

**AGENDA
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, AUGUST 28, 2023 5:30 PM**

1. CALL TO ORDER

INVOCATION

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

2. PROCLAMATIONS:

A. None

3. PRESENTATIONS:

A. Special Events

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.

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

A. CITY COMMISSION MEETING MINUTES:

1. FY 24 Budget Workshop held July 6, 2023

2. FY 24 Budget Workshop held July 11, 2023

3. FY 24 Budget Workshop held July 13, 2023

4. Regular meeting held August 14, 2023

B. PURCHASING ITEMS:

- 1. None**

C. RESOLUTIONS:

- 1. Resolution of the City Commission of the City of Leesburg, Florida, approving a Proportionate Share Agreement entered into by and between the School Board of Lake County, Florida, TLC Hodges Reserve, LLC, and the City of Leesburg, Florida, to allow for payment of Lake County School Impact Fees; and providing an effective date. (Hodges Reserve Prop. Share)**

- 2. Resolution of the City Commission of the City of Leesburg, Florida adopting and approving a Leesburg Surplus Lot Donation Program; establishing policies and procedures; and providing an effective date.**

- 3. Resolutions approving the execution of Utility Construction Reimbursement (Pioneering) Agreements with Troon Creek 2, LLC for Wastewater and Potable Water.**

- a. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Utility Construction Reimbursement (Pioneering) Agreement with Troon Creek 2, LLC for construction of a Wastewater Force Main; and providing an effective date.**

- b. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Utility Construction Reimbursement (Pioneering) Agreement with Troon Creek 2, LLC for construction of a Potable Water Main; and providing an effective date.**

**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 1.45 +/- acres; and generally located west of Whitney Road and north of State Road 44, lying in Section 19, Township 19 South, Range 24 East, Lake County, Florida. Providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 2; and providing an effective date (City of Leesburg Electric Substation SR44 Davis AX).

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 1.45 +/- acres from Lake County Rural Transition to City of Leesburg Institutional, for a property generally located west of Whitney Road and north of State Road 44, lying in Section 19, Township 19 South, Range 24 East, Lake County, Florida. (City of Leesburg Electric Substation SR44 Davis SSCP)**
3. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 1.45 +/- acres from Lake County A (Agriculture) to City of Leesburg P (Public) for a property generally located west of Whitney Road and north of State Road 44, lying in Section 19, Township 19 South, Range 24 East, Lake County, Florida. (City of Leesburg Electric Substation SR44 Davis RZ)**
4. **An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 0.33 +/- acres; and being generally located approximately one mile east of the Florida Turnpike and adjacent to County Road 470, lying in Section 17, 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 2; and providing an effective date. (VOWL 0.33 Acre)**
5. **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 approximately 0.33 +/- acres from Lake County Public Service Facility and Infrastructure to City of Leesburg Age Restricted Development, for a property generally located approximately one mile east of the Florida Turnpike and adjacent to County Road 470, lying in Section 17, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (VOWL 0.33**

Acre)

6. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 0.33 +/- acres from Lake County A (Agriculture) to City of Leesburg ARD (Age Restricted Development) to allow for residential uses for a property generally located approximately one mile east of the Florida Turnpike and adjacent to County Road 470, lying in Section 17, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (VOWL 0.33 Acre)**
7. **An Ordinance of the City of Leesburg, Florida, Consenting to the Inclusion of the City of Leesburg, Florida, within the Countywide Municipal Service Taxing Unit for the Provision of Ambulance and Emergency Medical Services, as Adopting by the Board of County Commissioners of Lake County, Florida; providing for the City to be included within said M.S.T.U. for a specific term of years; providing for conflicts; and providing an effective date.**
8. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 11 +/- acres from City of Leesburg SPUD (Small Planned Unit Development) and R-3 (High Density Residential) to City of Leesburg SPUD (Small Planned Unit Development), for a property generally located east of Executive Boulevard and south of State Road 44, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Good News Church Public / Private Partnership SPUD)**
9. **An Ordinance of the City of Leesburg, Florida amending the City Code of Ordinances by amending Chapter 5, Section 5-6, Consumption of and open containers prohibited on public property; exceptions; amending Section 5-6.2 Consumption of or possession of alcohol in open containers near store selling alcoholic beverages; amending Chapter 18, Streets, Sidewalks, and other Public Places; providing for severability; providing for conflicts; providing for inclusion in the Code of Ordinances; and providing for an effective period and effective date.**

B. FIRST READING OF ORDINANCES

1. **An Ordinance of the City of Leesburg, Florida, ratifying and readopting Ordinance 17-07, pertaining to a change in the Future Land Use Element of the City of Leesburg Comprehensive Plan, to establish the Orange Bend Future Land Use Designation and creating applicable Goals, Objectives and Policies, and ratifying and readopting Ordinance 17-08 pertaining to a change in the Future Land Use Map to Orange Bend, for property generally situated in Section 33, Township 18 South, Range 25 East, Lake County, Florida, to ensure compliance with the procedures of Chapter 163, Florida Statutes for adopting Large Scale Comprehensive Plan Amendments relating to said property, directing transmittal to the**

reviewing agencies; providing for severability; and providing an effective date. (Orange Bend)

2. **An Ordinance of the City of Leesburg, Florida, ratifying and readopting Ordinance 15-46, pertaining to a change in Future Land Use to Medium Density Residential, for property generally situated in Section 16, Township 19 South, Range 24 East, Lake County, Florida, to ensure compliance with the procedures of Chapter 163, Florida Statutes, for adopting Large Scale Comprehensive Plan Amendment relating to said property; directing transmittal to the reviewing agencies; providing for severability; and providing an effective date. (Leesburg Fruit Co.)**
3. **An Ordinance of the City of Leesburg, Florida, ratifying and readopting Ordinance 15-51, pertaining to a change in Future Land Use to Estate Residential for property generally situated in Section 1, Township 19 South, Range 25 East, Lake County, Florida, to ensure compliance with the procedures of Chapter 163, Florida Statutes for adopting Large Scale Comprehensive Plan amendments relating to said property, directing transmittal to the reviewing agencies; providing for severability; and providing an effective date. (15-51 Silver Lake Estates)**
4. **An Ordinance of the City of Leesburg, Florida, ratifying and readopting Ordinance 15-43 pertaining to a change in the Future Land Use to Estate Residential for property generally located in Section 27, Township 20 South, Range 24 East, Lake County, Florida, to ensure compliance with the procedures of Chapter 163, Florida Statutes for adopting Large Scale Comprehensive Plan amendments relating to said property; directing transmittal to the reviewing agencies; providing for severability; and providing an effective date. (Ranches of Orlando)**
5. **An Ordinance of the City of Leesburg, Florida, establishing the County Road 33 Community Development District pursuant to Chapter 190, Florida Statutes; providing for authority and power of the district; establishing the district; providing for the Board of Supervisors of the district; providing for the district budget; providing for functions of the district; providing for miscellaneous provisions; and providing an effective date. (CR 33 CDD)**
6. **An Ordinance of the City of Leesburg, Florida, ratifying and readopting Ordinance 17-16 pertaining to a change in Future Land Use to Estate Residential for property generally located in Section 25, Township 20 South, Range 24 East, Lake County, Florida, to ensure compliance with the procedures of Chapter 163, Florida Statutes for adopting Large Scale Comprehensive Plan amendments relating to said property; directing transmittal to the reviewing agencies; providing for severability; and providing an effective date. (Floribra Windmill)**

7. **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 to clarify the residential development units to which natural gas line and appliance installation requirements apply; providing for severability; providing for inclusion in the Code of Ordinances; providing of conflicts; and providing an effective date.**

C. NON-ROUTINE ITEMS

1. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing an investigation of traffic data and other information related to the potential installation of speed detection systems on roadways maintained as school zones within the City of Leesburg; and providing an effective date.**
2. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing acquisition and installation of a newborn infant safety device at the Canal Street Fire Station for the purpose of receiving a surrendered newborn infant, providing treatment, and providing transportation to the nearest hospital having emergency services; directing the City Manager to oversee and ensure acquisition and installation of the newborn infant safety device; and providing an effective date.**

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:

9. CITY MANAGER ITEMS:

10. ROLL CALL:

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.



Special Events Department Concept

Event Expense History



Leesburg Partnership

BikeFest and Mardi Gras Festivals were profit generators which funded Community Events and Non-for Profit Organizations.

This formula saved the City of Leesburg from spending to produce special events

As BikeFest lost profitability, for various reasons, funds for special events and special event quality has decreased.

There is a desire for special events and the Partnership is asking the City to reconsider how special events are funded and operated.

What Do Other Cities Do?



Clermont:

Budget

- Expenses - \$145,000
- Staffing (3 FT) - \$175,000
- Est Staff Benefits (30%) - \$52,500
- Total - **\$372,500***

Events ran by City (Under Parks & Rec)

- Earth Day, Light Up, July 4th, Campout, Movies under the stars (4), Juneteenth, Chips & Salsa

Permitted Events

- Friday Food Trucks, Farmers Market, Sommer Sports Events, Pig on the Pond
- *Does not include all staff fees, PD, Fire, PW, not included in this amount

Tavares:

Budget (Economic Dev)

- Expenses - \$260,000
- Staffing (1 FT) - \$72,000
- Est Staff Benefits (30%) - \$21,600
- Total - \$353,600

Events ran by City (Under Econ Dev)

- Planes, Tunes & BBQ, Rocktoberfest, Rhythm on Ruby

Budget (Recreation Dept)

- Expenses - \$98,000
- Staffing – Rec Staff, PW (Not separated)
- Total - \$98,000 + Staff

Events ran by City (Under P & R)

- 4th of July, Boo Fest, Christmas

Total Budget: \$451,600 + Rec Staff

Mount Dora:

Budget

- Expenses – \$313,400
- Staffing (1FT) - \$75,000
 - Gets staff support from other departments. In process for 2 more FT staff.
- Est Staff Benefits (30%) - \$22,500
- Total - **\$410,900***

Events Ran by City (Under Parks & Rec)

- Unity in the Park, Art Festival, African American History Festival, Scottish Fest, Juneteenth, Freedom on Waterfront, Octoberfest, Lightup, Christmas Events, +others

Permitted Events

- Lake County Pride, Blueberry Festival, MD 5K, 1/2 Marathon, Latin Music Fest, Earth Day, Spring Fest, Sail Boat Regatta, + others
- *Does not include all staff fees, PD, Fire, PW, not included in this amount

Create Special Events Division



Special Events Division Mission



➤ **3 or 4 Annual Major Events To be Conducted in CRA District:**

- ✓ 4th of July
- ✓ Holiday Season Events
- ✓ Spring Event
 - Continuation of BikeFest
 - Creation of New Event
 - To be Determined Based on Event Manager and Community Input

➤ **Continue Recreational Departments** Craft

- ✓ Family Events: Bounce-A-Palooza, Daddy Daughter Dance, Breakfast W/ Santa, Brunch with Bunny, Conservation/Nature , Fishing, Kayaking, Hiking
- ✓ Sporting Events and ASA Sports Marketing
- ✓ New Ideas: Stadium or Ski Beach concert series, New Festivals; Movie Night, Market
- ✓ Assist Other Events Such As: Heritage Festival, Juneteenth, MLK Parade, Back to School Bash, End of Summer Splash

➤ **Ticketed Events – To Stay w/ Associated Not-For-Profits**

- ✓ Heritage Festival, LSM Carnival/Circus, Chamber Immersive Event, Beast Feast, Art Festival, Chili Cookoff

➤ **Annual Determination of Events Via Budget Process and Events Committee**

Special Events Budget



PERSONNEL		
Special Events Manager (Pay Scale - 136)	\$	100,000
Events Coordinator (Pay Scale - 127)	\$	75,000
Part-Time	\$	25,000
Subtotal	\$	200,000
Operations Budget	\$	250,000
Total - Events Division Downtown CRA	\$	450,000



Special Event Permitting



Proposed Changes Overview:

- Enforce fees per code and attached fee table
 - Discuss 26-5(c) CM or designee waiving fees
- Enforce due dates (Charge Late Fees 1x Per year (Sec 26-8(e))
 - Major Event Min - 120 days to Max 2 years
 - Intermediate Event - Min 90 Days
 - Minor Event – Min 45 Days
- Re-vamp process (Flow Chart)
 - Applicant submits complete application (including site plan)
 - Staff completes review and provide conditional approval along with cost estimates (W/in 30 days of receipt of application)
 - Applicant signs conditional approval and submits payment of 50% of estimated cost
 - Staff provides official permit no less than 7 days prior to event
- Change event attendance criteria to 200 (from 500)
- Add amplified sound and road closure possible criterion for special event
- Add film making verbiage to code
- Flat fee (\$2.00 per SF) for Extension of Premises or temporary outdoor sales during major events
 - Change to paid to event organizer, not City

**AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
THURSDAY, JULY 6, 2023 5:30 PM**

1. CALL TO ORDER

The City of Leesburg Commission held a budget workshop on Thursday, July 6, 2023, at Leesburg City Hall. Mayor ProTem Connell called the meeting to order at 5:30 p.m. with the following members present:

Commissioner Allyson Berry
Mayor ProTem / Commissioner Jay Connell
Commissioner Mike Pederson (5:32 p.m.)
Commissioner Alan Reisman
Mayor Jimmy Burry (5:32 p.m.)

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 ProTem Connell 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. PRESENTATION

PROPOSED FISCAL YEAR 2023-24 BUDGET:

CM Minner stated this was the first workshop for the FY 2023-24 budget. There are three scheduled budget workshops. Tonight, we will review the general fund. Tuesday, will look at special revenues, the electric, and gas departments. Thursday, will finish up with the rest of the enterprise funds; water, sewer, airport, solid waste, and storm water. We will also look at housekeeping and transfer type funds, like pension and interservice funds. The general fund consists of all the general service budgets; the city commission, public outreach/administration, city clerk, city attorney, human resources, planning and zoning, recreation. The public works fund covers streets and park maintenance. The police and fire funds are the lion's share of the general fund.

He started by saying this year's general fund budget compared to other years was relatively easy to balance due to the big tax change. However, the enterprise funds were a bit more difficult and that was because we leveraged the enterprise funds to get general fund growth. This year the big change in the general fund was due to the significant growth which does not include The Villages. That opened up a

chance for them to take a snapshot forward and look at FY 2024-25. Most everything in the general fund stayed the same. There are a few deviations which include additional maintenance items for Venetian Gardens and other areas. However, overall it pretty much remained the same. He wanted to start with some high level stuff, then break it down by departments, and then end with questions from the commission. Finally, he would like to get some recommendation from the commission to formulate the DR-420. For the new commissioners, there are two ways that was set up. There was a resolution passed at a previous meeting for the potential fire assessment fees of one hundred and sixty-five dollars. That would go in the trim notice which is sent out in August. By the end of the month, they have to submit the DR-420, which is a fancy word for the form that is submitted to the county to prepare the trim notices. That form needs to be submitted by the end of July. That form tells the maximum millage rate without doing your own advertising for the trim notice. The fire assessment fee and the millage rate go on the trim notice that comes out in August. That puts the public on notice of the maximum taxes. In September they will approve the millage rate and the budget by two resolutions. The first thing in the FY 24 proposed budget that is significant is the change to our taxing policy. They had talked about it a lot already and he did not want to beat the dead drum by going over it again. When they get to some of the charts he will show other things they may want to consider.

Moving into the proposed budget, they significantly decreased the ad valorem millage rate from 4.192 mills to the proposed budget of 3.4245 mills. That reduction makes up for the fire assessment rates that he previously recommended being double. So, on an equivalent residential unit (ERU) basis, that would go from \$87 per year to \$165 per year. The commercial, industrial, warehouse, and institutional facilities would be doubled. It will bring in an additional revenue of 1.2 million dollars. It also gets our fire fees where they are isolated to an assessment versus the millage rate. That will allow new millage rates to come in and not have to go towards fire services. That is an elaborated good philosophy for taxing. They also eliminated the differential between new village residents and existing city residents. That was really important, so everybody in Leesburg would pay the same rate whether you have The Villages Fire Services or City of Leesburg Fire Services. No matter where you live, that number will be the same. With that \$165, we will be very competitive in our region. Most municipalities collect somewhere around 80 to 90 percent of potential fire assessment fees and have a fire assessment fee somewhere around two hundred dollars per year. We will still be a little low on maximum capture and on annual totals. At the 3.4 millage rate and \$165 ERU for fire assessment fees, we are still a relatively low tax assessment municipal corporation.

