AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, JUNE 26, 2023 5:30 PM

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, June 26, 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. None

4. PUBLIC COMMENTS:

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Issues brought up will not be discussed in detail at this meeting. Issues will either be referred to the proper staff or will be scheduled for consideration at a future City Commission Meeting. Comments are limited to three minutes.

Gary Custer, 8909 East Treasure Island Avenue, stated he was there to discuss CR 44. Referring to

photos he provided to the commission, he said the first photo was from August 2022. It showed CR 44 flooded from the development on top of the hill which is known as Silver Lake Pointe. Now, eleven months later, they are having the same issue. This is an engineering problem. He spoke to the city about it, he has also talked to the county about it and nobody seems to be able to resolve the issue. He brought the pictures in so everyone could see what they were dealing with. A vehicle could come over the hill on CR 44 when it is flooded and hydroplane and it may cause an accident. He provided pictures that showed the rain washing across both lanes on the road. It has clay in the water running down both sides of the road. The road is red and dirty. That is how much clay has been washed down the hill. It washes all the way down the hill and it goes into the swamp. That sediment will plug that swamp. In turn, that causes no drainage, which will lead to stagnant water. It is a mess out there and nobody wants to do anything. He spoke with the city manager and was told that someone was going to come out. That someone was going to talk to the people and solve the problem. The way they resolved the problem was to build a dam across the driveway, so the water would be redirected. However, that did not do any good. The first time they did that, it washed out. It washed all the way down the hill and the same thing is happening now. It is a problem. He does not know who will solve this issue, but someone needs to do something before there is an accident. Who will be responsible then? It may be the developer, but the city approved it so someone needs to fix it. Please address this issue. **Mayor Burry** asked if he was concerned about the runoff coming out of the driveway? **Mr. Custer** answered the runoff would not come out of the driveway if it was designed right. It was designed wrong. He went and looked at the back side of the development. You can go through Silver Lake and come up to the backside of this development to look at it. They created a retention area and they dug down through the clay layer to make retention that would perk away. That is the way to do it. There is a paved cul-de-sac constructed on top of the hill in this development. He understands how things work. Water channels down and it comes to the cul-de-sac where it is supposed to drain away. If you look at the cul-de-sac there is dirt on both sides, it is tiered. It fills up before it can drain away. Who will want to live there with a pond out front that they have to drive through? He did not know how long it took to perk away, but when he went back there the other day he could see where it was flushing away. It needs to be redesigned so water goes the other way. No water should come out on to the road. The Planning and Zoning Director stated at a previous meeting that all retention needs to be retained on the property. That is according to the PUD, but that does not happen here, so someone needs to figure it out and fix it. **Commissioner Pederson** said he was confident that they would get it right. He remembered talking about this before and projects do have to be self-contained. There have been some minor complaints about other projects with similar issues, but the water was not running out on to a road this busy. He believes the developers will get that fixed. He appreciated that he brought it to their attention. **Mr. Custer** pointed out that this issue has been going on for eleven months. **Commissioner Pederson** answered that this developer will get it right.

Ray Hayden, 35121 Dennis Road, stated in relation to this, there are gas lines being buried on CR 44. On his way to the meeting he looked over and saw that there was an issue with a community which was built years ago. The runoff from the new development will come down to that area and go into that development. The development he was referring to was there before he moved in 2018. He saw how some stuff was being done with the burying of the gas pipe. He can see how the water will run down to the older development. With the front of the new development and the driveway, he noticed last time how bad it was. He went and looked at it again and saw what they did to try and fix it. There are two big channels on each side of the driveway. What happens when those fail? He saw both washouts. It does not just run down the driveway. It is coming down in front of the first fix and washes it out. This can be seen in the images provided by Mr. Custer. It came down so fast that he recorded it and put it on YouTube. The images provided were from that video. It came down and spread across the entire road. They can see red clay canals on both sides of the road. He had another video where they saw a truck driving through it and he had huge rooster tails of red clay flying from the back of the truck. That truck was on the east side of the road. The water will drain on to CR 44 and go down to the older development. They can see the

lake from that property at the back of the development on top of the hill. That is the high point, so any water that comes down will not go into the filtration system. He has the impression that they will make another one a little lower, but anything that goes past it comes right out on the road. There is no way to stop the water. He does not see a real way to successfully stop it from running. They will keep their eyes out on this and report back on what they know.

Joannie Smalley, Leesburg Partnership, 1002 South 9th Street, reminded everyone about the Fourth of July events. The City of Leesburg Fourth of July celebration will be Tuesday, July 4th. It will include a kids' zone and food. The entertainment will start at three o'clock at Ski Beach and fireworks follow at nine o'clock. There is a Lightning baseball game set for 5:30 p.m. She hopes that everyone comes out. They will publish the parking and traffic changes for this event within the next couple of days.

