an existing plumbing business in the area that will allow more opportunities for and a better list of permitted uses than what is currently permitted. Going from Lake County Urban High density to City of Leesburg Industrial and Lake County RP (residential professional) to City M1 industrial).

Mayor Burry stated these items will lay over until June 26th for second reading.

- 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 0.97 +/- acres from Lake County Urban High Density to City of Leesburg Industrial, for a property generally located south of Griffin Road and east of Snowberger Avenue, lying in Section 21, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Polk Gorman Properties SSCP)**
- 3. An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 0.97 +/- acres from Lake County RP (Residential Professional) to City of Leesburg M-1 (Industrial) to allow for business expansion in Industrial for a property generally located south of Griffin Road and east of Snowberger Avenue, lying in Section 21, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Polk Gorman Properties RZ)**

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. Financial Reports as of March 2023

No comments given.

8. CITY ATTORNEY ITEMS:

CA Watson had nothing further.

9. CITY MANAGER ITEMS:

CM Minner had no further comment.

10. ROLL CALL:

Commissioner Pederson had nothing.

Commissioner Berry had no comment.

Commissioner Connell had nothing further.

Commissioner Reisman had no comment.

Mayor Burry offered condolences to Commissioner Pederson on the passing of his mother.

Commissioner Pederson thanked him.

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 Pederson seconded the motion.

The meeting adjourned at 6:55 p.m.