The next big item in the budget, which was implemented on June 12th, was the pay increase plan. We now have a starting salary of \$15 per hour. There was a formulaic approach to address compression. They increased the police officers starting, which would now be a tick over sixty grand. The existing officers with more than one month but less than a year of service get \$60,300. There is no compression issue there and all other officers receive sixteen percent. Firefighters received a five percent increase and they increased the paramedic incentive pay and gave them time worked for a total increase estimated at around seven percent. The salary increases pursuant to the commission's direction and the resolution passed went into effect July 1st. The employees will receive the benefits of FY 24 in the last quarter of FY 23. They will reconsider COLAs and merit raises for fiscal years 2024-25 in October of 2024.

He highlighted a few items of interest; last year we robbed some money from the workers' comp fund to stabilize the health insurance fund and that worked out really well. So far to date, the health insurance fund is hanging in there and they do not have any major increases. The bad side of the equation is our worker's comp claims are way up this year for various different reasons. When we increased that by fifty percent, our total across the board for workers' comp charges was half of that 1.2 million. That was about \$680,000. We increased that to replenish the cash, but not only do we need to replenish the cash, now we are paying some higher insurance claim costs, so they kept the workers' comp rate at fifty percent higher,

which is a 1.2 million dollar total cost. That gets thrown into the workers' comp fund and the general fund pays around sixty-five percent of that amount. They would talk more about the specific numbers on Thursday of next week. With property liability, auto insurance, and general liability insurance, they see an increase of about thirty eight percent or four hundred and seven thousand dollars.

He proposed taking money from the Carver Heights CRA and transferring it back to the general fund. They would have three designated officers that would work just in the Carver Heights CRA area to help with safety concerns and those types of things. He sees this as a bridge the gap type of action. The police department struggles with fighting crime because of low pay that hurts both recruiting and retention. They currently have a low number of officers on the budget along with significant vacancies. To increase the number of officers, they needed to increase their pay. They also have areas of concern for the safety in the Carver Heights area. That CRA money is an eligible expense and, as property taxes start to rise with new revenue, they can feed that money back to the CRA for other things. This is for sustainability and the immediate reaction for more public safety.

On a good note, we are keeping the fleet leases at seventy-five percent. The fleet lease is an item where we charge ourselves for all vehicles that are purchased. For example, if every new car was ten thousand dollars, they would depreciate that amount over the value of the car. So, over ten years, it would be two grand from whatever department purchased the car. They have to pay that two thousand dollar lease payment to the fleet fund and that generates the money that we use to purchase new equipment. That is always a significant hit on the budget and we generate about 1.5 million dollars with the fleet lease at seventy-five percent. They reduced the fleet fund to seventy-five percent and over a ten-year span, each department contributes an "x" amount depending on how much the vehicle was purchased for. They reduced that number, trying to shrink the fleet and save money. He thought there would come a time where we would be back to one hundred percent, but that was ten years ago and we are still at seventy-five percent. They have not gone back to that number, but the fleet fund is hanging on.

Another change in the general fund, which falls under the commission budget, is to change the holiday program for employees. It would be more of a benefit to the employees. The holiday party came back after the covid times. Historically, we had a holiday luncheon for the employees and that cost was about ten thousand dollars. Back then, everybody came to the luncheon and the city provided a big spread and they did a raffle for door prizes. Everybody appreciated the luncheon, but when covid hit a couple of years ago, the luncheon was cancelled. They decided to give everybody a one hundred dollar gift card. In his opinion, it went over better than the luncheon. He had noticed attendance dropping at the luncheon since covid, which is why he thought it would be a better benefit for the employees if they provided a gift card instead of the luncheon. Each gift card would be budgeted at \$105.92 because they have to pay a service fee for the card and each employee ends up with one hundred dollars. The cost differential from the luncheon to the gift cards is about forty-five thousand dollars. Those funds were weaved into the city commission budget.

On the revenue side, other than the taxes, there was not a lot to report on. Fines and forfeitures and state revenue are all pretty consistent and there was a change with the transfer from the Carver Heights CRA fund into the general fund. In years past they have talked a lot about the relationship between the enterprise funds and the general fund. He wanted to save that conversation for Tuesday's workshop. They will drill down into the electric fund issues, but that is the core of our business, and it is really important to understand. The general fund in Leesburg is different than other municipal corporations around the state because we rely on enterprise transfers. The lion's share of the enterprise transfers is the electric fund. We have endeavored to control that just like our counter municipal corporations. Other municipal corporations function on three big revenues. State shared revenues just like we have and ad valorem taxes. Where we start to see the differential is in non-municipal electric utilities. Based on location, those

cities tend to be more urban. When they get more urban, property values go up, so the taxing power of a non-electric urban municipal corporation has more taxing power. They can generate more revenue. State shared revenues are another big one, and franchise fees. We have franchise fees and utility taxes. State shared revenue, property taxes, and franchise fees/utility tax are three revenue sources that eighty percent of a municipal corporation's general revenues have if they do not have an electric utility. On our side of the house, we have forty percent taxes and forty percent enterprise fund transfers. Those two gears, the enterprise transfers and taxes, turn the general fund expenses. We need to keep in mind, especially after this past legislative session, that our enterprise transfer fund is under attack. Moving forward, we really have to manage that. Over the past ten years, the strategy has been to be a utility first, but those numbers are becoming more of what a typical municipal corporation looks like, which is good, and we need to continue that philosophy moving forward. The proposed house bill that would significantly change the dichotomy of how the city transfers funds ultimately died with the creation of a utility authority for GRU. However, the legislators that pushed for that bill left the session with the promise that they would be back. They did not get everything they wanted and to paraphrase that, they are coming after the municipalities next year. Next year means January. Two big things we can do are to manage the enterprise transfer issue and quickly put together the utility authority which will be an agenda item in the next couple of meetings. That way, the city can function and look more like a utility authority because of the financial decisions we have made with the charter amendment for the franchise transfer and other things. Those are good things, but there are a couple more he would bring to their attention shortly.

Starting off with the general fund, they looked at the ad valorem growth rate. This year they have seen twenty-four percent growth, which is the biggest since he has been here. The best thing about that number is that it does not include The Villages' growth. 2.5 billion is the total taxable value and they need to break that down into four general fund enterprises. First, the general fund is the granddaddy of them all. Last year we were at 1.2 billion dollars of taxable value and that is different from the assessed value. The taxable value is the value you are taxed on from the assessed value, which includes exemptions. It would be the value of a church or the value of a house with homestead exemption. Last year's taxable value after exemptions was 1.2 billion and this year we are looking at 1.5 billion. That equals 31% growth. The GLCRA, which is referred to as the Downtown CRA, grew from 166 million to 192 million. That was 15% growth, which is the bigger grower of the CRAs. The Carver Heights CRA grew from 130 million to 146 million, at a 12% increase. Highway 441/27 CRA grew from 526 million to 594 million, which is 13% growth. If you put all those numbers in the hopper, the total taxable value would be 2.5 million, and a 24% increase. However, they have to break down each of them because incremental values go into each respective fund. With the taxable value number of the general fund, they will drill down and focus on the tax plan and the increase in the fire assessment fees. It will help folks save money because it would decrease taxes. They had to figure out how to balance that transfer for the existing taxpayers. They came up with a proposal of 3.4 mills, which would generate 6.7 million. He would be remiss if he did not throw the numbers at the commission. It was not to confuse or entice them to make a tax increase or anything like that, but it was important information that they needed to know. The rollback rate is important to talk about because that is the statutory barometer of how we set our millage rate. The rollback rate is the tax rate we issue. It does not create a tax increase on existing properties. New growth is separate and that comes in on top of that, but they always calculate the rollback based on last year's folks, so they do not get a tax increase. In order to generate the same revenue that we did last year (not including new growth) the millage rate would need to be 3.4752. If they adopted the budget at this rate, they would actually receive another one hundred grand. The current rate is 4.0192. If they tax anything over 3.4752, it would be considered a tax increase. If they use the current rate of 4.0192 mills, it would generate almost 1.2 million dollars more than what is being proposed. That would be a tax increase. If we go with the rollback rate, which is a little bit more than what we programmed, that would be almost 1.1 million dollars more. This would be a significant increase in that value, so that number obviously needs to go down. The average house in Leesburg has a property

value of about \$225,000 less homestead exemption, which comes out to \$175,000 for taxable value. For a house like this next year, at the 4.0192 millage rate, their tax bill would be \$703. If they added in the fire assessment of \$87, that made their total tax bill \$790. Next year, if they kept the current millage rate, the number would go up three percent if the house was already homesteaded. The taxbill would go from \$703 to \$724 and if they added in the new fire assessment fee, the total taxbill would be about \$890.00. They thought that was a big number, so they proposed reducing taxes to 3.4245. On a home valued at \$175,000 the tax bill would be \$617 and that is a decrease. Even if they added the fire assessment increase, there would be a substantial decrease in property taxes. If they went with the rollback rate, that is almost a break even for the taxpayer. The taxes would not go up as much. With the proposed rate, it would be significantly less. Remember the magic number is \$175,000. If your house value is below \$175,000, it is more impacted by the increase in the fire assessment. They cannot get that break for the taxpayer. If the house value is above \$175,000, you bank, because the value is so much more significant than the fire assessment fee. The \$175,000 average house turned out to be the middle ground. There are two tax numbers that they really need to think about: 3.4245 and 3.47. They can talk about that on Monday because they have to get the DR-420 form out. The number put on the DR-420 is as high as they can go. It does not mean they are going to go that way, because they can go lower, but we cannot go higher unless we do our own process, which we do not want to do. Reasonably, the current rate is one that they need to abandon. The proposed rollback rate sets the city up well for the bulk of the three thousand two hundred units coming in from The Villages. When it came to The Villages, he wanted to look forward to next year. That 23% number they saw this year was really significant and they are hoping next year it will pale in comparison. The Villages are in the process of building three thousand two hundred units. They currently build about 300 units per month and property taxes are in the rear, so everything that is built by December 31st will be counted for next year. Whatever that magic number is, which he guessed would be almost the whole thing of 3,200 units. Those units will be on the tax bill for FY 2024-25. The sale value of those homes will be somewhere between three hundred and seventy-five thousand to half a million dollars. They are being super conservative by saying less than three hundred and fifty thousand dollars for homestead exemption. They took that number from their sales listed in the paper. If every house is worth three thousand dollars and we get three thousand two hundred homes, we would take three thousand two hundred times three thousand and that comes out to nine hundred and sixty million dollars. That is almost a billion dollars, so that 1.5 billion in Leesburg this year could be almost 2.5 billion this time next year. For revenue purposes, if we use the current millage rate it would be 3.8 million, if we use the rollback millage, we are looking at 3.3 million dollars, and the proposed millage would be about 3.2 million new dollars. That is a 30% increase in ad valorem rates. It could even be 50% because we are bringing in 6.7, so they could round that up to fifty percent growth in ad valorem. That is humongous. He would like to put forth this concept and they have a year to talk about it. It would be really important to think about how they spend that before it gets matriculated and then in three or four years they will be sitting back wondering where it all went. He recommended that they need to look at reducing the surcharge. The surcharge is a charge that they put on utilities. It represents the utility sales tax. If they look at the big three non-electric municipal corporations, every municipal corporation in the State of Florida has the power to charge taxes on utility bills up to ten percent. He would not say every municipal corporation does it, but pretty much every municipal corporation does. That ten percent revenue is huge for a municipal corporation.

In the 1980's, municipal utilities fought to have a similar charge, not a tax, but a surcharge for customers that were on the system with the justification that they expanded the infrastructure into unincorporated areas. We have a rural history of electric utilities and back in the day when we built the system, Leesburg was rural. Leesburg was the HUB and our system grew outside our boundaries because Duke did not bring power out to the houses. If they lived on Silver Lake, Duke would not bring power out to them, but the City did. That is significant and that was the root of the surcharge. All customers in the city system that are not in a municipal corporation, which would be Leesburg and Fruitland Park, pay the surcharge.

In the City of Leesburg, if you live on Main Street you are in the City of Leesburg and you are on the city system. You will pay your electric fee and utility tax. If you are a customer in Fruitland Park, you will pay the City of Leesburg electric bill along with a Fruitland Park franchise fee and utility tax. If you live in unincorporated Lake County and you are on Leesburg electric, you will pay the Leesburg electric bill and a surcharge. The surcharge is taxation without representation. That surcharge will affect enterprise transfers. In the future we need to look at how we can wean the general fund off of that. The battle cry of the municipal electric utilities, which came from the segment of the state legislature, was that municipalities should not be in the utility business. It is taxation without representation and the unincorporated residents do not have a voice in rate making. He does not agree with any of that, except for taxation without representation. It really is not taxation, it is a surcharge, but for the sake of argument, if it walks like a duck, looks like a duck, it is a duck. That surcharge is something they need to be mindful of in the future. **Commissioner Pederson** asked if Duke and FPL had a surcharge or tax. **CM Minner** answered they do not. For example, if they were an investor-owned utility for someone who lives in Arlington Ridge who is on Duke, they would pay the Duke electric bill and a six percent franchise fee to the City of Leesburg based on their consumption. They would also pay a 10% utility tax to the City of Leesburg because it is our right to charge that utility tax and every city does it. If you are an investor in utilities, you will see a municipal corporation utility tax and a franchise fee of six percent. If you live in the city and you are connected to Leesburg electric, they would pay the electric bill, and the utility tax. They would not pay a franchise fee because they got that in the transfer. Fighting the surcharge is an outside of the limits thing and everybody will agree that when someone from Silver Lake runs into you at Publix with concerns about their electricity, we listen and they bring that concern to this commission. While it is not recognized by the state legislature, everybody in this room can agree that unincorporated residents have more of an influence on rates, than if they went to Tallahassee to the Public Service Commission. Locally, we control it. We saw that back in September and we feel it every day. These are the arguments being thrown at us. At the end of the day, the doomsday scenario would be that we have zero to transfer. He does not think there will ever come a time where the state forces municipalities out of business, because it will not happen due to infrastructure reasons, bonds, and debt issues. They will never be able to split that pie, but there could be legislation that says you run your electric utility and every penny has to stay in that utility. That would be doomsday. **Commissioner Pederson** wanted to be clear that utility companies pay a dividend and we do transfers. **CM Minner** replied yes. They pay dividends which are 10% to 12% as allowed by the Public Service Commission. They have to report the dividend to the Public Service Commission. **Commissioner Pederson** wanted to make sure all the commissioners understood that.

CM Minner continued to say on The Villages and revenue, they need to look at reducing that. They also need to fight to add additional officers for safety reasons and our staffing levels are too low. Eventually, the chief would like to have 90 employees. If they put 1.1 million dollars into that next year, that would add twelve and that would put them at eighty-five employees. That would be a big jump next year. They also need to save money for capital improvement projects. Even if they do not have a project, they cut a check, and put it in the capital reserve fund and they only spend it after it has been banked. It would be like when they sold the fiber system where they spent it resourcefully on major influencing projects. There are a million scenarios, but it was important to get that out. As we move forward into next year, everybody needs to think about where we are going. It should be a clean, easy plan. With the fire assessment fee proposal, it would be \$165 per residential dwelling unit and the other categories are nine cents per square foot for commercial, four cents for industrial/warehouse, twenty eight cents for institutional, and six cents for churches. Churches have an exemption for their sanctuary only. Another exemption would be for low to moderate incomes. There are about twenty of them. Those are reviewed by staff pursuant to the ordinance, an empty lot in a mobile home park is a sanctuary exemption. Those are the three exemptions. If they put all that together, the city would collect 2.9 million dollars, which is a 1.2 million dollar increase. Positions in the general fund are a net change of six: customer service,

accounting and police staff were previously approved. In the other funds, two positions are being added to the electric department and one to the building department. Looking at general fund revenues, it is up about ten percent, around 33.5 million. Referring to a slide, he showed a pie chart that broke down each revenue category. The biggest revenues are state shared revenues, ad valorem taxes, franchise fees, and utility taxes. He would like to see the other sources more squeezed and taxes become a larger number.

The general fund cash is staying pretty stable, and that is good. We were at 13.5 million in October 2016. They project to be about 13.3 million by the end of this fiscal year. That is a good, healthy, stable number. If they want to cut into that for different projects, they will need to stay above the reserve requirement, which hangs around 6 million dollars. That is based on the GFOA's recommendation of having ninety days for cash. In the past, they talked about bringing that down and they would hang out around 9 or 10 million dollars. It would be a lower number and it would give some cash to do different capital improvement projects. Right now, he suggested hanging on to the cash. Let the market come back before spending that cash. We are not rich, but we are not broke. We are sitting pretty nicely. That was the major overview and the biggest change will be personnel changes. All the numbers reflect the modification that we did to the pay reimbursement, which actually was a goal, so they can check that one off.