Cressida Foster, 2106 Woodland Boulevard, stated she resides in the Woodland Park community. They are having issues with homeless people standing in the woods around their homes. They come into their neighborhood and take things that do not belong to them. In her little corner, everyone is mostly eighty plus years old. She will protect her neighbors anyway she can. She would like the city to address this issue because something needs to be done. They need to keep them out.

5. CONSENT AGENDA:

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

Items pulled for discussion:

5.C.1 - Voting Delegate Designation for the Florida League of Cities (FLC) Annual Conference
5.C.3 - Review the Basis of Design Report to add a Fluoride Injection System to the Water Distribution System and discuss further action

Commissioner Pederson moved to adopt the Consent Agenda except for 5.C.1 and 5.C.3, 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 June 12, 2023

B. PURCHASING ITEMS:

1. None

C. RESOLUTIONS:

1. Voting Delegate Designation for the Florida League of Cities (FLC) Annual Conference

ITEM TABLED

Commissioner Reisman introduced the item. CC Purvis read the title.

CM Minner explained that each year the Florida League of Cities conducts their annual conference and this year it will be held in Orlando. Typically, one or two members of the commission attend that meeting. As part of the process, during the business meeting at the conference, there is a delegate appointed from each city there. However, as of today, no one from the commission has signed up for the conference. The purpose of this is to designate one commission member. They just need to formally recognize whoever goes and the authority could be given to him. They would write a proclamation for that person authorized. If there are two members, it may have to come back before this body. This was meant as a reminder showing it was coming up. **Commissioner Pederson** pointed out that he was the designee, but the conference would be held during the budget sessions, so he was not planning to attend. He asked if anyone was planning to attend. **CM Minner** responded that he does not attend conferences. However, it would not be a big deal if no one attended. If someone does attend, they just need to make sure that person is the designated delegate. **Mayor Burry** wanted to confirm it would be held on August 12th. **Commissioner Pederson** agreed it would be Wednesday, August 12th, and there was a budget session the day before and the day after. **CM Minner** stated if anyone wanted to go they could get with his office. They would get them registered. If an issue arises, they will bring it to their attention. **CC Purvis** pointed out that the budget sessions are held in July and the conference is in August. **Commissioner Pederson** thought it would be held on July 12th. He will go back and look at his calendar. **Mayor Burry** suggested they could table this issue.

Commissioner Reisman made a motion to table this until the next meeting and Commissioner Berry seconded the motion.

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 tabled this item.

2. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Second Amendment to the Development Agreement for the Provision of Public Facilities between

The Villages Land Company, LLC, and the City of Leesburg; and providing an effective date.

ADOPTED RESOLUTION 11,350

3. Review the Basis of Design Report to add a Fluoride Injection System to the Water Distribution System and discuss further action.

ADOPTED RESOLUTION 11,355

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 Berry seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Connell questioned the equipment being proposed and if it would be at one particular water plant? **CM Minner** answered that the equipment in the proposal would take care of the Leesburg water system except for Plantation. **Commissioner Connell** wanted to know if the city would have any valves if this was injected into one plant and if it would migrate throughout the whole city? **CM Minner** replied that he was unsure how many injection points were planned. **PWD Kelsey** answered there was just one. **CM Minner** continued to say if it was just one, it would be just like it was set up before. It would be at the main plant which then chloronizes all the water in the main Leesburg system. It would not include the Plantation system. **Commissioner Connell** wanted to confirm that by injecting this at one plant it would make it throughout the whole city? **CM Minner** answered that is what Dewberry said. **Commissioner Connell** asked if it would be equally distributed throughout the city. **PWD Kelsey** answered it would not be equal.

Brent White, Dewberry Engineers, stated they have not done enough study to say exactly where it will migrate. At this point in the preliminary design, it shows the flow that the main water treatment plant will put out on the shared distribution system. About sixty-five percent of the total flow will go into the distribution system. If they want to clearly define where it will migrate to, they need to do some more hydraulic modeling or a tracer study to see how far out into the system it will reach. **Mayor Burry** remarked they could wait until the system was in and then test it. **Mr. White** agreed. The plan is to install fluoride analyzers at all the plants. That way they could see it at the entry to the plant and various points of the system. They would be able to see if it was reaching that area. **PWD Kelsey** mentioned the biggest bang for the buck would be the main plant. That would get it to the majority of residents. They just do not know to what level it will migrate throughout the system, but it would be the best at the main plant. **CM Minner** believed that to be a bit of a trip hazard. Either they want fluoride or they do not want fluoride. They also need to remember the levels are per million and that is pretty small. It is not a shocker if they put an "x" amount of fluoride in it because it will get reasonable coverage and meet the standard. They are not talking about a lot of fluoride. **Mayor Burry** questioned the chlorine and if we inject that at one point? **PWD Kelsey** answered that it is injected at every plant. That is a disinfectant chemical that is required. Fluoride is not required by the state. **Commissioner Reisman** wanted to know if certain homes could get higher levels versus other homes. **Mr. White** answered it all depends on where they are on the distribution system. If they live closer to one of the smaller plants, they will most likely get their water