GENERAL FUND:

CM Minner stated the City Commission fund has pretty much remained the same. The only change there is the \$39,338 to \$82,381 in operating expenses. That was for employee gift certificates. Everything else remains the same. **Mayor Burry** asked about the promotional item, 4810. Are they spending additional revenue on advertising? **CM Minner** answered that it would be for gift cards, pens, pencils, and greeting cards. Stuff that is sent out on the commission's behalf. **Commissioner Pederson** questioned the rate on bonds. On page 19, there was an electric revenue bond and he saw a rate of 564 to 59. He wondered if they were not allowed to prepay. **FD Williams** responded but the microphone was unable to pick up his response. **Commissioner Pederson** added that it was not a bad rate, and all the other ones are low. **CM Minner** said all the lower ones were refunded. **Commissioner Pederson** wanted to clarify that this was redone once. **FD Williams** replied again, but the microphone did not pick up his response.

The Executive fund has two divisions. The Public Outreach (Lakefront TV) with Facci Bella remains the same. The Administration covers his department's expenses and that remains the same. **Commissioner Pederson** stated he has been on the commission for four and half years and he still learns stuff about the budget. However, with Lakefront TV and the contract with Facci Bella Services, we budgeted \$178,250 and that covers payroll for all their employees. **CM Minner** stated that was their total operational expenses. **Commissioner Pederson** added that in the past there has been an area of confusion through discussions about Lakefront TV.

The City Clerk fund pretty much remains the same.

The City Attorney fund also remains about the same. It is up a bit, but that was due to the shifting from McLin to Stone and Gerken.

Miscellaneous is a bit different. That is where we bank money for vacation buybacks for employees. The \$205,450 represents the delta payment that the city pays to The Villages. Even if they increase the fire assessment fee, they would still have the delta payment for one more year, because those are paid for in the rear.

Continuing, the Finance fund has no major changes. Customer Service has an increase due to personnel costs. Another big cost in the operating fee are the credit card fees and the city pays those. They see more and more customers paying with credit cards and that cost is about one hundred and sixty grand. **Mayor Burry** asked if the city charges a fee for the use of credit cards. **FD Williams** answered that they used to charge two dollars. **CM Minner** stated if that was something the commission wanted to look at they would go back and review that. Pretty much anywhere you go now, if you use a credit card it charges a fee. **Commissioner Reisman** asked if they could look at passing that fee on to the customer. **CM Minner** answered that would be done by resolution and they could get that to them. It will not be done in time for the next meeting. **Mayor Burry** wanted to confirm that they were all in agreement that it was a good idea before making a resolution. **Commissioner Pederson** said the delinquencies would go up. **FD Williams** mentioned the contract with the city would have to be redone. They need to look at that first. **CM Minner** stated they would do their homework and report back. The Procurement Division and Warehouse are under Finance and those departments pretty much stay flat.

CM Minner said with Human Resources there is nothing significant to report on.

Continuing, Information Technology remains consistently flat. The one hundred and fifty in the capital is for copiers, computers, and for equipment that is replaced every year. That is the going rate for replacing computers and different items. They can see the numbers are pretty consistent. They did program security improvements to City Hall, the MOC building, and the Resource Center. That is to the tune of one hundred and fifty grand. They will talk about that in capital projects on Tuesday. With Geographic Information Systems there was nothing significant to report.

CM Minner said the Police fund remains pretty consistent other than pay increases. Most everything in that department is personnel. Fines and forfeitures are rolling as they capture bad stuff that goes into the forfeiture fund. The police education fund operates the same way, there is nothing significant to report on. Police impact fees have one million dollars sitting and they should start seeing that number go up as The Villages come in, along with some of the new housing on South 27 and throughout Leesburg.

With Fire there was nothing major to report. Most of the increases are associated with personnel. The impact fees work pretty much the same as it does with police.

Public Works, **CM Minner** stated street maintenance remains about the same. With facilities, the only deviation there is for insurance and adding athletic field lights. The contract is about thirty thousand. Capital covers HVAC and the annual elevator repair. Grounds remain relatively the same.

Moving onto Community Development, which covers Planning and Zoning, **CM Minner** said there was a decrease there because they did not have to pay for the comp plan revision they are working on. That was paid out of last year's budget.

Housing pretty much remains the same.

Continuing, the Library has a big change for utility costs of \$85,000. **Mayor Burry** wanted to confirm that the library has a utility change that big. **CM Minner** agreed.

CM Minner remarked that moving on to Recreation there was a change. That change is in operations, where they will see more maintenance money for the pool and marina. They are proposing a three percent increase on the slips at the marina to keep pace with everybody else. The marina project is still on board, along with the Susan Street project. That will most likely be back before them in the next

forty-five to sixty days. They will have some concepts to beat up so they can get to construction.

Commissioner Pederson questioned on page 41, of the general fund. Is that a revenue number for the Venetian Center? The fees seem to bounce around and park facility fees are down. He thought \$105,000 was proposed, but it was back up to \$150,000. He wondered why it was down. Did we reduce the fees or anything? **CM Minner** said no. **Commissioner Pederson** wondered if they had reduced the fees, which he hoped they were not doing. **BM McDaniel** said when she looked at 2023 it was not trending to go much above that and she tends to go low. **Commissioner Pederson** said he did not recall cutting fees on it and he thought they were low now. **Commissioner Berry** inquired what the increase was at the library. Was it for a new system? **CM Minner** answered it was for utilities. **Commissioner Reisman** questioned on page 41 the marina operating lease. What is that for? **BM McDaniel** answered that it was for Holiday Marine. **Commissioner Pederson** commented that growth is good. It is amazing to see a twenty-four percent increase in taxable values; however, he sees expenses going up too. We always like to talk about growth and growth pays for itself. He just wanted to point out that everything they went through today was up on the expense side. **CM Minner** replied they will now talk about that a little bit. They have provided a very good budget and the change in taxing mechanisms is significant and it will benefit the city for years to come. It makes us extremely competitive and we are still providing quality general services to the community. Now they will talk about the tax rate, so they know how to address this come Monday. If they want to have more discussion on an extra one hundred grand they need to set the DR420 at 3.4752. At that rate, even with an increase in the fire assessment fee, the average resident would not see a significant increase in their taxes. Remember, it was based on a \$175,000 house. **Mayor Burry** wanted to know where he got that number. Is it a Leesburg average or out of a magazine? **CM Minner** replied that is the Leesburg average. **Mayor Burry** wondered what percentage of residents are less than that, who will be impacted by the fire assessment. **CM Minner** responded that he did not know the answer to that. It is a minority, but he did not know how low below fifty percent. However, \$175,000 is a pretty good number. **Commissioner Pederson** complimented the city manager and staff for a great budget. That is a big decrease in the millage rate and it does jump out, but that was where he was going with the lead on expenses. He would lean towards the rollback rate. He does not take that lightly, but that is a big decrease. The last thing he would want to do is take it up. **CM Minner** added that going with the roll back rate, that is a good policy for the trim notice. It also gives them eight weeks to kick it around. If that is the pleasure of the commission, we will modify the DR-420 to the rollback number 3.4752. **Mayor Burry** said with hopes they can make it even better. **Commissioner Pederson** commented that he supports the rollback rate, especially with the uneasiness about the future of electric utility transfers. The fact that we are going to be attacked every year and we will have to fight every year with the FMPA and other municipal electric companies. He worries about that and he does not want to get too aggressive because we could lose that money in a year and that would really hurt. We need to finish some of the projects we are doing while being very fair to the residents of Leesburg. **CM Minner** stated that completes the presentation of the general fund.

3. ADJOURN:

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

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

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

Commissioner Reisman made a motion to adjourn and Commissioner Connell seconded the motion. The meeting adjourned at 6:32 p.m.

**AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
TUESDAY, JULY 11, 2023 5:30 PM**

1. CALL TO ORDER

The City of Leesburg Commission held a budget workshop on Tuesday, July 11, 2023, at Leesburg City Hall. Mayor ProTem Connell called the meeting to order at 5:30 p.m. with the following members present:

Commissioner Allyson Berry
Mayor ProTem / Commissioner Jay Connell
Commissioner Mike Pederson
Commissioner Alan Reisman
Mayor Jimmy Burry (5:31 p.m.)

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 ProTem Connell 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. PRESENTATION

CM Minner stated tonight, we would hit a couple of the enterprise funds, the special revenue funds, and debt service. Debt service is boring and redundant; however, there were some changes made from when this was done originally. He also changed the order for tonight because he would like to hit the enterprise funds first; electric and gas. There would be discussion on the special revenue items, but he wanted to review the electric fund first. With a two hundred and thirteen million dollar budget, the electric fund is ninety million of that, which is about forty percent. The budget every year is about three hundred and fifty-seven pages and the electric fund consists of about ten pages. On page 266, under electric operating expenses, \$57,746,706 represents about twenty-five percent of the whole budget. The electric fund has a lot to do with where we are. We will hit the proprietary electric and gas funds, then building, and the CRAs. We will go over the discretionary sales tax and whine it down with gas tax, the housing assistance program, and the debt service accounts.

ENTERPRISE FUNDS:

Electric Fund:

Referring to a chart, **CM Minner** said he was sort of throwing the kitchen sink at everyone as far as broad perimeters with the pluses and minuses they have seen over the last eighteen months. He would show them where they have been and where they are going. The electric department/electric fund budget is just short of ninety million dollars. Their total operating revenue is \$89,495,843, which makes up about forty-five percent of the entire budget. In this budget, the thing that sticks out is the wholesale power supply at \$57,746,706. That number is still up.

We have seen that number over the years go up and down. However, right now we are watching it come back down. That is 65% of the entire electric fund. The electric fund then breaks down into several other components which include personnel and operating costs. That is the next big expenditure. Personnel is about 5.4 million and operating costs are the meters, wires, and poles. They are on an incentive program that helps defray costs for buying water heaters and that cost is about \$60,000. Transfers are at 5 million dollars and that is made up of two things; about 3 million of that is famous transfers and the other 2 million is a surcharge. He lumped those numbers together, but there are a couple other little numbers included in that. The transfer amount is 6% and a surcharge. Allocations are other charges that get charged out. All the enterprise funds have an allocation or a contra, and they pay an apportioned share of all the general services, which includes fleet, legal, IT, and all the other expenses. There is a formula and a breakdown of "x" percent of customer service time that is spent on electric. Whether it is gas, water, or sewer, that cost is divided among those funds and the electric cost allocated for general services is a large number that equals about 6 million dollars.

If the City of Leesburg was a co-op, we would be spending 6 million dollars on legal fees, general management, fleet costs, and other things. That is a real cost and they could back that up. Depreciation will be talked about tonight and that number is down, but the way they have the budget figured the depreciation cost this year will be a direct cash injection into the electric fund. Capital is at 2.9 million and that is significantly down and debt is about 4% at 3.7 million. There are seven other categories, but the lion's share of everything we do in the electric fund is with wholesale power supply.

Referring to the slide, he said the electric fund has typically maintained a very solid cash position in the neighborhood of 20 million dollars. It has been hit over the last few years with some significant issues. He showed a graph where those numbers went down. Some of it was their doing, but most of it was not. The first was wholesale power supply and that cash has gone up and down. In good years, we pay about \$70 a megawatt. Finishing off this year, we will average \$101 a megawatt. They thought that number would be \$120 a megawatt next year, because they have full stabilization in there with some of the stuff FMPA has done with hedging, so they estimate somewhere around \$91 a megawatt hour. That is a direct correlation to where the power cost adjustment has been. Wholesale has gone up and down because of two things. First, the war in Ukraine had an effect on our gas supply, where Russia and Eurasia were a significant supplier of natural gas to western Europe. However, when the war with Ukraine broke out, the embargo stopped and natural gas shifted in supply and demand. American natural gas was shifted over to western Europe because the NATO countries were not buying Russian natural gas. That had a significant impact. Secondly, there was the green energy debate over shifting from fossil fuels. Both of those led to supply changes along with stopping pipeline policies for shipping natural gas. That has also driven costs up. They were saved this year by the FMPA hedging policy and a warmer than expected winter. This next fiscal year they feel good that the price will be capped due to hedging. That program will last 18 months. We will get them through the next fiscal year and six months into FY 25 before we potentially get bowelled again. Inflation has been significant in the electric fund due to meters, poles, and wire costs increasing. It has become expensive, so inflation has hit operating numbers. The supply chain is a big one and they have started buying materials in advance because we need to constantly change out meters. If we do not have accurate meters, we cannot count energy correctly. If we do not count energy correctly, we will lose money. They have increased inventory supplies and that had an impact. They have been extremely aggressive with system improvements. First, changing things to improve the system. They changed feeder systems, and old copper wire and poles. They improved the system because they needed

to focus on areas. For example, we changed out transformers because we anticipated growth. They knew we had some feeder legs that needed upgrading before new growth came in. The next thing they did was identify areas in the system that needed improvement to support new growth. In some of the areas, that growth has not come, but we put money into it knowing it will come. There have been a lot of system improvements to Fruitland Park's growth, and on the CR 44 corridor where we are now starting to see that growth. They have put money in the ground but have not seen a lot of meters. The spring is set and once we start seeing growth, things will happen and we will recoup the costs. Those are the influencing factors for where the city is at.

Referring to a chart, he provided the history of power costs because it is a big component of the electric fund. They went back five fiscal years and looked at the bottom line numbers. We paid about 35.7 million dollars in FY 20, and we saw about 3% growth. That is good steady growth on the electric side of the house. 35 million dollars was broken down to usage of \$70.89 a kilowatt. At that cost, we hung out between \$105 and \$117 a kilowatt. In FY 21 we were at \$74.04. Those were good numbers and they saw the rate staying down with no power cost adjustment. We had a good competitive rate. There were a few times when we had the best rate in the All Requirements Project at FMPA. Then everyone got wacked in FY 22. He circled the numbers on the slide to show where the city went from \$35 to \$37 million and then to 56 million dollars. That was almost a 20 million dollar increase pretty much overnight. The monthly expenses doubled. When everyone's power bill went up, so did the city's. When we got into trouble, that was because we were slow to react and it fell on his desk. We tried to keep the rate as low as we could but when we saw the power cost adjustment go down and knew it needed to come up. In September, we implemented .07 per kilowatt sales into power and that raised the bill. By April we saw some of the migratory things coming in and we had a mild winter. As of today, they entered the June numbers and we are now in the black on the power cost adjustment numbers. Last month, he reported that May had a great over-recovery month and now June was another good over-recovery month. We now sit at half a million dollars in the black in the power cost adjustment account. It is recommended that it sits at 3 million dollars. Now is the time when we can start decreasing the power cost adjustment, which everyone will see in July. The power cost adjustment number will go down three cents. As they use more energy, the power cost adjustment will be lower, so customers will not see the type of bill they saw last summer. He knows they went from \$57 to \$110 dollars and now we are looking at \$101. They believe in the next 18 months it should balance out around \$90, even though \$90 is not as good as \$70, it is still a good number. At one point, we had one of the worst rates in the state. Over the next couple of weeks, he will review the numbers and roll them out. While we look ugly now, when looking at the FMPA report, if we average that out over 18 months, where the power cost adjustment was super high, they will see over the next 24 months our rate come back down. On the July bills, it will be \$137, which is as close as we have ever been to FPL.

Mount Dora is the only other regional competitor that will be a little cheaper, but it will be significantly less expensive than Duke and a little less expensive than SECO. We will see that hangout at \$137 per thousand residential rate for a while. It is \$20 more than where we were when the world went crazy. They will manage that, but unfortunately, the report is \$137 will be the rate for the foreseeable future.

Transfers are another significant issue. They would like to mitigate the amount of money being transferred out of the electric fund into the general fund. Since inception, and the goal for the last ten years was to be a utility first and manage the electric fund as if it were an investor-owned utility or co-op utility. They endeavored to reduce the transfer levels from upwards of 8%, and for the last three fiscal years we have been holding steady at 6%. That is a super important number because, if we were a nonmunicipal electric corporation, the big three revenues would be property taxes, state shared revenues, and electric taxes through the utility tax and franchise fees. That 6% represents what a franchise would be, because state statutes give municipal corporations the right to have the franchise of an electric utility as a municipal service as well as using public rights of way to put in hardware. If you were on Duke in

Leesburg, you would pay a franchise fee to the city because Duke has their utility in the city's rights of way. That 6% is super critical. Not only did we get down to that 6% back in November, we passed a referendum. By that referendum, the city charter says the transfer cannot be more than 6%. As previously discussed, municipal utilities are under attack from state legislators and the more we can look like an electric utility, an IOU or a co-op, the better off we will be moving forward with fighting that fight.