from that plant. **Commissioner Connell** remarked that we were not really accomplishing what the commission wanted to accomplish because we do not know the levels. Spending three hundred and fifty thousand dollars to find out if it is even going to work is a lot. He did not think the city should be enforcing their will on citizens by putting stuff in the water they do not want. He had several people reach out to him stating they did not want fluoride in their water. This was overreaching on their part to mandate they have fluoride. **Mayor Burry** said over seventy-five percent of the communities in the State of Florida provide fluoride. Is that over reaching? **Commissioner Connell** answered there were two issues. First, we do not even know if this will work and we should not mandate our citizens to drink what we put in the drinking water. **Commissioner Berry** questioned if fluoride was in the water prior to taking it out before? **CM Minner** said yes. He asked if the design mimicked what they had before? **Mr. White** responded that he was not familiar with the previous design, but it is a typical fluoride system, so it should be similar.

Chief Plant Operator, Al Purvis, stated when it was originally installed, it was installed at the main water treatment plant. It was always at just one injection point. With the old system, they were isolated between the east system, which is the mall and airport, and the south system, which includes everything down south. The folks down south are retired for the majority, so if we just install it at the main plant, it will migrate through because everything is an open system now. That is why they need to monitor it. However, the bulk of it will be at the main plant. **CM Minner** wanted to verify if the south would be smaller amounts. If that is the case, it would not meet the minimum. **CPO Purvis** responded that the water system migrates east and south. The best bang for the buck would be to inject it from the main plant. **CM Minner** remarked that it would be the minority areas, low income areas, Carver Heights and downtown. The core of Leesburg would be covered like it was before. **CPO Purvis** agreed. **CM Minner** said for the folks they are trying to affect the most, minority, disadvantaged and low-income folks, those who are unable to get fluoride covered by somewhere else would get it from this modification. The folks that do not need it as much would be the seniors in Legacy, Plantation, and Arlington Ridge and they would get very little. **CPO Purvis** answered yes. They still have to monitor it because once this chemical goes in, there are regulatory compliance issues that must be addressed by many different agencies. **CM Minner** stated with that answer, there was not a dog in the fight on this from the staff's side. They will do whatever the commission says, but the crux of the matter is to return the system to the way it was previously. It is the commission's legislative decision whether they want to return to that. **Commissioner Berry** asked for an explanation of what the eighty thousand contingency was on the estimated proposed dollar amount. **CM Minner** replied that it is typical whenever they do projects to add a contingency for unforeseen things that may happen.

Bill Polk, of 600 Cascade Avenue, stated they have been through this before. He said they need to look at history, because they shut that system down for a reason. Ray Sharp was the water treatment plant guy when they shut it down. They had dentists, doctors and people who argued about whether they needed fluoride in the water. Every tube of toothpaste has enough fluoride to keep all your teeth happy. Now, the city has an ineffective system, so fluoride will not even cover older people. Do older people want their teeth to fall out? He does not think so. The fluoride deal has been a historical issue. If they look back in the records they will see where and why they shut it down. It was for a reason. It is very expensive to maintain to start with and it is not that effective. The city will only get so much fluoride in the water in certain areas of Leesburg. No one talked about the maintenance costs or testing costs. He was not sure how much would be spent on this project, but they could hand out toothpaste on any corner downtown and that would make everybody happy. They do not have to put in all the fancy stuff, it is not necessary. He does not know where they got the information from that said the city needs fluoride. If they talk to any dentist, they will say that we do not need fluoride in the water. It is actually a poison. Fluoride is a poison. **Mayor Burry** disagreed on that point. **Mr. Polk** asked if it was just him or if the whole commission disagreed. **Mayor Burry** replied that he was answering for himself, not for the whole