With capital spending, that is considerably down this year. Since 2018, maybe even a little before that, we have endeavored to improve the system. Over the past six fiscal years we have spent about \$50 million dollars and that averages around 10 million dollars a year. A good and sustainable number should be around 4 million dollars. We shifted blocks and we did well, but we did not stop the wagon quickly enough. This year we changed that and we will have the lowest capital improvement number in years at 2.9 million dollars. One reason this can be significantly lower is because they have stocked up on inventory. This goes back to another issue they had with supply issues. They typically hung out where inventory was around 4 to 5 million dollars. As supply chain lead times have gotten longer, they bought more supplies, so now the warehouse has more materials. Now, when a transformer blows, they have one already in the warehouse. There is a lot of value in the warehouse numbers, which affects the cash. As they get into capital spending, it is a three-legged stool. They will see charts where the transformers, capacitors, distribution lines and sectionalizing/reclosers are a repeat. If they need to fix or expand the system, and if new growth comes into the system, that is the stuff we need. If a hurricane comes, we may need transformers. It is the same transformer for those three and they will see a lumpsum number there. It is broken down in the budget, but it is hard to delineate.

With the capital spending concept, (referring to a chart) all the hardware items are listed as three separate items in capital spending. The first is system upgrades and that would be a feeder, which is the primary line. When driving down the road, if you see big wires and transformers, that is the old stuff which needs to be changed. These are things we do on our own in preparation for improving the system. That is called system upgrades. This year's budget is 1.4 million dollars for additional materials to do system upgrades. That is scaled back, because we have inventory at the warehouse. System upgrades are things they identify as needing to be fixed. Then there are unplanned system repairs. That is still a system upgrade, but it is unplanned. A classic example is hurricanes. When a hurricane comes, we have big winds that could knockdown poles, which in turn can knock out transformers, and break wires. That would be considered an unplanned system upgrade. We would use the same items, but they are considered system repair. Inventory is at 1.5 million because inventory is high right now. The next issue is system expansion. A great example of that is the feeder system to The Villages (L65). Every major distribution circuit is labeled and the biggest single investment we have made recently in the system is the expansion out to The Villages. Also known as The Villages of Catherine. That cost was around 3 to 4 million dollars, with a return on investment in three to four years. Again, that is another number we see going down. Those meters are spinning so we are in good shape to recoup. Moving forward, system expansion will be developer-driven and we have not planned anything for that. However, we feel that we are in the position to react when it happens. System repairs are unplanned. That is when a storm comes and knocks out the lights. System upgrades we foresee.

Referring to another chart, **CM Minner** said the chart represents total cash numbers. The blue line represents the bulk power supply account. The happy place for that hangs out at 3 million dollars. They would love to see that line stay consistent and steady. That is what they endeavor to do and when they do that, the rate is low and the rate stays consistent throughout the year. They hope that the .03 a kilowatt that they just changed to starting July will keep that at 3 million. When we were negative 9.5 million in the hole, plus the .03, which was 12.5, that was a 12.5 million dollar loss. As of June, we are back at half a million dollars in the black. We have made significant progress and we lowered the power cost adjustment. The months of June, July, August, and September are big sales months and they can keep

that number down. They feel comfortable that by the end of the fiscal year we will be back at 3 million. Around August, they will sit down and reexamine that. If they can tinker that number down a little more, they will. They will mix that with FMPA projections. Moving forward, into FY 24, they will boil down on their goals and try to plan for them in the budget. They want to keep the rates down, keep the lights on, work safe, review operational standards and impose their own standards on themselves when they endeavor to fix or improve systems. They will review the standards to see if they are over or under. They will look to see if there are ways to save because they want to get back to building a little cash. Just like the other enterprise funds or the general fund, they want the right amount of cash on hand. They do not want to have too much, but they do not want it too little. We need to hang out at the recommended reserve number of 10 million dollars. The electric department can spend 10 million dollars really quickly after a catastrophic event. He recommends that a stable electric fund has between 15 to 20 million dollars of cash on hand. Once the power cost adjustment (PCA) is back and we have recollected the 12 million dollars, the neutral place where it should be is about 10 million dollars.

They have about 5 to 10 million dollars worth of work still to do on this. When he first started, the smartgrid was the big issue and now the GE contract is about to sunset. We have about 2 to 3 years left on that. The electric director has already started looking at alternatives. The GE contract reads all the meters and costs the city about 1.7 million dollars a year. It goes back to the type of meters we get and that number could be big, but not in terms of power supply. That number could get to be about 5 million dollars. They are now looking at alternatives, so when that contract expires they know how to tackle counting the flow. They saw a decrease in power supply of about 13%, which breaks down to about 8.5 million dollars. There was some increase in divisional costs of about \$263,000. There is a 2.9 million increase in distribution. There are discussions about how they can shift the cash flow around. There is 1.5 million in the other division for the depreciation stuff and the capital expense is 5.2 million.

Electric Expenses:

St. Lucie	\$990,756
Purchase Power	\$57,746,706
Administration	\$951,153
Jobbing	\$85,190
Distribution	\$7,854,521
Smartgrid	\$1,714,426
Other	<u>\$12,305,461</u>
Total Revenue:	\$89,495,843

St. Lucie and Purchase Power are two sources of wholesale power. They share St. Lucie's nuclear plant and the Power Purchases from FMPA. The All Requirements Project is 99% of the city's power. You will see a third line next year, in FY 25, when we start bringing solar online. That line will most likely be a positive for now. St. Lucie and the FMPA are cost items and solar should give us a little back. He would not go into all the derivatives of solar at this workshop. Administration and Jobbing are the core and pillar of the electric department. They keep the lights on. The Smartgrid and the Other are transfers. Capital Projects are at 2.9 million dollars.

Mayor Burry stated on page 269, the total shows a 38% increase. It appears to be mostly insurance. Are we insuring more stuff? Did it go up with that or is that the rate increase that homeowners see going out? **FD Williams** said it was a combination of both. We have five substations and only two of them were insured. After going back and auditing those, they now insured the other three. That was a significant dollar amount. **Commissioner Pederson** said with the GE contract and meter reading, is there any technology in the future where we would not need people on the ground reading meters? **CM Minner** answered that we do not have people on the ground reading meters; it is all automated. That was the

difference when they went to the highly complex automated system (Smartgrid). However, now we are coming to the end of that contract and we are looking at other alternatives. The old-fashioned way of reading the meters and the old analog meters that just spun on the house cost about \$1 a meter. Our costs went from \$1 a meter to \$5 a meter with Smartgrid. When he first started out in Vandela, MS, it cost about twenty-five cents to read a meter. That has gone from twenty-five cents to \$5 in thirty years. Obviously, there is a lot of technology. The electric director will look into that. We are remote now. We have gone from manually reading meters to the meter reporting what the meter has. It includes reporting outages, usages, peaks, spikes, and tampering. We have become high-tech and they see that in the costs. **Mayor Burry** mentioned the operating expenses have a 59% increase. That is a lot. **CM Minner** said the worst case scenario is that number rising from 3 to 5%. The best case scenario is making a big cash out and then they can bring that number down. There is a lot of stuff on the table that the electric director is looking into and he is still reviewing it. He is starting to hear bits and pieces now, but the electric department personnel are working on it. There will be more to come. **Commissioner Pederson** questioned the depreciation. **CM Minner** answered the depreciation is 2.8 and that is down. There is a correlation between personnel costs, capital costs and depreciation. With depreciation, they fund and that goes into renewal and replacement. The 5 million dollar level was a little arbitrary. That was as much cash as they could squirrel away. That went into the R&R.

Referring to a chart, he said that was where we spend between 5 and 12 million dollars a year. We have eaten into the R&R budget, which is depreciation. This year's budget is 2.8 million dollars. That is a decrease because our capital expenses are significantly down. That 2.8 million dollars is direct cash and we do not see other sources in the budget. They toyed over how to display that in the budget, because they knew that number would pop out at them. He wanted to show that number in a way he could explain, since they do not see a revenue source from other sources in this year's budget. With numbers from other sources, that means we are borrowing from our own savings account. That number is zero, which means depreciation is down. They are budgeting 2.9 in the black. That 2.9 should be a direct injection into the cash fund. At the end of the fiscal year they should have an additional 3 million dollars.

Gas Fund:

CM Minner stated the gas fund is slowly coming back. They propped up the gas fund using the electric franchise fee as an IOU. They shifted their attention over to gas with a partnership with SSGC and The Villages growth. When they endeavored to do projects, like the Resource Center, the aquatic facility, and the Ski Beach improvements, those projects were funded using cash injections from the gas department. Ten years ago, the gas fund was sitting on 7 to 8 million dollars in cash, but it has been whittled down. As we went through the TECO lawsuit we saw that partnership starting. The delay with seeing that cash regenerate is two-fold. The first was the settlement when we had to kick back two thousand customers in Finney to TECO. We were seeing that growth, but TECO took that growth block as part of the settlement agreement. We started seeing rapid growth at three thousand customers, but after that settlement we were back at zero. We had to wait for The Villages to grow outside of the settlement territory, and move into the SSGC Leesburg box, known as the Villages of Catherine. Now, all the dirt they are moving in The Villages going down CR 470, is Leesburg Gas. We had an 18 month delay in seeing those numbers come back. There was a low in 2019, at the end of the lawsuit, which included infrastructure improvements that we had to do as part of the deal. We are now seeing that number tick back up to five million. The next hole in the bucket is villages' growth. Everything in the gas department remains the same, except for a big capital expense of one million to one and a half million dollars, so they can install a six-inch distribution line heading south towards Sumter County. That will serve the area south of CR 470. That box is the old CR 470 property that is now known as The Villages of West Lake. The Villages will eventually wrap their growth box near the Lake/Sumter county line out to Coleman, near the new Charter School, up to SR 44. That will be the next growth area. When that is done, there are talks about expanding south of CR 470. The gas director and his folks are working on that and they need some cash to get that next line in there. **Commissioner Pederson** wanted to confirm that it would all be city

territory, including the future growth in The Villages. **CM Minner** answered yes, it is to be determined, but when they did the initial Performa, the box, as they call it, that box was from Highway 301 to The Villages of West Lake, SR 44 and a mile or so south of CR 470. The thought was there would be 25,000 residential customers. At 25,000, we knew we would net somewhere around one million or one and a half million dollars. That performa, based on the customer count now, is about right and those numbers should be true. They are just waiting for the customer count. However, he does not know what the final Village count will be. They purchased a considerable amount of property, so there could be 25,000+ residential homes as long as The Villages keeps growing at their current pace. Since January, they are hanging out around 270 houses a month receiving a CO. If this pace continues, they should start moving south of CR 470 and there will be a lot more development to come. Based on the agreement with SSGC wherever they go, we are tied to it; Leesburg gas is tied to that agreement. That was the big victory in that settlement. We may have jumped the gun a little bit when they took Finney, but the administrative law judge said that agreement was correct and legal. That was a big victory, so wherever The Villages goes, Leesburg gas goes with it. Keeping up with that has been the department's biggest issue. The process of gas mimics how we do electric and gas purchases are the lion's share. That breaks down into administration, locators, and distribution, which are the guys who fix stuff. There are capital projects and different operational stuff in that 4.3 million dollars. It is the same type of philosophy as electric. They fix stuff, they expand, and reenergize old stuff. If stuff blows up, they have to fix it along with stuff they think may blowup while keeping up with the capital growth. In gas, the capital growth is driven by the distribution lines, which is part of the agreement with The Villages. The gas department will need a new home sooner or later. That building is extremely old and the city is growing at a pace where we cannot keep enough bodies there, and they have more equipment to be stored. Their location would be moved out of the downtown. They would put them somewhere else and that property could be sold or repurposed for different downtown commercial use. **Commissioner Pederson** said he would like additional parking in the downtown. **CM Minner** stated that would be an expensive endeavor. Before they start feeding money into special projects, they should tackle that question. It would be a one million dollar question to find them a new spot in the right location. As the electric director works on Smartgrid, the gas director's homework assignment is to find a long-term solution for a new facility. He was unsure if that would fall of 2025 or 2026. **Mayor Burry** asked about the growth we are seeing for the gas fund? **CM Minner** said, looking at the revenue now, he would add 3 to 4% because that revenue number has been conservative. He would go back and crunch numbers but he did not want to guess. **Mayor Burry** pointed out that the growth in the gas department is good for the City of Leesburg. **CM Minner** added when talking about the mechanism, that growth becomes the next piece of the puzzle for how we fund capital projects back to core Leesburg. With the Villages' tax ad valorem revenue, and as more population comes in, that means more DST revenue, and that means more transportation gas tax for streets, and natural gas surplus money can be gone over. When looking at potential increases in ad valorem and natural gas surpluses that will go to help fund capital projects in the future. That was the mechanism for how they setup and endeavored to expand to such an extent. On a customer basis, electric growth is steady in the defined territory pursuant to state statutes. **Mayor Burry** stated that it stops at the south end at the back of Lake Deaton and everything in The Villages is not on city electric that is why it was only three percent. **CM Minner** said the electric territory box is roughly from the county line to Radio Road, from the top of Fruitland Park to the top of Lake Denham. That is electric territory, everything south of CR 33 and US 27 interchange is now Duke territory. With all that ad valorem growth of Whispering Hills, Hodges and the others, we will only see the franchise revenue from Duke. The box for gas is the electric box plus all the way down to Royal Highlands. It then goes everywhere in Sumter County where The Villages goes. Electric customers may peak in five to ten years at 35,000 customers if we get significant growth from Orange Bend in the CR 44 corridor, where 15,000 was the native load. We could one day see 65,000 gas customers. That would double the amount for gas customers versus electric in the future.

SPECIAL REVENUE FUNDS:

Building Permits, Greater Leesburg CRA, Carver Heights/Montclair Area CRA, US Highway 441/27 CRA, Discretionary Sales Tax, Gas Tax, and Housing Assistance.

Building Permits:

The building department has a special revenue. Not a whole lot goes through this fund. It is pretty steady. The building officials have been busy keeping pace with non-village growth and different things. They have made a couple of modifications to the draft budget since it came out. There were a couple of positions mislabeled in the budget, so they changed that. However, the heartbeat of the building department goes back to the cash number. The bottom line is that they are making about 1.7 million dollars in revenue for permits, inspections, new houses, reroofs and everything else. Back around 2019, we slowly started to reduce our fees to match growth and as growth came in, we saw the reserve level continue to rise. One thing about the building fund that is different from other enterprise funds is that the state requires the building fund only to be spent on building stuff. We cannot spend those funds anywhere else. We changed the process because we saw the money going up. After discussions with the contractors, it was decided that we would lower the rate and have the most competitive building fees in our region instead of returning the money. Less deficit spend until such time that we need to increase the rate back to what it was. The overall rate was about a 50% reduction in the standard fees.

Referring to a chart, he showed the yellow and red lines. The red line represented zero and the yellow was the initial estimation. We did not want to dip below that line. The blue line represented the state statute requirement, which said this is what the reserve requirement is for what a building fund should be. Anything above that line cannot be spent on anything other than building use. On that barometer, they have been trying to get back to that number and spend off the surplus. They have been spending off the surplus and keeping the rate down. In 2019, when we started this process, we were just south of 2.5 million dollars. The deficit spending plan was to reach \$450,000. We thought we would reach that by FY 24. However, it is tough to manage and estimate how much new revenue we will receive. Even though we tried to deficit spend, new growth continued to go up. The estimates on revenues were always low, which continued not to build the cash level, but it did a little bit. Over the last few years, we started toying with the rate to get it where we could see it bleed off. This year we are now deficit spending about \$533,000 on the building fund. That is assuming revenues are correct and there will be no windfall of revenues. They will have another solid twelve months at the current rate, so we do not have to look at increasing building fees. If some of the subdivisions occur, we may see that getting kicked a little further. The plan is solid and it keeps us competitive. The concept is to encourage growth, friendly developments and make sure we have good quality buildings. Maybe next year or by mid 2025 they will have to revisit the rates. That is the microcosm of the building fund. Pretty much everything in the building fund is personnel related.

CM Minner said the Greater Leesburg CRA is referred to as the Downtown CRA, whereby the city commission and two members of the public form the CRA board. One from the east side of the district and another from the west side of the district. The middle divide is Canal Street. They also have the Carver Heights CRA and the Highway 27/441 CRA. Referring to slides, he said, from a high level, the CRAs are doing pretty well. They see nice growth. In the preliminary DR-420 discussions, they saw initial numbers come back with 24% total growth in the city and 33% growth in the general fund. That number broke down, showing 12% in the other respective CRA funds, but the Highway 44/27 CRA was the big winner at 13% growth. The Greater Leesburg CRA's cash position relates to the special projects they do. At the end of the fiscal year, they will see it having around \$255,000. The CRA fund has been incremented. When they created this CRA, they had the base year increment. They drew a box around their targeted blighted area. They calculated the taxable values and tax revenues and that was year one. Anything above that has to go into improvement pursuant to the plan. The increment from the city is

matched with the increment from the county. They receive county money plus city money and that creates the increment they can spend in that area. This year, FY 24, it is over nine hundred thousand dollars. The first thing they will spend money on, pursuant to the decree by the NAACP that dates back to the mid 90s, states that they have to share the increment with the Leesburg Community Development Corporation. Half of that \$916,571 goes to the Leesburg CDC. That leaves them with \$458,285 to spend. The first thing they have to do is pay down the debt on the Main Street project. That was a 1.3 million dollar banknote over 10 years. They are about halfway through it and the debt payment on that is one hundred thousand dollars. After paying that, they will have about \$350,000, and they have not specified any projects. They have had conversations regarding a request from The Partnership. The Partnership asked for an events contract. That request was for \$450,000. Speaking to their financial advisor, the easiest way to house that is in the CRA. They do not have \$450,000 in this fund, but they have \$350,000. If they go down that road, they would potentially keep that contract in the confinement of the CRA revenue. The trade-off is what capital project they do.

One thing they have done extremely well over the last ten years is pick and choose, but for every action there is an equal and opposite reaction. They have done well managing their focus on this and not going too far or too little. That has kept them in a good financial position. There is a trade-off, and that is pushing off capital projects. This would be the time to discuss experimenting with The Partnership through an events agreement. He also had a slide showing the things they could work on in capital projects. From a staff level, they have their hands full of internal projects as well as growth-driven projects. In the future, there should be ad valorem potential and natural gas revenues. That could be another source. We see other communities spending upwards of half a million to one million dollars on events. The philosophy for going with The Partnership was because of Bikefest. The city did not have to spend considerable dollars on events because The Partnership was there to provide those events from the profits of Bikefest. That model was created back in the early 90's and it does not work anymore. First, it was a victim of its own success. As events have occurred, small businesses within the district have grown and that has taken some of the share from The Partnership when they have their events. Some of that cash is no longer available, but that is a good thing because we have started to see a regeneration of the downtown. That is what we want. We want to see the private market sector survive and flourish in our downtown. Another thing was covid and that had an impact on their events. The concept is that the profit margins in The Partnership have dwindled for those reasons. They are struggling to meet ends and to have money to provide events. The request was for \$450,000 so they could provide the events. The trade-off is kicking the can down the road on capital projects. He did not think it would be a significant issue for the next couple of years. If they decide to go down that road, this fund would house that experiment. The next step would be putting together a formal agreement with The Partnership. It will be brought back for review and approval. It would become effective with the new budget starting October 1st.

Commissioner Reisman went on the record saying he started thinking about this before he came on the commission. This was something he wanted to do and when he came on the commission he went and approached the Partnership about it. The events are good, but they could be better. He wants the events to be free for everyone in the community. When people come to their events, they should not have to pay for certain things. That is why he asked The Partnership to put this together so their events could be even better. As the city manager said, most surrounding cities spend anywhere between \$700,000 to 1-million dollars a year on events. **Commissioner Pederson** said he was pro The Partnership. Covid did have an impact on them. He has provided his speech before because he thoroughly enjoys the events. He missed the events during covid. He did not realize how much he would miss them until covid hit. The Partnership has been around for twenty-five years and they have done a great job for the community. He supports this, and they should do the full \$450,000 because we put a lot of pressure on them. We will expect them to perform and do the events right. If they do not, then this contract could be in jeopardy a year from now. He was not sure if it would be fair to do it at \$350,000. The Partnership could do a presentation but he feels they deserve the \$450,000 that would put the pressure on them to do it right.

Commissioner Reisman seconded the additional one hundred thousand.

Betty Stevens-Coney said she was there representing the constituents of the Greater Leesburg CRA. Several months ago she presented three items for consideration; historical markers, bathrooms at the John L. Johnson Park, and exploring the possibility of a pavilion for that part of town. She questioned how the experiment with The Partnership would affect those requests from the constituents she represents. She does not want to see those not included and the people not get what is due to them. **Commissioner Pederson** remarked that they will share that money with the Leesburg CDC. They will take half of it and the other half will be allocated to The Partnership. **Ms. Stevens-Coney** said okay. **Commissioner Pederson** said that is the money they have to work with for those projects. **Mayor Burry** added that the partnership is not a selective target. That is a city-wide benefit. **Ms. Stevens-Coney** said she understood that. However, she wanted to be assured that the investment in the partnership would not affect what she already proposed to the board. She wanted to be assured that they would still get the bathrooms at John L. Johnson park and the markers. **Mayor Burry** responded that they already agreed to the markers. **CM Minner** pointed out that he did not put a number on there for the markers because that was not a big number. **Mayor Burry** stated the bathrooms and pavilion are discussions to be held at a later time. These are not items that are going to necessarily happen, they are still in the discussion phase. **Ms. Stevens-Coney** questioned if all the things she mentioned were still in the discussion phase? **Mayor Burry** answered that there was no decision made on the pavilion or the bathrooms by the CRA. There was a decision made on the markers. There was consensus that it would be a good idea, but there was no allocation of funds for those projects. **Ms. Stevens-Coney** responded as she remembered the bathrooms at John L. Johnson Park was an oversight. Everyone thought there were bathrooms there. However, John L. Johnson Park still needs bathrooms. **Mayor Burry** said yes, that was the flavor of the conversation. **Ms. Stevens-Coney** said she was under the impression that it was a bit more of a flavor, it was a desperate need. **Commissioner Pederson** commented that he thought there was a consensus on the bathrooms. It was not approved, but he thought there was an agreement. **Mayor Burry** remarked that it does need to be done, but at what point? **Commissioner Pederson** added that the pavilions were not well received by the community or the commission. **CM Minner** said there is other money and they need to get through the rest of the program. Just as every year, they throw out a bunch of different projects and then they firm up the list. The signs are not a financial issue and the bathroom will probably be \$250,000 to \$500,000. They have some concepts and may not all come out of the CRA. They may go back to DST money, because they have some DST money still sitting there. If they want to get the bathroom in the park done, that would be an easy do. It does compete with some other stuff, but he was not too worried as far as shifting financial blocks. **Commissioner Berry** added that the bathrooms were agreed upon, but it did not circle back around. The awareness was that they did not know bathrooms were not there. That was the thing, but the other items were to come back for acceptance. **CM Minner** replied yes, they kicked it to the budget workshop hearings and he failed to mention it. **Ms. Stevens-Coney** wanted to confirm that they were good on the bathrooms for John L. Johnson park. **CM Minner** responded on behalf of the commission that what they need to do is polish this off. They have the other two CRAs and there is DST money. They will do their thing and if they need to modify it, they will bring back a modified proposal. He believes they would not fund the John L. Johnson park in the Greater Leesburg CRA. That would most likely be DST money. They just need to shuffle the blocks around. **Ms. Stevens-Coney** said for the record it will show that. **CM Minner** reminded her that this was a workshop and the consensus he received from the commission was to shuffle the deck and bring back a modified proposal. With that modified proposal, they will look at the John L. Johnson park, but the pavilion will not be moving forward at this point. **Ms. Stevens-Coney** added that the impression she wanted was that they would agree to the provision, concepts and principle. **CM Minner** responded that there was a firm yes on the signs and they needed to go back and shuffle the deck for how to get a bathroom in the park. Once they get through CIPs, they will have a priority list and the John L. Johnson park bathroom is on the priority list. It does not mean it will be done this year, but it is being tracked. **Ms. Stevens-Coney**

mentioned moving forward they should realize that this may be something they really want to do, realizing that Mr. Johnson recently passed. This would be an honorable thing to do in his name.

John Christian, Pastor of the Christian Worship Center, echoed Ms. Stevens-Coney's sentiments regarding John L. Johnson. He was a great icon in the City of Leesburg. The John L. Johnson Park is a very utilized park and it does not have a bathroom. He heard talk about the consideration of a budget workshop, so this is not final. Tonight they are discussing what could be added to the budget and taken from the budget to make things happen. The commission charged the city manager to go back to see if he could find the money. No one in the community will be concerned about where they get that money from. They just want to see bathrooms in John L. Johnson Park. That is why they were here to discuss the budget and to find out what is needed in the budget. They could discuss things that the city manager or the commission may not have thought about. He noticed in this CRA budget that there was no mention of home improvement grants or anything for the residents of this CRA. He would like the commission to consider adding some funds to this part of Leesburg for the residents who may need assistance with home improvements. **CM Minner** said they would go back and modify that and report back. The reports would come back at a regular meeting. Based on the commission's feedback he would get with Ms. Smalley to figure out how they would meet the parameters of that agreement. **Commissioner Reisman** inquired where civic funding would come out. **CM Minner** replied it comes from the solid waste fund.

Continuing, the Carver Heights CRA is obviously growing. It has five hundred thousand cash. Commissioner Berry has spent a lot of time with him reviewing and modifying a couple things in the budget. Ultimately, the commission establishes the budget for the CRA, but Commissioner Berry spent time with him going over some concepts that she would like to see in this budget. This budget breaks down into personnel expenses for housing, operations of the Resource Center, the debt on the Resource Center, and whatever revenue is left over that will go towards various capital projects. That is the area they talked about.

He provided a correction to the Carver Heights/Montclair Area CRA budget because it actually brought in around seven hundred thousand dollars, not nine hundred and twenty-nine thousand. That was the actual increment. They decreased promotional activities by \$11,400 and increased the home grant program by \$50,000. There are some improvements to be made at Corinne Williams Park to add a restroom facility and update the blight study and master plan. In the review, it would be personnel, personnel costs and operating expenses of the Resource Center. That includes the blight study update, the debt service on the Resource Center and additional projects for the board's consideration.

First is the Boys and Girls Club tuition. This concept comes as an insurance policy to ensure that the investment in the teen center and the Boys and Girls Club partnership works. That concept would be another agreement with the Boys and Girls Club and if the commission decided to do this, the civic funding for the Boys and Girls Club would end. They had a meeting with the Boys and Girls Club which included some community members, Commissioner Berry, and the Recreation Director. They had a discussion to ensure that the youth of the community were taken care of. That would be through the Resource Center. That is why they created the facility and why they partnered with the Boys and Girls Club. The amount of \$120,000 comes from the concerns they heard, and that tuition is hard for folks to pay and that it had an impact on enrollment at the Boys and Girls Club. The capacity at the teen center is about 80 kids. The tuition payment consists of a \$30 initiation fee and \$20 a month for the summer. The Boys and Girls Club stated they are at 50% capacity now and that \$120,000 would ensure that the facility is full and paid for by the Carver Heights CRA. That would not be a direct check written to the Boys and Girls Club, but there would be an agreement whereby the Boys and Girls Club awards tuition to eligible folks that would then receive a subsidy in the tuition paid by the city through the Carver Heights CRA fund. With the home grant, they previously talked about increasing the grant limits. They talked about

increasing that from \$5,000 to \$25,000 or \$27,000 based on if the homeowner contributes or not. The request for funding would be \$300,000. The goofy number of \$229,000 is that plus the residual that is already in the fund that has not been spent. That makes up the \$300,000 and that \$300,000 would be divided by twenty-five for twelve potential homes.

The next potential concept came from a concern Commissioner Berry had expressed about public safety in Carver Heights. She would like to have more police officers in the Carver Heights area. In the police department, that was a concern, because we needed more police officers and to get more officers, we had to increase their base pay. Now, we have to look at funding the new officers and that is their overall struggle. Step one was the big collective bargaining agreement (CBA) that was approved last month where we increased the base pay to sixty thousand dollars for the entry level officer and then we addressed the compression issue. That was funded with surplus monies in 2023, which gets us through this year. However, that is balanced by the number of officers the police department currently has and it is an understaffed department. They now have a double whammy. The chief would advocate that Leesburg Police Department needs to have at least 80 officers. If we add in the new growth in South Leesburg, we are looking at a department that needs upwards of 90 officers. They have struggled with recruitment and that was addressed with the increased salaries. They addressed the budget gap in the salaries with some surplus cash from the general fund and they froze seven positions. We currently have 73 officers, and that is low. We are down seven positions. There is definitely a lack of bodies. The first thing they did was address the pay. They needed higher pay because higher pay would be better for recruitment. In the interim, there was a desire for additional policing services and that be more focused on the Carver Heights area. In order to bridge that gap, they would use Carver Heights CRA money. That would help fund and unfreeze positions for more patrol coverage. They would slowly wean that CRA funding back to ad valorem funding in the general fund as the village's growth comes on. There were detailed discussions at Thursday night's meeting where they talked about making a plan for the new villages' money. The brief of that was around one billion dollars of anticipated taxable value from The Village's growth. That would be 3,200 units multiplied by the \$3,000 taxable value and then multiplied by the potential millage rate. That would give us somewhere in the neighborhood of 3.3 million dollars, which is anticipated for FY 25. With the Village's influx, at the current rate of the Villages of West Lake, we should have about 3,000 units by December 31st. As long as the house is built and CO'd by December 31, 2023, that means in 2024 it will be assessed, which is FY 25, which starts in October. They anticipate that there will be another injection of new growth revenue and that plan was laid out on Thursday night of last week with priorities for where that new money should be spent. That recommendation was that we have an outlying plan that focuses on that money and where to spend it. The second plan was for more police officers and 1.1 million dollars would provide for about 12 new officers. Potentially, in FY 25, they could unfreeze the last positions and add more officers. With the third, 1.1 million dollars, that would be potential capital improvements. Even if they have not identified the capital improvements, they would squirrel away that money in the CIP fund and do just as they have done with the pay-as-you-go policy for general fund improvements. That would be general improvements around the city. They have been hesitant to issue debt when it is associated with the tax base. That was a little loquacious talk, but the concept would be to immediately focus on public safety and bridge the gap with CRA dollars, unfreeze those positions, and use CRA money to get some designated officers for the Carver Heights area to allow for more protection.

To recap, the modifications to the plan: personnel will stay the same, we redo the blight study, the debt payment, the Boys and Girls Club tuition, the funding for the home grant, and the addition of officers.

Commissioner Pederson stated he would support the police officers being paid out of the general fund and not penalize the CRA fund, which is making good progress. He had a discussion with the city manager about this in hopes of splitting it and doing different things. It is a duty of the city to provide police services and that should be paid out of the general fund. He struggles with supporting a blight study because that seems like a waste of fifty thousand dollars. He could find better ways to spend that money. We have a pretty good plan for what we want in the Carver Heights area and he would rather take

the fifty thousand dollars and apply it to whatever that group wants to do. **CM Minner** stated there was a struggle with the financing and how to bring in new police officers. He believes everyone would agree that the city needs to expand the police department. Going back to the tax number that was set at the commission meeting Monday night, where they set the DR 420 at the rollback rate, that goes from 3.4245 to 3.47 and that gets an additional one hundred thousand dollars. Remember it was seventy thousand dollars in the black, so if we went with the rollback number there would be an immediate \$170,000. He believes they can find the rest of the money after polishing up some revenue numbers. If they go with the rollback rate, they can tackle that question, but there is another one hundred thousand dollar question hanging in the balance with the Partnership. When it comes to the bathroom at John L. Johnson Park, we can use DST money. If they go with the rollback rate, they could cover the positions in the police department if they want to kick that over to the general fund. They would then have \$100,000 to bridge the gap in the Partnership agreement. They should spend down some of the cash they are sitting on, \$250,000. That is a good bridge. They could have a two-year contract with the Partnership at a \$450,000 rate. Those are broad concepts and food for thought during the discussion. **Commissioner Pederson** said he did not want to get too bogged down or make it overly complicated, but to piggy back off those comments, what if they funded two officers out of the general fund and the CRA funds pay for one police officer for one year. Then we will absorb it in the years thereafter to help the funding gap.

CM Minner responded with the seven positions; we have three positions now and four unfunded that need to go back in by 2025. There is a performa they use, but the quicker they tackle it with existing revenues, the more they do not have to use villages' revenue to unfreeze positions. If we can get more officers unfrozen now, they can add more later. **Commissioner Pederson** agreed. He just wanted to throw out ideas. **CM Minner** added that they are on track and they do this every year. They discuss all the big broad concepts in the workshops. There are about five things that need to be drilled down.