commission. **Mr. Polk** stated the commission needed to know what they were looking at. It will cost a lot for maintenance. This is an ineffective system to start with, so they are not going to be equal on anything. They went through this about ten years ago when he was on the commission. That was when they shut it down. It was shut down because it was not effective. They all voted against keeping fluoride in the water. **Mayor Burry** mentioned that he has letters from every dentist in Lake County who signed on to promote putting fluoride in the water. **Mr. Polk** asked if he said every dentist in Lake County? **Mayor Burry** answered yes. **Mr. Polk** stated the ones he goes to say no. He goes to three different dentists in Lake County. He could name them if the commission would like. They may have signed on not knowing what they were signing just to get the paper out of their office. **Mayor Burry** stated the American Academy of Pediatrics, the American Academy of Medicine, and the American Dental Association say it is a good idea. **Mr. Polk** said there was another group that said it was poison. **Mayor Burry** inquired what group that might be. **Mr. Polk** said everybody. Pull it up on your cellphone, go to Google and ask what fluoride is. It is a poison.

Darel Craine, of Helms Avenue, said the commission needs to know there are children that live in all the areas of every plant the city serves. It was brought up that the southern plants have a lot of retired people. All the plants have a lot of retired people, but every system that pumps water out to the customers in the City of Leesburg has children living in them.

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

The roll call vote was:

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

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

4. Resolution of the City Commission of the City of Leesburg, Florida accepting a Right-of-Way Deed to the City of Leesburg from Village Community Development District No. 14, for the purpose of dedicating all roadways located within Villages of West Lake Unit No. 72, Unit No. 73, and Unit No. 74 as described therein; and providing an effective date.

ADOPTED RESOLUTION 11,351

5. Resolution of the City Commission of the City of Leesburg, Florida accepting a Right-of-Way Deed to the City of Leesburg from Village Community Development District No. 14, for the purpose of dedicating all roadways located within Villages of West Lake Unit No. 75, Unit No. 76, and Unit No. 77 as described therein; and providing an effective date.

ADOPTED RESOLUTION 11,352

6. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Gas Service Agreement

between the City of Leesburg and Cardiac Dragon 360 AC LLC, for the purpose of setting forth the terms under which the city will provide natural gas service to the development known as Banning Ranch Phase I and Banning Ranch Phase II; and providing an effective date.

ADOPTED RESOLUTION 11,353

7. Resolution of the City Commission of the City of Leesburg, Florida, Authorizing and Directing the Mayor and City Clerk to execute an agreement for School Resource Officer (SRO) services to be provided to Lake County School Board – Leesburg Schools - for the 2023-24 school year starting in August 2023; and providing an effective date.

ADOPTED RESOLUTION 11,354

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 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)

ORDINANCE 23-34

Commissioner Reisman introduced 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 and Commissioner Pederson seconded the motion.

Mayor Burry asked the city attorney to swear in everyone who wished to speak about all three items. **CA Watson** asked anyone wishing to provide testimony to stand and he then swore them in.

Senior Planner, Kandi Harper stated this was an expansion of an existing business. It is a little bit of economic development. It is the same ownership, but the property is not currently located in the city. Gorman Plumbing is the adjacent property owner and they are expanding. They would need the

annexation, a small-scale comprehensive plan amendment, and a rezoning. **Mayor Burry** asked if the petitioner would like to speak on this matter. From the audience, the petitioner, **William Polk,** said he would be willing to answer any questions.

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.

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)

ORDINANCE 23-35

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.

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)

ORDINANCE 23-36

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. An Ordinance of the City of Leesburg, Florida amending the City Code of Ordinances by amending Chapter 22, Section 22-7, Natural Gas Line Installation procedures; providing for severability; providing for inclusion in the Code of Ordinances; providing for conflicts; and providing an effective date.

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

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

C. NON-ROUTINE ITEMS

1. None

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

A. None

8. CITY ATTORNEY ITEMS:

CA Watson informed the commission about the closing of the south five hundred acre parcel. It is scheduled for this week and that will wrap it up. He brought the documents for the closing with him so he could get the mayor's signature. He will be attending the Municipal Attorney Seminar in south Florida at the end of next week. He will get some good information about legislation and other things that have come out. He would share that information with the commission when he returns.

9. CITY MANAGER ITEMS:

CM Minner stated there were a few issues that came up this evening and he wanted to address them. First, whenever we deal with emotional issues, they do tend to get a bit emotional. An item may receive a three to two vote one way or the other, but they are contentious.

Someone spoke at the Call to the Public about homelessness. That is a difficult issue that is tackled by the city. Just about every community in this nation struggles with homelessness. It is not just a Leesburg issue. If anyone has issues or has witnessed a theft or crime committed by homeless folks, the best thing to do is to contact the police department. Homeless folks are not above the law. When they break the law and get caught they will be arrested. That would be the best thing to do. Please report the incidents and

please call the police department.