Commissioner Berry commented that the Florida Statutes allow them to use the tax increment funding, the tiff money to fund community policing in the CRA areas. She does not see that as being a waste of money. **Commissioner Pederson** pointed out that he was not talking about taking it from that fund. He was helping them by saving money in the CRA. He wanted to take it out of the general fund. That way, it would allow for other projects to be done. He wanted to make everybody happy. He understands the law enforcement issue, but this would free up money to move forward with the other projects that the CDC or CRA want to do. **Commissioner Berry** stated her request was to designate a police officer for the Carver Heights area. **Commissioner Pederson** agreed with that. He understands there are concerns in the Carver Heights area and the city has a duty to provide those services and it should be paid from the general fund. **Mayor Burry** wanted to know how they would have specific officers for just that area? What would happen when the next area wants a specific garbage service in their area? **CM Minner** explained that the police department breaks down patrols into zones around the city. The Carver Heights area roughly matches an existing zone. It is not perfect, but there is a little wiggle room in there. Of all the areas, this would be where they could use CRA money for police services and it would be the best way to get checks and balances. It is unequivocal and Commissioner Berry is correct that using CRA money for designated policing is an allowable expense and it is in the existing CRA plan. There would not be a statutory issue with that concept. **Commissioner Berry** pointed out that there is a critical need for police presence in that community. **Mayor Burry** agreed, but he was looking at how that would work. How does it happen in reality? Can the officers go outside that area or are they sworn to just that area? It is a lot easier to talk about it than the application of doing it. He likes the idea of adding more police officers and they could focus on the Carver Heights area. However, it is the idea of designating new officers for a certain part of town. Is that what we want to start doing? Do we want to have different services in different parts of the city? **Commissioner Berry** said with the current situation and with the police department being short, if they designated officers for just this area to manage and help cut down on regular street crime and speeding, that is a comprehensive project. They could do it as a pilot program to see if it works. She did not know how that schedule would be, if it was two days on and two days off. She did not want to get into how the police force works on scheduling, that is up to the police chief. The ideal

goal and vision was to have a police presence and control over what was going on in that area. Meaning, instead of having to call for the police to get there, the police would already be there. The residents could establish a relationship with those police officers. The police would provide protection and security for the residents and the constituents who are in that area. It would be a clear picture of officers that look like her, black or brown. They would be there to assist with the issues in that area.

Dr. Erica Jasper, CRA board member, stated in reference to the police issue and the \$250,000. She agrees with the mayor about how that would be handled. Three police officers would be excessive for the Carver Heights area, considering there is not a whole lot of crime when you look at the grand scheme of things. She lives in that community and she has been there pretty much her entire life. There are seven vacant positions and they would be using \$250,000 of CRA funds that could be leveraged for something else. Florida Statute 163.387 states that if they use CRA funds for police officers, they must stay within that block. They cannot leave that territory or use their patrol cars outside that territory. She was not sure if they were aware of that. If they use those funds, the officers can not deviate outside of the parameters of the CRA. She would like to understand how that would work from a reality standpoint. She understands that police jobs are very challenging and hard. They never know what they are walking into from day to day, but it is a bit excessive to use three police officers when there are seven vacancies at this time. When it comes to the Boys and Girls Club tuition, of \$120,000 that would be about 40 kids. That was not included in their meeting, nor did she know anything about the meeting. She wanted to know if there was adequate staffing to accommodate an influx of children. She did not know how that would work. Where are the kids coming from? They would all have to be from the CRA area if they used CRA funds. She was not sure if they looked at the proposed comprehensive plan because they may give them \$120,000 this year, but what happens next year? She was one of those children once upon a time and she did not want to boost them up and then let them down next year. What is the longevity plan for this proposal? Are they doing this just to say that they are doing something? What is the contingency plan and the comprehensive plan for the long term moving forward? With the housing grant program, how many houses would be done with that program? **CM Minner** replied twelve houses. **Dr. Jasper** remarked that they would take \$300,000 and use it for just 12 people. There are a number of people here in the audience from the Woodland Park area and she believes there are more than 12 people needing assistance. They should take that program and extend it. Maybe do twenty-five homes and give \$10,000 to \$30,000 if that was the case. They could divide the \$300,000 and extend it, make it wider and broader so more people can benefit from the program, not only Woodland Park but the whole CRA area, including the Carver Heights/Montclair area. They fit into that program. Overall, the total budget is too small. They should take the \$867,000 and leverage it. She likes to think big and do big things. They could take that \$860,000 and turn it into 4 million dollars. They could do greater projects as they leverage that money in the CRA. Those are some of her concerns and the housing program does need to come from the general fund, the police officers need to come from the general fund and perhaps the scholarships need to come from the general fund. That way they can take the \$867,000 and leverage that to 4 million dollars.

Christina Foster, resident of the Woodland Park Community, stated she heard the city manager say something about Corienne Williams Park needing a restroom. They already have a restaurant, but they do not have a pavilion. They have birthday parties and the whole neighborhood helps the families take stuff out of the park. They need something for the kids to sit under from the weather. When it comes to home improvement projects, a lot of the houses in the Woodland Park Community have been the same since they were put up. The only thing that they improved were the roads. That was it. The city could add stuff to the park, but that is not enough. They do not have internet service at the park. It is the only park in the community that does not have Wi-Fi access. **Mayor Burry** inquired if she was referring to Comcast not going there. **Ms. Foster** answered it was the WiFi through the City of Leesburg. They should be able to sit there and hook up to the city's WiFi. They do not have access to that and the city is located right behind the park. They do not understand why they cannot get WiFi access.

Fred Griffin Jr., president of the West Leesburg CDC, said he receives phone calls and he goes to homes and walks through the community. He has sleepless nights and it takes away from the business he runs 24-hours a day. With that being said, the patrolling of police officers should come from the general fund. They have so many other issues going on in Carver Heights that they need to be tackled. There is the issue of homelessness. They know about it because it is going on around the whole country. He gets phone calls regarding rental assistance. He has one senior citizen that calls him daily. Her complex stated she would be evicted and she is on an \$800 fixed income. They told her the rent was going up by \$300. He has written to the legislators to address this concern and they asked what they could do to help fix the issue. It is not only a state issue, but they should start here in the city first. Back to the general fund, some of the funds should come out of the general fund. Let them tackle the issues that are very critical within their community. Remember commissioners, the citizens vote you in. If they are not listening to the citizens, then they are doing them a disgrace.

John Christian said he was there representing the Men of Distinction. He heard Commissioner Reisman say when he came on the commission how he was excited about the Partnership and a marketing plan. He has been a member of the Men of Distinction for the past twenty years. They put on the Leesburg Black Heritage Festival and he would request that the Carver Heights CRA grant the Men of Distinction, through the CDC, twenty thousand dollars to implement the Leesburg Black Heritage Festival. Since it was such a great idea, he wanted to make sure his request was known and that was a request from the Men of Distinction and the CDC, who put on the Leesburg Black Heritage Festival. He supported Commissioner Berry and her request for police and Carver Heights. He has been pulled over by the police department so many times because of tag lights being out and the tint being too dark. He is not a huge fan of three additional police officers, but he is willing to give anything a try if it helps improve the Carver Heights community. He just hoped they would not pull him over because of tinted windows and tag lights being out, even though that is how they catch the bad guys. He knows the chief will do a great job to ensure that when the officers interact with the people in the Carver Heights community they are treated with respect and honesty. That is a big concern. He would also like the city to check the statutory requirements, especially when talking about giving \$120,000 to the Boys and Girls Club. They need to make sure the kids come from the Carver Heights CRA area. The police officers need to remain in the Carver Heights CRA area. They need to be trained properly on how to interact with young people. He has three African-American sons and a daughter who frequently drives through Carver Heights and he drives through Carver Heights and the last thing he wants is for them to be pulled over by an untrained police officer. We do have vacancies, which means people are not applying for these jobs. We may not get the best of the best, we may get the worst of the worst, so we need to make sure. The police chief does a good job because he gets compliments all the time, but they need to look at who they select to work at the Leesburg Police Department. When they say vacancies, it may not be because people do not want to work there. It may be because the chief will not hire them because they do not meet his criteria. He wanted the commission to understand that, often times vacancies do not mean sixty thousand dollars, some times they may not be a good fit for the community or the city. Once again, representing the Men of Distinction, he hoped the commission would push to add twenty thousand dollars to the budget for the Black Heritage Festival. It is the only African-American Festival in Leesburg, and they bring people in from all over the state to this Festival.

Commissioner Berry added about the home improvement grant. She met with the residents of Woodland Park on April 27th and that development consists of 48 homes. Out of those 48 homes, she had 28 homeowners attend that meeting. They completed a survey stating what was needed for improvements to their homes. From that meeting she brought that information back to the city along with her concerns. These people need assistance to get some form of improvements done to their homes. They range from basic stuff to HVACs and so many other things. She was concerned. They are at a point

where they could stream into this and put dollars together in a budget. The CRA money is used for helping and improving homes. That is what they requested. The goal is a win-win all the way around. If they improve the houses, that improves the tax dollars. It could open the eyes of mainstream investors for opportunities to come in. Once everything has been improved, including getting rid of blight in the district as well as the city, it will improve the morale of the residents. It will encourage everyone to participate in keeping areas clean. With our police officers policing the area, they would also feel safe. As the city manager said, there will be more money and it would be reinvested into the CRA as the improvements are made, tax dollars will come in. For the next year, in 2025, there will be more money available so they can improve more houses in the other parts of the district and the other parts of the city. It would just continue. She cannot imagine anyone having to live and make choices based on someone thinking it was not necessary. If they drive through the area of district one, they could make their own assessments. She wanted to make sure they were all under the same understanding, that we are all trying to improve our city. The requests made are very fair. It provides an opportunity for everyone to be a part of this win-win situation. If we do not start this, we will never know. It is not fair to judge what type of officer will be recruited to join the group because they have no idea. She trusts the chief would make sure there were experienced police officers coming into the area and they would provide safety for all. If someone has a busted light, they should be stopped. If they are doing something illegally, they should be stopped. It should not be any different from any other area of the City of Leesburg. They have realized the importance of trying to bring areas up to standards so they can continue to build new homes and to invite others to come into the area. We are looking at rehabilitating Leesburg and making it better. She wanted to be fair and let the commission know as well as everyone in the room that the money is for the CRA. The CRA was established to improve blighted areas and lower income areas. If they do not ask for it or use it this way, what are they doing? She wanted everyone to think about that. They are not making major decisions now. We all want the same thing for the city but they have different approaches and different agendas. As the new commissioner, her concern is making the area better. Her constituents voted her in to make improvements and that is what she is trying to do.

Dr. Jasper mentioned there was a meeting earlier this year with the West Leesburg CDC. It was a community meeting and the residents of the CRA area voiced concerns about speed bumps and lighting. She did not see anything in the budget for that. If they could add some funds for some speed bumps and lighting throughout the Carver Heights area, Woodland Park and Montclair area, that would be good. That was a major concern of many of the residents who attended that meeting.

Daryl Reese, Pastor of Mt Ararat Metropolitan Missionary Baptist Church, said his church is adjacent to John L. Johnson Park. He plays basketball there and there are no bathrooms. They have to let the young people use their facilities, especially the girls. He was curious about when the city manager sleeps because it blew his mind that one man could stand there and go through a whole budget and have a complete grasp of it all. Was it AI? Police officers are necessary and important. When he calls 911, he wants a Leesburg police officer there as soon as possible. We have a very good police department and an excellent police chief. He grew up in an area where police officers lived and it made a world of difference. They knew where the police officers lived and because they lived in the area they as young people, knew how to behave. It does make a tremendous difference. Sixty thousand dollars is not a lot of money, it may sound like a lot, but we have to consider raising families and paying for all kinds of stuff. Some cities assist their police officers with living expenses, so it is not as expensive. When doing all this development, if they could somehow make it available for the police officers to live at a lower rate in these areas where people know where the police officer is located in the community, it would make a world of difference.

Mayor Burry wanted to confirm that the city manager was clear about what everyone wanted. He asked if he could sum up the direction that they were headed in because he was a little foggy about what

everyone asked for. **CM Minner** responded he would wrap up the input and he would bring that back to the commission. In her capacity as a CRA member, Dr. Jasper requested a meeting for Monday, July 24th. At that meeting they will bring some recommendations and flush out some stuff. He would take tonight's input and move it forward to that meeting.

Moving on to US Highway 441/27 CRA **CM Minner** stated this would be a bit easier. They are steadily building cash on US Highway 44/127 CRA. Referring to a chart, he said that it was a guide for US Highway 441/27 CRA since he has been city manager and since inception. For the newer commissioners, the situation they ran into with US Highway 441/27 CRA was the issue of approximately 15-million dollars in debt in 2010, because the very next day after signing the note, the sky fell and property values plummeted by double digits over the next three fiscal years. What they thought was going to build an incremental revenue actually dropped an incremental revenue. That meant they had a 15-million dollar bond and they thought they would have enough growth to pay for that debt coverage, but that never happened. The first couple of years, they scrambled and used gas money to prop that fund up. When he was hired, he and the Finance Director went to work on this and the concept they came up with was to get the base year recalibrated so when they ran out of gas money, the debt did not hit the general fund. The financial director was successful in getting that done. We were one of very few CRAs in the state that got to recalibrate the baseline. With that recalibrated baseline, they started seeing growth and they are now seeing the reverse trend of that. They have been very cautious with US Highway 441/27 CRA. Basically, the only major expense in this CRA is the one million-dollar a year payment for the bond and that retires in 2036. They have done a couple of little projects with facade sign landscape money, but they have been very successful. With the growth rate now, they are bringing in about one million dollars and that covers the bond payment. If they keep squirreling that away, they may be at a spot in FY 27 or 28 where they have enough cash banked to retire that debt. If things continue to be positive, there could be one million dollars each year for potential capital projects. In the interim, one big capital project on the horizon in the US Highway 441/27 CRA, is a partnership with FDOT to move utilities and widen the road. He believes that to be an allowable expense because they are improving that corridor. Using US Highway 441/27 CRA monies would take the expense away from some of the utilities that are a bit stressed now. In order to move water, electric, and gas, that adds up to about seven and a half million dollars. It is a big number and they may not put it all in this fund. He just wanted to throw that out there. He recommended that they continue to stockpile cash, pay the debt, and let that fund build. **Mayor Burry** asked if those repairs would be from Perkins to Newell Hill. **CM Minner** replied yes.

Moving on to Discretionary Sales Tax, when they talk about other projects, the city brings in about 3.1 million dollars in discretionary sales tax revenue. One thing they have not talked about is that they see this number increasing as the population increases with The Villages. That is a good thing. However, first we have a payment of eight hundred thousand dollars and that goes to police and fire lease payments. That is all the police and fire vehicles. They are already purchased and we have to pay the lease payment to the fleet fund using discretionary sales tax, that is an allowable expense. The second thing is the debt owed on the radios and the police department cameras. That is paid for with discretionary sales tax revenue. Those two items add up to a little over one million dollars. The next thing they do is transfer money over to the fleet fund to pay for the debt for replacement vehicles. After those are paid, there is about one million dollars for capital projects. There is about one million dollars every year available for capital improvements. There are \$750,000 worth of projects he wanted to recommend, which leaves about three hundred and ten thousand dollars available. The discussions tonight for improvements included the two restroom facilities, one at Corrine Williams Park and one at John L Johnson Park. He may have misspoke earlier because Corrine Williams was for overall park improvements, not just restrooms. It was facilities and changing structures along with upgrading the facilities. The John L. Johnson was for a restroom.

There are capital improvement projects that he would recommend looking at. They always reserve about \$150,000 for roof improvements. The new one this year is security improvements. Since covid the world has continued to unfortunately get stranger. There has been discussion about making security improvements. We are looking at City Hall and the Leesburg Municipal Service Center (LMSC) building where the building department, purchasing, IT/GIS, and planning and zoning are housed. We are also looking at the Resource Center. We lack some security measures because if you go to different cities in the region or even the county buildings, they are all locked these days. We want to work with the public, but we also want to make sure our employees are safe. These facilities are very open and lack some safety measures. The concept would be to secure the facilities. We would move to where the doors are locked and you would need a badge to get through the facilities. For example, city hall would continue to be open to the public where they can walk in the front door and go to the front desk to sign in. If they needed a pass to get to another part of the building, there would be a citizens' pass. They could swipe that card to enter the elevator to get to other departments. For the commission room, employees would be able to unlock the doors and elevators, but everything else would be closed after hours. The public would be able to access the city commission chambers. The finance department would have a pass to swipe. Every employee and commissioner would have a pass. If someone was here to pay utility bills that would be open for them to go to, since the employees are behind glass, they would be secured. It would be the same type of concept for the LMSC building. They have the same issues there. They would make the entry vestibule, they could gain entry to building through the administrative assistant as well as Planning and Zoning. The same for the Resource Center. The rough estimate to accomplish all this is about \$175,000.

There are splash pad improvements needed. The splash pad has reached the end of its life cycle. When they originally built the splash pad, it had a concrete surface, which was not very popular. They had a couple of kids fall. There were no major claims but they immediately changed that, making it better. They eliminated that from the inception and installed the spongy cool blue stuff. However, the life cycle for that is about five years and they hit that. To change that, they are looking at \$125,000. They will see that as a recurring expense to keep the splash pad in a tip-top shape. There was a concept to put the Corrine Williams Park improvements into the discretionary sales tax fund versus the Carver Heights CRA fund. That leaves \$310,000 for other potential projects that the commission may want done that were not included. That \$310,000 would not be an eligible expense for the \$100,000 for the Partnership. It can be funded by cash from the CRA or any general revenue. It is not an eligible expense for the discretionary sales tax fund. It would have to come from a capital expense fund. He provided a new chart that showed the different projects they were working on. There could be a trade off on the Partnership and Downtown CRA issue. They still have the Market Street design concept in the CRA and that money is available if they choose to shift that around. They never went back to revisit that concept, but that could be something to deallocate and spread that money.

Commissioner Reisman wanted to know if that was \$320,000 and not one million dollars. He was going to provide a number after they talked about this. He thought there was one million dollars allocated. **CM Minner** said that is \$321,000 if they do not want to do the Market Street project. **Commissioner Reisman** said he thought there was one million dollars. **CM Minner** replied that is where they talked about one million dollars but he believes that was ARP money. The John L. Johnson Park improvements were the fence and there are some scraps in the residuals where they could trade around. There are some flexibilities. The Partnership building still has \$250,000 for upgrades. They have been bogged down with supply issues and Wharton Smith being busy. They have struggled to get to that project, but it is still on the list. He does not think that is a project the commission wants to do away with. The Aquatic Center and the monument signs are done and that leaves \$26,000. They have the Rails to Trail and Marina Project. They are still working on Pat Thomas and that has about \$100,000 left. The baseball folks are inquiring about that. He knew they left it with the locker room discussion and he needed to report back on that. Sleepy Hollow and Susan Street are the rectangle field stuff and that is in there because they are

working on that. Then the other available cash money throughout the city is about 3.1 million dollars. There have been discussions about the lighthouse project and that will be on their desks soon. Other projects are things they have not talked about. What they have not allocated from the American Recovery Act is about \$700,000. There are some interest revenues floating around along with general fund revenues from projects. Shuffling the deck and putting that all together makes it about one million dollars that they have sitting there. There is 1.3 in DST money, and about three million dollars in other residual projects. As they tighten up the budget, those are some of the revenue streams they will look at. If there are any other concepts let him know and they will review them.

Moving on to gas tax, the local option gas tax is the other special revenue we have. There is a couple thousand dollars from the penny everyone pays at the pump. They get about \$900,000 from that revenue source and all of that is transferred into the general fund. He hoped they could start weaning that back as we see other growth come in. They could shift to paving streets, fixing potholes, and other eligible expenses.

With the housing Assistance program, **CM Minner** said this fund is for the Mispah Simmons Apartments, which is basically the rent and maintenance for the facilities.

Debt Service is a clearing house based on statutes where when we do capital projects and pay off debt, it is taken from one pocket and put into another, because you have to pay your debt out of the debt service fund. This is more of an accounting type fund.

CM Minner stated that he misspoke to Commissioner Reisman when he asked about grant funding. He thought tonight was the grant funding night but he was wrong. They will talk about grant funding for civic programs; that includes the cemetery and all the other ones. They will do some homework on that and review it on Thursday. They will finish off with the civic funding and, if they want, they will do it at the top of the meeting. **Commissioner Reisman** replied that it did not matter. **CM Minner** said they would start out with civic funding, then review the rest of the enterprise funds; water, sewer, solid waste, and the airport. They will review the pension funds, but they are all doing well. They will move into the internal service funds and there will be a discussion on the Health Insurance Fund and the Workers Comp Fund. The highlight of that is, last year they propped up the health insurance fund because of claims with worker's compensation money, and this year the health insurance claims did better, so there is some stability there, but worker's comp did not do as well. They will talk about the Fleet Fund which hangs on. That is the highlight and prelude to Thursday night's meeting. They will recap tonight and they have a meeting with Carver Heights on Monday to discuss different concepts about John L. Johnson Park, the home grant, police, the lighting, and speed bumps. Speed bumps were one thing they wanted to avoid and they will talk about that more next week. They also have the electric department working on some lighting issues. He thought they would address some of the outages and take a look at different light styles to prevent them from going out. He will have a full report on those items at the next commission meeting.

Ms. Stevens-Coney mentioned that her spirit and her soul ached and that ache could be eased if they were to decide, as an honorary remembrance of John L. Johnson, that we would, in memory of him, decide to implement or construct the bathrooms in the park. There appeared to be enough money to make that decision if they had the will to do so in his memory and his legendary historical life that he lived. **Mayor Burry** stated that it was not a decision they could make tonight without having more information about costs and where that money would come from. A lot more goes into it than just making a decision. **CM Minner** added that the FY 24 budget so far has been a good one. We have some cool stuff in there. We made some taxing changes and some big modifications. He was optimistic that there was a little something in there for everybody and it was good. They will keep moving forward.

3. **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.

With a motion by Commissioner Reisman and a second by Commissioner Connell, the meeting adjourned at 7:42 p.m.

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

1. CALL TO ORDER

The City of Leesburg Commission held a budget workshop on Thursday, July 13, 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. PRESENTATION

CM Minner began the meeting by saying this was the third and final budget workshop for FY 2023-24. Tonight we will finish with the enterprise funds, a few in-house funds, and civic funding. There are a few budget changes based on some of the discussions. The millage rate has been adjusted to the rollback rate of 3.4752 mills. After recalculating some numbers, that would give about \$175,000 extra dollars to the budget.

There was a conversation during the CBA negotiations pertaining to police officers where they had frozen some positions. He thought the magic number to get everything to work was unfreezing seven officer positions. That number had changed and he did not present that change during that conversation. The final change was for three officers, using the Carver Heights CRA money. He asked them to forget everything he said other than the concept of shifting the CRA contributions for the three police officers to the general fund. They figured out after the tax numbers came in, from the Property Appraiser's office for June and July, that they had started funding those positions in the general fund. They actually had four repaid. So, by the time the commission saw the budget and had that discussion on the Carver Heights concept, there were only three officer positions that were unfunded (or frozen) for FY 24. If they choose to unfreeze the three positions in FY 24, the police department would be fully funded at seventy-three

officers. Whether it is funded through Carver Heights money or general fund money, the police department would be fully unfrozen. **Commissioner Connell** wanted to know more about the additional three positions. **CM Minner** said the department would have a total of seventy-three officers, and that is a typical number. There are no new positions being requested. **Commissioner Connell** inquired about the three positions because, previously, that number was four. **CM Minner** answered that the magic number they need is seventy-three, but he previously misspoke because he thought they needed seven positions. Right now, the police department has seventy officers fully funded. If we fund the other three positions, that would make the seventy-three funded positions. **Commissioner Connell** wanted to know about the expenses for funding the three positions. **CM Minner** replied it would be \$239,876.

Commissioner Connell wanted to clarify that the funds are being projected to come out of the CRA.

CM Minner answered that it was proposed to come out of the CRA and Commissioner Pederson talked about shifting that back to the general fund by using the rollback rate. **Commissioner Connell** asked about the rollback rate and what that does for the overall average property tax. Will it remain about the same? **CM Minner** said they discussed the rates at a previous workshop. **Commissioner Connell** mentioned that with more value on a home you save more. **CM Minner** replied, referring to a slide. The average house was set at \$175,000 and if we adjusted the rate to 3.4245, a \$175,000 house would break even. If the house is below that rate, it would be about a dollar less. **Commissioner Pederson** said at the proposed rate of 3.4245 at \$75,000, including the increase for fire assessment fee of \$165, that household would save eight dollars. If they do the rollback rate, the increased cost for that house would be one dollar. **Commissioner Connell** asked if that included the additional fire assessment? **CM Minner** said yes, that includes the fire assessment fee and the roll back rate of 3.4752. **Mayor Burry** mentioned that the property taxes would be lower, but the fire assessment fee is going to take them just over a dollar. They almost breakeven. **CM Minner** stated with the rollback rate, it would be breakeven for a house assessed at \$175,000. The higher the value, the more you save. The lower it is, the more expensive it is.

Commissioner Reisman wanted clarification on the police officers' funding. For the first year, that would come out of the CRA fund and after that they would use new village money to cover that. **CM Minner** stated that was what they proposed. **Mayor Burry** wanted to be clear if they were using the CRA fund or the general fund. **CM Minner** stated that is to be determined. **Commissioner Pederson** remarked that he thought it would come out of the CRA fund for the first year. **Commissioner Reisman** said it would only be the first year and every year thereafter it would come out of the general fund. **CM Minner** stated that based on their discussion, the proposal would be to shift it over into the general fund, but remember if we put it in the general fund, we have to use the rollback rate. That was the discussions they had about the DR-420 form, which was sent to the county using the rollback rate. They still have time to discuss that and kick it around. However, the three positions would be funded and the department would be fully staffed with seventy-three officers.

They were also asked to look at the credit card billing issue and they found that they could start charging for that and the cost would be three dollars per transaction. That fee would cover the costs and save the city between three and four hundred thousand dollars. Most of the savings would end up in the utility fund, not the general fund. However, it is a savings nonetheless. They would start moving in that direction based on the discussions they had. There will be some computer software issues and they will get with the billing folks and credit card folks to get that implemented. They are looking at October 1st for a start date. **Commissioner Reisman** wanted to make sure the fees would only be for the use of a credit card. **CM Minner** agreed and said there had been some internal discussions about this and it could create more internal traffic at city hall. People may choose to come in to pay their bills, versus using a credit card online. They could also use bank information. **Mayor Burry** wanted to verify that it would save the city between three hundred and four hundred thousand dollars by implementing this. **CM Minner** answered yes, it would save about \$424,000. They did a quick survey and most everybody in our region charged three dollars. The only city that does not charge a fee is Mount Dora. They absorb it like we currently do. Examples are, Tallahassee charges \$3.95 per transaction, Ocala charges 2.5% on the total transaction, and Orlando Utility Company charges a flat rate of \$2.50, so three dollars is a

reasonable charge. **Commissioner Reisman** asked if they charged a flat fee per transaction or if it was a percentage of the transaction. **FD Williams** said it varied. **Commissioner Reisman** asked if that needs to be set at a higher rate so the city does not absorb any of the fee to use a credit card? **FD Williams** replied a utility account would not be over three dollars per transaction. Right now, the average the city pays is \$2.30 per transaction. They have to renegotiate that deal with the credit card company and three dollars may not cover it. If that is the case, they will bring that back to the commission. However, right now, the average is around three dollars. **CM Minner** added the angle here is to save money. **Mayor Burry** stated that as long as the public is aware of that charge, it is okay, because a charge happens almost everywhere. **FD Williams** mentioned the reason they did not charge was so people did not have to come into the office. They already get enough foot traffic with new customer setups and those types of transactions can take up to half an hour. **CM Minner** said originally it was a good trade-off because they were paying less for personnel, but that number has grown.

CIVIC FUNDING:

Leesburg Partnership	\$38,710
Leesburg Art Festival	\$10,670
Boys and Girls Club	\$5,000
Leesburg Area Chamber of Commerce	\$5,000
Community Development Corporation	\$3,880
Melon Patch Players Community Theater	\$5,500
Leesburg High School Band	\$1,455
Cemetery	\$161,760

CM Minner stated civic funding is paid from the solid waste fund. They are the same organizations and same levels. That total for civic funding is about \$232,000. He recommended that if the commission decides to move into an agreement with The Partnership their \$38,710 civic fund goes away. The same thing for the Boys and Girls Club if they decide to pay student-tuition, that fund goes away too. That would save \$43,710 in the solid waste fund. **Commissioner Pederson** inquired about the \$3,880 for the CDC. **CM Minner** responded that has always been paid, but he did not know what it was used for. **Commissioner Pederson** said he did not realize they were on the list. He only picked on them because they received \$750,000 last year in ARP funds. He would support pulling that one too. He thought they removed the Leesburg High School Band last year. That was for a one-time thing, but it accidentally stayed in the budget. That was for a specific request. However, he remembers talking about it a year ago and thought that they took that one away. **CM Minner** said if they want to remove the CDC and the High School Band from that list, that money would be returned to the fund too, along with The Partnership and the Boys and Girls Club. **Commissioner Reisman** said when it comes to the Leesburg Area Chamber of Commerce he would like a breakdown of what they use that fund for because, from his calculations, \$5,000 should be enough to cover everything. With this organization, we should be listed as a head sponsor because we sponsor all their events. **CM Minner** said if they want to work it like that, he would have to propose the changes to the Chamber because that would change the deal. **Commissioner Reisman** said we currently give them five thousand dollars for civic funding, they also receive five thousand dollars for the teacher event, three thousand dollars for their trustee program, we give two ninety-five dollars for airport dues, we sponsor a team for the golf tournament and pay city dues of five hundred and forty-nine. He believes the five thousand dollars in civic funding should cover all of that. Civic funding comes from taxpayers, and the events need to be free, for all-purpose events. This is a club and it is ticketed. If an organization does not do anything for the community that allows people to come for free, they should not get additional funding. **Commissioner Berry** wanted to know more about the additional funding. **CM Minner** answered there are different events that the Chamber holds and the city provides them with five-thousand dollars in civic funding. **Commissioner Reisman** explained again

what the five thousand dollar civic funding covers. In addition to that, we give them three thousand dollars for a trustee program and we pay the airport dues of two ninety-five and five forty-nine. He was not sure why the city was doing that because that is considered membership dues. The city also pays for a golf tournament sponsorship, but every other trustee in the Chamber has that included in their annual funding, so why does the city pay additional money for that? He also saw other funding in previous years that the city paid for. He does not have a problem with civic funding, but it needs to be open to the public. It needs to be open to everyone. It should not be a ticketed event and there should not be a membership fee. **CM Minner** asked how much the total funding was on his list. **Commissioner Reisman** stated in 2022 the city paid \$65,612 and that included the ARPA funding. In the 2023 budget, it is \$13,670. **CM Minner** said \$13,670 was the magic number for them. However, they could take that \$13,670 out and have it set at five thousand dollars. **Commissioner Reisman** wanted to know more about the teacher appreciation event and if it was coming up? Are we funding that again or were we asked to fund it? **Commissioner Berry** said that the event would be held at the Lake Square Mall. **CM Minner** stated they had already paid for that in the current fiscal year's budget. **Mayor Burry** mentioned that it is a good event. **Commissioner Connell** wanted to know if any other cities contributed to that event. **Commissioner Reisman** said no, we are the only municipality that helps fund that. **Commissioner Connell** felt that Lady Lake and Fruitland Park should be contributing something to that event in the future. **Commissioner Reisman** said if it was already paid for this year, it was not included in the spreadsheet. **BD McDaniel** stated the check was cut back in June. **Commissioner Reisman** stated that going forward, it should be five thousand dollars. They should not be nickel and diming for everything else that should be included in the annual civic funding. The city should be listed as a sponsor for all of the organizations because we provide them with civic funding. Non-profit organizations need to be aware of how much the city eats when it comes to building rent and utilities. He would like a monthly or quarterly report on the non-profit organizations letting them know how much the city taxpayers are paying. That is a lot of money spent on utilities, rent, building repairs, and other payments. They need to know what the taxpayers are paying for. He would also like to know what the mission statement is for each of these organizations, because some of the organizations are becoming intertwined. He would like to see their mission statements going forward. **Mayor Burry** mentioned that since they were talking about it, what is the difference between the Melon Patch and the Center for the Arts? Why are they not under the same umbrella? **Commissioner Berry** said those are two different entities. The Melon Patch is a theatre. **CM Minner** stated there are two different organizations. The Melon Patch Theatre does not operate under the umbrella of the Center for the Arts. They have always contributed to the Arts Center. Former Commissioner Dennison added the Melon Patch to the civic funding. **Commissioner Berry** wanted to know what that funding was for. **CM Minner** replied it was for operations at the Melon Patch. They put on a series of plays every year. They average between five to eight plays and that helps fund their utility bills, operations, skits and crafts. **Commissioner Reisman** added that the Melon Patch and the Center for the Arts have two different missions; one is art and the other is theater. **Commissioner Berry** wanted to know if the ticket sales went to the Melon Patch. **CM Minner** answered that the ticket sales that stem from the plays at the Melon Patch are Melon Patch revenue. **Commissioner Reisman** said when this comes back for approval, he would like the organizations to come and present a budget for what they will use that money for. **CM Minner** answered that he would proceed with whatever the commission requested. This has been commission driven ever since he started here with the city. **Commissioner Berry** inquired about the Leesburg CDC. Is that \$3,880 split between both CDCs? **CM Minner** replied that it was just for the West Leesburg CDC. **Commissioner Berry** said she would like them all to provide information as to why they need the funding before approving the civic funding. **Commissioner Reisman** remarked that they could make this reimbursable, so if they spend money we can reimburse them. **Commissioner Berry** was curious about that too. If they showed them what it was for, they could come back and ask for reimbursement. However, right now she does not know what the funds are being used for. **Commissioner Pederson** said the Melon Patch is struggling financially. He would leave that where it is. He did not want to spend a lot

of time on the Melon Patch. However, if the commission wanted more information on the other organizations, he was fine with that. **Commissioner Reisman** stated the organizations need to remember they do not only represent their organization, they also represent the city. They need to be mindful of their events and the things they do because of that. **Mayor Burry** wanted to clarify which organizations were being pulled for non-funding. **Commissioner Reisman** wanted to pull the Leesburg High School Band and the Leesburg CDC funding. **Commissioner Berry** suggested that they find out what the funding would be used for and then they can make a decision. She does not know what the Leesburg High School Band is for, but she understands the Melon Patch needs it. **Commissioner Reisman** pointed out that the Leesburg High School Band was a one-time fund, so students could go to Washington, DC or New York to be in a parade. **Mayor Burry** remarked that once they were on the list they just stayed on the list. Now is the time to clean that up. **CM Minner** summarized that they will review the general expenses for the requests. The High School Band and the CDC's funding will be pulled. If the commission agrees to strike a deal with The Partnership and the Boys and Girls Club, those funds would also be pulled. **Mayor Burry** added that the cemetery fund last year increased quite a bit for some new equipment. **CM Minner** said that it was operating expenses and new equipment. The new equipment was not part of that. It is the same number as last year when they increased from the \$130,000 level to the \$160,000 level. They gave them \$25,000 of ARPA money for new equipment. **Commissioner Reisman** wanted to know if they were still requesting the full \$161,000. **CM Minner** answered yes, they requested \$161,000 but no additional equipment was requested. **Mayor Burry** remarked that they should get more mowing done, since they purchased new tractors. He wanted to know if that money would be spent on personnel? **CM Minner** answered that the tractors were purchased and they were ready to go. The \$161,000 is for operational support. **Commissioner Pederson** said he remembered this debate well and his position was, if we do not fund this it will fall to the city and it would cost well more than \$161,000 to do in-house. **Mayor Burry** agreed, but we funded it at \$161,000 because they needed equipment and now that they bought that equipment, why are we still funding at this number? **CM Minner** pointed out that there were two separate numbers. They had broken down equipment that needed to be changed and their operational expenses went up. The \$161,000 covers operational expenses. **Commissioner Berry** asked which cemeteries they cover. **CM Minner** replied Lone Oak and Shady Oak. **Commissioner Pederson** added that the cemeteries are run by volunteers. It would cost the city more money bringing that in-house.