With the drainage and development issues specifically on the CR 44 corridor, it is important to point out that there is a delineation between what the commission does on adopting development and the development of an approved subdivision. We talk about a lot of different things when we adopt or approve developments. They talk about runoff, densities, fencing and different styles of housing. Sometimes developments do not even see a hammer and sometimes they do. Right now, we are in a situation where many of the developments that were approved are actually being developed.

Last year, we changed the composition of the public works department to tackle developing subdivisions better. There was an ordinance that included the creation of an Assistant Deputy Director position in the public works department. Ryan Gerdon filled that position. He goes out and talks with folks. Mr. Gurdon regularly wrestles with developers. Whether it be stormwater issues or not getting sod down, those are the things he deals with. In this particular case, they did have a breach. It was not the first time and the best thing that we can do is continue to be vigilant. They were disappointed that it happened again. However, it was not because this body approved the subdivision. The city is doing its best to manage those types of things. However, when issues like this come up, please contact the city. They are working with the developers and Mr. Gurdon has been successful in communicating that. They need to keep in touch with the other regulatory agencies, especially the St. John's. It is a little overreaching to say bad engineering because these are reviewed and approved by St. John's. They are designed by professional engineers, but there is always that bridge between the finished product and final development which can be painful for existing residents. That is why the city changed the codes and added additional personnel to tackle those things. As far as fines and those types of things, when sediment and pollution gets out, unfortunately, that is not under the city's authority. We can try to enforce it the best we can, but contacting St. John's is best because they are the real enforcement arm and that is where developers can be hit. He encouraged folks to keep in touch with the Assistant Deputy Director and his office. They are doing the best they can to manage the developers.

With the fluoride, this will be brought before this body for final design so they can enter into the bid phase. It will be about forty-five to sixty days for them to finish the design. Then they will go out for bid. They can expect this topic back again when the final contract comes before this body for approval. According to the engineers, they estimated that it would be in the neighborhood of six hundred and fifty grand and that would be ten grand under budget. The annual operating costs are estimated at sixty-five grand, which was about ten grand under what was estimated. That will still come back before the body. The next time will be in contract form to execute the construction contract.

A. Bulk Cost of Power Adjustment Update

CM Minner (referring to a chart) said pursuant to the rules and operations of the city, the city manager is ultimately charged with the responsibility of adjusting the bulk power cost rate. Unfortunately, back in September 2021, the city had to jack it way up for all the issues that were discussed. It is important to point out that when we did the increase it was estimated that power costs would be on the blue line. If they average out the blue line, the average megawatt cost that was anticipated for FY 23 was about one hundred and twenty-eight dollars. Mind you, before we had the issue of gas prices, the cost of a megawatt was somewhere around eighty to eighty-five dollars. The increase was for what the city needed to recover the losses and to pay for what we thought were going to be exorbitant fuel costs moving forward. Since then, a few things have happened and they talk about it in the rate watchers section on the city's website. There have been quarterly reports from him to the customers explaining where we were. The commission wanted to wait to recapture the total loss, which was estimated at the 12.5 million dollar level, before bringing back the rate. So, a few things have happened. We had a cooler winter than expected in the

northeast, which helped minimize some of the impact; the supply and demand of gas, two pieces of legislation, and the FMPA's hedging. The hedging kicked in on April 1st and the gas prices are hedged for the next eighteen months. With that hedging in place, even if we lose on the hedging, which we might a little bit, it all depends on where the market goes. The difference now compared to back in September is hedging. We know pretty close to where the price of natural gas will be. He believes he made that report during May or June. At that time, we thought we should wait to see what happened because we still had the three tricky months of March, April, and May where we had low sales but high demand. Typically, we under recover for those months. Over the past few months and during that quarter we ended up over recovering, far above what was anticipated. That is a good thing.
The city received more money back and we over recovered quicker than anticipated. If we take that over recovery and mix it with the anticipated fuel costs, we will come back to the eighty or eighty-five dollars per megawatt range. Our average for the fiscal year will be one hundred and two bucks. That is a significant decrease. What happened was, when we started out with the anticipated bulk fuel costs deficit, we were trying to get the power cost collections back. The excess power cost we had was at the bottom with about a 9.7 million dollar loss in the BCPA. Remember we like to keep a balance of three million dollars. So, when everyone hears him talk about 12.5 million, that is how we get the total loss. We need to return that and stay stable, around three million dollars. Up until about April, the city's numbers were not that bad. We were pretty close to recovering compared to what was thought. Starting in April, we started seeing the divergence and, because that power cost number is going down, we can lighten up on the power cost reimbursement. Now, after three good months, we are sitting around 1.3 million dollars unrecovered. We also see the price will be at a spot where we can lower the fuel cost now, not just to recoup, but by the end of the fiscal year we should be in the black. That number will go from seven cents a kilowatt to three cents a kilowatt. They hope by the end of the fiscal year that we will have a total recovery of 12.5 million dollars. That the losses are recouped and because we have high sales in the summertime when the bills are most expensive, it would give the customers a break. We see different utilities around the state which have announced lowered fuel costs for these reasons; Mount Dora and the FPL are two of the utilities. They have adjusted their fuel costs for the summer and the city can follow suit. It will be a significant reduction. He did say they would have a lower bill because in the summertime everyone typically has higher bills. They will see a bill lower than where the fuel cost was at seventy cents. If they stayed at seventy cents, the city would significantly over recover by June or July. We would then be sitting on a surplus of about five to seven million dollars. It is a two million dollar range, but that is why they believe they can lower the fuel costs. It will put them back into a range of a tick under one hundred and thirty-eight dollars a megawatt. The unfortunate situation is we are becoming competitive with the state, but it is nowhere close to where we were before. It is about ten or fifteen dollars more than what we were before all this started. We were hanging out from around one seventeen to one twenty. At one thirty-eight, it is still relatively-high from where we were before everything happened; with global supply and demand, a war and efforts to become more green energy around the nation. That created the increases in fuel costs. It is good news and Leesburg will look like other utilities. However, recovery is moving ahead of schedule and the rate is returning. That would be all the things that were talked about back in September and moving forward. If the projections are correct and costs stay at eighty-five to ninety a megawatt, they could see another penny or half a penny. We can knock off the power cost adjustment come the beginning of the next fiscal year. They will keep in touch and continue to do updates on the website to keep that power cost adjustment number as low as we can.

10. ROLL CALL:

Commissioner Reisman commented that the city had just released a City of Leesburg development map on the website. He gave huge thanks to the GIS, IT, and Planning and Zoning Departments. He wondered if the city manager could provide a brief overview of that new feature. **CM Minner** stated when Commissioner Reisman first came into office he asked for more advertising and more dissemination of

information with reference to development issues. They copied the wheel and posted all the subdivisions that had been approved. It is up on the website now. It includes both commercial and residential developments. It is a big map with all of the things that have been approved going back to Tara Oaks. It is pretty comprehensive and it took time to put together. It has a pretty good graphic representation of where developments are geographically, how many subdivisions and those types of things. It looks pretty cool. **Commissioner Reisman** added that if they are looking for it, it is under the GIS section on the website.

Commissioner Connell stated last week he was made aware that the city does not have any type of policy in place for proclamations. He believes there should be some form of policy in place which states proclamations will be reviewed by the commission or city staff and comply with whatever policy we may adopt. Some of the stuff he was told through that conversation about what could happen was alarming. He spoke with the city attorney concerning the legal side of this and he put together a list of a couple of cities in the state that have policies and it explains what they would or would not give a proclamation for. He asked the city attorney to speak about that. He would like some consideration to move forward to put a policy together on proclamations that says we do not just hand them out like lollipops to anyone that wants one. Proclamations are a reflection of the city commission and the City of Leesburg. We should have guidelines in place for what and who we give them to. **CA Watson** said it was a mayoral discretion issue in terms of proclamations. There are a number of cities and counties in the state that have procedures. The governor issued a policy on their website to explain the discretion of proclamations. Some proclamations could be amended by staff or rejected if they are not acceptable by the mayor. However, it boils down to a discretionary issue and it may be a good idea to broadcast what the typical policy is in terms of proclamations, so nobody is surprised about having some discretion. It would also be forthright to everybody.
Commissioner Berry asked how they would determine the milestones and who would determine the discretionary issues. Is that something the commission will decide? **CA Watson** answered it is more of a mayoral discretion issue. A commissioner could theoretically express some dissent from a proclamation after it has been read, but the mayor has the final say on proclamations. **Commissioner Berry** wanted to know if the criteria would be established and written going forward? Could there be amendments allowed as they come forward because when she thinks about milestones, that could be anything from families, historical schools, or any organization or business. **CA Watson** explained if the commission as a body wanted to discuss general policies for what they were comfortable with, that would not be an unhealthy thing. That way, there would be some unified voice in terms of what that policy would be. It is not something that is memorialized in the code, so it is flexible in the sense of being able to adjust what may fall under it. It could provide examples of what proclamations would be and issue versus some other type of action, a letter of congratulations or another type of recognition or acknowledgment. There are different types of acknowledgments and recognitions that could be given and proclamations are one of them. **Mayor Burry** stated that current proclamations are primarily driven by staff who contact him to make sure he is okay with reading them. The staff wants to make sure he is okay with reading the proclamation. He wondered what they needed to tighten down on. **Commissioner Connell** stated it was his understanding that there was no policy in place. It has been the practice of the city over the years that anybody who comes in asking for a proclamation will be given one. It is their choice if they want it read publicly or just have the mayor sign it. We should have some policy in place that says there are certain things that the city will not give. We are not going to just give out a proclamation. That is why he reached out to the city attorney because it has become sort of a civil rights issue and a pick and choose situation. He wants to make sure the city is on legal grounds. That is why the city attorney put the criteria together, showing what other jurisdictions are doing. We should have a written policy for these things. We as the City Commission for Leesburg issue proclamations and it should say what we would or would not issue proclamations for. **CM Minner** commented that without being adversarial, he works at the pleasure of the commission and the unwritten rule for proclamations has been, if somebody requests one, we have

typically written one. It is not based on gender, sexual orientation, national origin, religious preference or anything else. At the last meeting, there was a socially divisive proclamation read. He did not think having a policy was a bad concept. For example, Governor, Ron DeSantis, has one which the city attorney handed out before the meeting. That one would be perfect. They could simply strike through where it says governor and put in mayor. The same thing with the Fort Lauderdale and Sarasota proclamation procedures. They all work the same. At the end of the day, it will not stop controversial issues from coming before them and it may differ between mayors. City staff reaches out to the mayor and asks if he is comfortable with the proclamation. If the mayor says no, that organization may come directly to the city commission meeting and ask why the mayor said no. The slippery slope is not to put staff in the position where staff and the mayor are choosing. That would be a difficult conversation piece. They could take any of the three policy examples and put Leesburg's information in it and that would be fine. They will have a written policy that functions. That does not necessarily mean you will not get a proclamation that you do not like. **Commissioner Connell** understands if staff does not want to make that decision. He suggested putting it on the consent agenda for a roll call vote prior to putting it on the agenda. If they want to discuss it, they can pull it for discussion. It could be done at the meeting before it goes on the agenda for reading. That way they can get all the commissioners' opinions on it. There should be something in place because some of the examples he was given that the city would give out were hypothetically alarming to him. That is why he brought it up and why he spoke to the city manager and the city attorney about it. There should be a policy in place and if staff does not want to make that decision, he understands. It should be put under the consent agenda. That way it could be pulled for discussion. If it passes, it will be read at the following meeting. **CM Minner** mentioned in direct candor if we have a policy in place that has staff and/or the mayor approve or not approve a proclamation, they will get other organizations like the LBGTQ proclamation in the city manager's office. The city manager will approve that proclamation because the city has a policy that says we do not discriminate. If a devil worshiper came to the city and asked for one, the staff would be inclined not to do that because it is not a recognized group. **Commissioner Connell** said when he spoke with the city manager last week it was said that the city would give them one. **CM Minner** answered right now they could because there is no policy in place. A policy would give them a bit more liberty to cleanse out the crazy ones. However, proclamations that are persistent and pursuant to our existing code will still occur. As commissioners, you may not like those proclamations. He would not advise having the commission vote on a proclamation before it is issued. We live in tricky times and we live in litigious times and we do things that may not necessarily represent us, but it is the right thing to do because it is persistent with our policies and it is in the best interest of the city to minimize litigation and we need to put our best foot forward. **CA Watson** remarked that he agrees. The policy would provide notice for anyone wanting to ask for a proclamation. Putting it to a vote before it is read is a little bit more in the weeds than the general idea of the policy. Mayoral discretion is the general rule. The policies that were printed off are pretty vanilla. They just provide general information. If anything, the benefit of that is really notifying the public that if they apply, there is no guarantee that it will be read. It may be changed or revised depending on what the city is comfortable with. **Commissioner Connell** stated that was what he was saying. We need some type of guidelines. **CM Minner** said they could approve a policy similar to the examples provided by striking out the word governor and putting in mayor. They can make a resolution that adopts the policy on proclamations and it will go on the city website. Then, if the LBGTQ group comes in and asks the city to make a proclamation and if the mayor says yes, then it is done. It is good policy because if a devil group came in and wanted a proclamation, that answer could change. The city attorney put examples on their desks tonight that said, for all the crazy stuff, this policy may help filter those out. This is a good concept, but it will not fix everything. There will still be proclamations that come before the body that the majority may not agree with. As long as everybody understands that, moving forward, we do not have any issues. **Commissioner Connell** said he understood but he was unsure why he keeps bringing up the LBGTQ community. **CM Minner** answered that was because we did not have a problem with proclamations until that one was read. **Commissioner Connell** responded

that it was brought to his attention and he did not realize the city had no policy at all on proclamations, that we could just give them out to anybody who wants one. We should have some guidelines in place that provide discretion about what we may not want to recognize with a proclamation. **Commissioner Berry** wanted to know if they will have time to review and have a discussion when a proclamation comes in for a request because right now they do not. **CM Minner** responded no, and that is why the commission would not want this body to approve every proclamation. There are some proclamations that come through the office which recognize the Lions Club because they hold annual conventions and they may need something for the next day. They have not had anything crazy in the ten years he has been here, but that is not saying we will not get one. We have not had anything crazy or totally contrary to our operational policies to this day come to his office that the mayor has signed. He understands, and a simple written policy would be a good way to go. They can keep it at the discretion of the mayor. That is fine, but if we have a mayor that does not want to adopt a proclamation on a controversial issue, the repercussions of that is they could expect that group to stand behind the podium to ask the mayor why he did not do it. **Mayor Burry** mentioned at that point the mayor would have to talk about it. **CM Minner** added, just like Newton's law, for every action there is an equal and opposite reaction. His job is to advise the commission about pitfalls that they may get into. He understands the desire for a policy, he has no issue with that. If it is the body's desire to put together a resolution that adopts a policy, it will be done and they will see it on the next agenda. However, a policy would not be the end all. They will still have controversial issues that need to be grappled with. **Commissioner Berry** commented that they should respect the mayor's decision if they want to read a proclamation. They should not put discretionary on a policy that could vary from one group to another. The city does not need to be locked in for what should be approved and what is not. We are all respectable people, we acknowledge people accordingly and treat them fairly. If it is something that is out of order, the mayor will make a good decision and everyone should support that. Having criteria is one thing, but to have the commission vote before it is read at meetings opens the door for larger issues. **Commissioner Connel** said he was fine with that. It was a suggestion, but if staff and the mayor want to take that responsibility and if they adopt a policy to see if they think in their opinion it meets that criteria, he is fine with that. If the mayor or staff do not want to take that responsibility, that was why he suggested putting it on the agenda for an overall vote. That way, they would not be singling out one person as either yay or nay. He is good either way, but we should put a policy in place. **Mayor Burry** said it was his opinion that we have a working model now and we do not have a policy. If someone from the public brings to the staff what they would like in a proclamation, then the staff contacts the mayor to see if he is okay reading it and that is when the decision is made. If they go forward with a formal document and use the information from the governor, he would add that we have a right to modify or deny any proclamation request. That may free the city legally and it does not get you in the court of public appeal. We need to spell out that we will do it or we will not do it and that is mayoral discretion. **CA Watson** said that was what he was getting at with the notice issue. If nothing else, it puts everyone on notice that there is discretion to amend, modify, or even outright reject a proclamation request. **Mayor Burry** said he was in agreement with that and it is not a bad thing. However, he did not think our model was broken. **Commissioner Connell** replied that we do not have a model at this time. **Mayor Burry** said the city's model is pretty much like the governor's office. It would come through staff, go to the mayor, and the mayor would decide whether to read it or not. We could have a statement that says we can deny it for any cause. He asked for a matter of consent on how all the commissioners feel. **Commissioner Pederson** responded that what has been in place has worked. He is fine staying where they are now. Drawing more attention to this will create an issue for us. We will probably be challenged by this. He hopes that the mayor has discretion if they are concerned about one. He was sure he would speak to the attorney. However, he is fine with where we are now and we are overly complicating this. **Commissioner Reisman** added that he would be okay with copying this model and changing it to say mayor. That way, they are implementing some kind of policy. **CA Watson** wanted to clarify that he was referring to the governor's example. **Commissioner Reisman** responded it could be either or.

Commissioner Berry had nothing further to discuss.

Commissioner Pederson had no comment.

Mayor Burry commented that last week there was a quarterly meeting for the Metropolitan Planning Organization (MPO). The MPO is the local conduit for citizens to have a say on projects in the transportation world and where they rank with FDOT funds. There are twenty projects on the list that the professionals have put together and Leesburg only has one project on that list. Last year it ranked at number five and this year it moved to number four. It moved up one notch and that project is for the widening of 441 from Perkins to Newell Hill. That would make the whole corridor three lanes each way. So, unfortunately, when our citizens do not like the amount of cars on the road, it is hard for the city to up and ride the horse because the MPO wont even talk about it. He encouraged anyone who is concerned about the roads in the area to contact the MPO because that is who they need to talk to. It is a citizens' active group and everyone should be talking to them.

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 6:38 p.m.