ENTERPRISE FUNDS

CM Minner stated the enterprise funds consist of; water, sewer, solid waste, stormwater, and the airport. Most of the enterprise funds are nucks and crannies and they all remain the same. The cash levels are okay, but the airport has the best cash position.

Water:

He continued by saying the water fund hangs in there with cash level expense. Everything else in that fund is pretty much the same. There is an operations increase and personnel remains the same. There are no new personnel requests. With capital issues, there are a number of water projects on the books. The projects have been allocated in various ways, and some have not been accomplished yet. They went back and freshened up the numbers. The first project is the US Highway 27 Main Replacement (Middlesex to CR 48) at \$3,800,000 and then they have the Highlands Lake Storage Tank at \$3,600,000. They have updated the numbers to reflect higher costs. With the US Highway 27 Main Replacement, they had to shift some stuff around to get the 3.8 million dollar budget. They are about sixty (60) days from going to bid. They are currently 20% complete on the design. They are looking at going out to bid on that project towards the holidays or the first part of the new year. The Highlands Lake Storage Tank is 3.6 million and they are about sixty (60) days away from going to bid on that too. The Public Works Director is very optimistic that the number is high based on Wharton Smith's estimates. When it came in with the

Construction Manager at Risk, they felt that number was too high, so they wanted to do a design, bid, and build on this. They needed to finish off some designs, so that was a delay. If the Public Works Director is correct, they should see some savings. They are working on a Treadway Road Loop which is budgeted at \$1,000,000 and that will get a water main looped from Radio Road across Treadway and down CR 473 to where the County Firehouse is located. The Fluoride Project is at \$730,000. That number represents engineering as well as the \$650,000 that was estimated for the construction project. To accomplish that, they will take about two million dollars from cash, which leaves around one million dollars above the reserve. The water fund is becoming a little tight. However, it is not a red light, but it is a yellow light for sure.

Wastewater:

Referring to a chart, **CM Minner** stated in the wastewater fund he added a new color (yellow) which represents debt. They have been sitting on 30 million dollars of cash that they borrowed and that will be used on the sewer plant project. They also freshened up the numbers of the major projects in this fund. The Turnpike 6 MGD expansion is estimated at \$42,642,000. It is really a 1.5 MGD expansion, but that gets us to 6 MGD. The estimate includes some design monies that have already been spent. They are optimistic that it will come back around \$40,000,000. This is about thirty (30) to sixty (60) days out from Wharton Smith, bringing back a guaranteed maximum price (GMD). They will still go with the Construction Manager at Risk in this process because it worked into the efficiencies of the expansion. He would not recommend changing that. They are being delayed on that but he anticipated having the GMD by the end of this month. There were some issues with electrical as far as prices. That slowed it down some along with finishing up the design for that. Then they will break ground. He was not concerned about the delay. They are looking at mid 2025, by the time that is at 6 MGD. The Lift Station 72 project budget is set at 4.2 million dollars. They are a couple of months out on that. This is the number one project on the list. With the Southern Corridor Forcemain Bypass, they are still working on that. They have been working with a couple of different partners due to changes. However, the BarKey Subdivision in South Leesburg is stepping up. They are working on an agreement where they will build a big chunk of that main. They are in rough draft form in discussions about how that gets done and paying that back with impact fees that come in. That project has been broken down into three phases. They are about sixty (60) days out from bringing in a design contract. They are currently working with BarKey because there are some easement issues that need to be worked out with Duke. Lastly, there is a Generator Grant Project for \$350,000. In all, there are about 48 million dollars in projects. When we break that down, everything looks about the same. One big number for the sewer expansion was for odor control elements and that costs about half a million dollars per year. Hopefully, that price will come down because part of the 42 million dollars was to find a way to better manage odor control. **Commissioner Pederson** was curious about Lift Station 72. Is that for The Villages, or would that go south on US 27? **CM Minner** replied that Lift Station 72 is for south US 27 growth. That will cover the growth of CR 48. The McElyea development, which is now Eagle Tail, and the Windsong development that comes up to US 27. They can catch that once Lift Station 72 is done. That will give us about 3,500 to 5,000 more units, but that will be about it. When they talk about the numbers of units on the south side, we definitely need the bypass option. Lift Station 72 will get us by for a while. When they talked about the expansion, they decided to purchase that property. Now we are getting into the final design for building the lift station expansion and construction. **Commissioner Pederson** asked, as we have more growth down US 27, will the pipe get bigger or do we add a second pipe? **CM Minner** responded that we would have enough and we would have a second pipe. Everything from Windsong north will go to Lift Station 72 and everything from Windsong south will use the big giant pipe cut across the Duke easement. It will then be dumped into the plant. There is various equipment, tools, and pumps included in the miscellaneous stuff. That is all needed for when things break down. We can fix it.

Solid Waste:

Continuing, referring to a graph, **CM Minner** said with solid waste the graph looks a little scary and that is because there is not as much cash in the solid waste fund. They saw that in the gas fund when they paid civic funds out of there, then we switched it to solid waste. He was not overly worried about solid waste because it gets a breather and, as we see other revenues increase, like ad valorem with The Village's, they will shift the civic funding back to gas. They will see the profitability of solid waste grow in out years. There really is not a lot to elaborate on in the solid waste fund other than the rate stays the same. **Mayor Burry** inquired that since we started using one truck instead of two for recycling, are we seeing better numbers? Has that affected solid waste in a positive way? **CM Minner** answered that he did not have the numbers readily available, but he would report back on that. **Commissioner Pederson** remembered about a year or two ago there was a discussion about either water or wastewater, because our rates were lower than most other municipalities. We talked about maybe bumping that up a bit because of the pressure on electric rates. **CM Minner** said there really was no relationship between water and sewer and the electric fund. **Commissioner Pederson** remarked that he realized they were different, but he asked from a transfer standpoint. **CM Minner** said there is a CPI increase of three percent scheduled in those revenues. **Commissioner Pederson** thought they bumped one of them up a year or two ago. **CM Minner** said last year they made an increase in water and in the other accounts they had a CPI. **Commissioner Pederson** said he did not want to get bogged down on it, he just wanted to bring it up. **CM Minner** said he did not want to raise the rates yet because we were hanging in there. **Commissioner Berry** asked if he could explain the advantage of not having two trucks for the recycling and regular trash. **CM Minner** stated the theory behind going to one truck was because the recyclables and solid waste both end up at Covanta. We were able to get green credit because the recyclables go into the incinerator and the incinerator burns and creates a green energy source. That was deemed a good use for the waste stream and we were able to meet the requirement for going green. They did not need to continue the recycling program. Recycling started to become an issue because costs started to rise and there was no place to take the recyclables. We saw other organizations do away with their recycling and they are doing the same type of thing we are. With impending growth in the south, it reduces the number of additional trucks and we were able to combine routes. Now, we do need to have additional trucks or personnel because the same level of service can be managed. We will report back on this and it will include the finance, personnel, and equipment aspects. **Commissioner Berry** wanted to know, as we continue to grow, is it the more the better? **CM Minner** replied that as we continue to grow, that is where they will see the savings by not having the dual stream for solid waste and recycling. **Commissioner Pederson** said even with fuel costs and not having two transport trucks helped eliminate some of that fuel charge.

Stormwater:

CM Minner stated the storm water fund is pretty much the same. There is not a lot to report on. However, they will be busy with the Center Street project. There is nothing major to report. Referring to a slide, he showed the drainage improvement projects and Center Street being the big one. They also have Beverly Shores and South Street and some miscellaneous stuff.

Airport:

Continuing, **CM Minner** said the airport fund continues to do pretty well. It continues to have a nice reserve. They came up about six months ago with a plan and they reported back on ways to spend-down that cash. Now, because of cycle funding, all the projects are grant-driven. When they started out, they added some stuff, but they are finishing up three items now. The infrastructure for the hangar sites, which was in last year's budget. This year's budget they are going to knock out a hangar or the Veterans Road construction project; one with cash and one with a grant. The Airport Manager applied for some more funding cycles because other airports did not use the funding. They think they will be able to get a grant for the hangar project as well as the Veterans project. If that happens, they will come back because of the way they designed the hangar project and it will save money because one hangar will be paid for with grant money and another hangar will be paid for with cash. He will report back on how that goes. That

would be a mid-year adjustment. There is the potential that one hangar could become two hangar buildings for the same amount of money. They would then rob the cash to pay for one of the other buildings. There is about four million dollars in the budget for those improvements. They will try to get as much grant money as possible. If we get the grant money they will come back and add some extra hangar buildings. Other than that, the airport pretty much remains the same. **Mayor Burry** said last year the issue was with mowing. Did that get taken care of? **Commissioner Reisman** replied that the new contractor was doing a great job. **Commissioner Pederson** asked about the fuel farm. **CM Minner** said with the fuel farm they are looking at FY 25. The airport board recommended the Cadillac fuel farm, so it was kicked into FY 25. They made hangars the number one priority. **Commissioner Pederson** said when reading the minutes from the airport it was in design. **CM Minner** said ye's, it was in the design phase.

PENSION TRUST FUNDS

The City has three:

- | | |
|----------------------|--------------------------------------|
| 1. Police | 89.7% Fund ratio at October 1, 2022 |
| 2. Fire | 84.75% Fund ratio at October 1, 2022 |
| 3. General Employees | 98.3% Fund ratio at October 1, 2022 |

CM Minner said the pension has a separate fund. The rule of thumb is that public pensions are 80% funded. There has been talk about that number being 100%, but that will never happen. All of the funds are funded by over 80%. He thinks they will see the general employees' fund continue to increase as folks retire or pass away because it will bring the liability down. **Mayor Burry** asked about the rates going up. **CM Minner** answered that he was going to get to that in a second and specifically focus on the general employees' pension fund. The police and fire pension funds have funding sources from insurance premiums and tax money that comes from the state. For the police fund, when you pay your cell phone bill there is a tax included that helps fund police pensions. That tax money goes to the state and it then gets shifted back to everyone who has a recognized retirement plan based on a certain formula. The City of Leesburg gets \$260,000 and that money goes into the police pension fund. There are interest revenues from what we make in the market and we have actuaries, that kind of stuff. When that number goes down, another number goes up. However, employer contributions are the one that fills in the bucket. The market has not been doing great, so that number is starting to tank. Employee contributions are 5% and that number goes up based on payroll, but that is a fixed cost. He explained that taxes and interest cause the fixed cost to go up and down and that is out of their control. However, at the end of the day, the employer contribution holds the bucket. When interest is good, we can nip down on the contribution, but when they see interest being bad, they have to go up. In the police fund last year they contributed 10.1% and now they are contributing 10.5%. That directly correlates with interest money. Even though we see interest monies going up, that does not necessarily mean it is good, because liabilities grow as well, and that all goes into the mix. He thinks they are in good shape and 10.5% on a police pension fund is a good number. If you look at most cities, it is 17% to 22% for police. **Commissioner Pederson** wanted to know how the state justifies paying the police pension from a cell phone bill. **CM Minner** said he did not have an answer to that. However, the easy answer is that it is state law. That is what the collective wisdom of the state legislature's people decided.

The fire pension has the makeup of the police pension except the only difference is the insurance premium tax. This tax is on your homeowner's insurance. When you pay taxes on your cell phone, that goes to the police pension fund and when you pay your homeowners' insurance, that goes to the fire pension fund. Most people do not even see that because they have an escrow on their mortgage. However, there is a tax on the homeowner's insurance that goes to firefighters' pensions. **Commissioner**

Pederson said he was proud of the fact that they do a better job of matching revenues to departments and so forth. **CM Minner** stated the city's contribution increased from 32.26% percent to 38.59% of payroll. They are going up a little bit in the fire pension. Typically, we see discrepancies with fire pensions because they are typically a little more than the police pension. It is close to the 40% range, which is where we see most fire pensions. When you start getting between 45% and 50%, that is big, but that is pretty typical across the state. **Commissioner Pederson** asked why that one was so much more than police. **CM Minner** said that goes with the different liabilities and fire pensions are different from the police.

The general employees' pension is the most interesting one because this is a closed pension fund. It only covers those who were involved in the pension prior to September 30, 2008, when they froze the fund. They had to be a member of this fund prior to that date and be in it before they shifted to deferred comp. This pension covers all employees of the city other than police and fire. If you were in the fund before that cutoff date, you are still in this pension fund. This year they saw the contribution levels in police and fire going up and go down, but this one is steadily going down because liabilities have gone down. This year, the contribution decreased from 13.54% to 7.28%. The earnings and liabilities are good enough that they could possible reduce this funding from 1.1 million to \$500,000. However, at this point, he recommended leaving that fund at 1.1 million. That is double the requirement, but there is a concern about the market and interest numbers going down. That means contributions will go back up. If they cut it to save half a million dollars, we will need to go back and increase it again. There is a bit of a decrease in payroll earnings from 13.54% to 7.28% and that is reflective of the 1.1 million. We are over funding this by half a million dollars. If the commission decided to save that half a million, we would be riding a roller coaster, with it going up and down. He recommended staying at that number and, hopefully, we will see the number drop quicker. There are about eighty employees who still work for the city who are on the employment plan. We pay out benefits to this plan for thirty or forty employees who are retired. Every year this number will go down. **Commissioner Connell** said with this fund and the cutoff date in 2008, the employees also had to be invested with the city for five years or they would not be included in the pension plan. **Mayor Burry** remarked that the pool was shrinking. That is what we are saying. **CM Minner** mentioned it was a big benefit cut for the employees. Some folks still complain about it, but we made that decision in 2008 and we had not seen a financial benefit from that decision until last fiscal year. It took almost fifteen years to see the benefits of freezing the plan.

INTERNAL SERVICE FUNDS

Health Insurance:

Referring to charts, **CM Minner** said the healthcare fund is hanging on. He showed the growth and claims experience that we have. We expect standard growth but we were hit in 2020 and 2021. He was not sure if that was covid related but that was where it spiked up. Referring to a chart, he showed where the spike was and where they saw a steady increase which was anticipated and planned for. This year they are back to where they estimated to be. With all things staying the same, as long as we stay on a slow, steady trajectory, we will be okay. One important thing in the budget that has not been underscored enough is the cost to employees remains the same. With the pay increases, the employees will not see that being taken right back with associated health insurance increases. That is a big benefit. This year the monthly magic number is five hundred thousand dollars. We do not want more than five hundred thousand dollars in claims a month. There were good from October to January and then there were a couple of big claims in the second quarter and beginning of the third quarter (January, February, and March) and then they came down and they are starting to drop off again. Fingers crossed that amount stays around \$400,000. If it does, we should break even. There was that spike, but that was paid back with stock gap insurance. That was about \$800,000 and that leveled it off. If we stay between four and five hundred thousand for the rest of the year, including the stop gap, we will break even.

Workers Comp:

Continuing, **CM Minner** said the workers' compensation fund is just the opposite. We borrowed from the workers' compensation fund when they grabbed that one million dollars to put in the health care fund. As soon as we did that, the worker's compensation claims went up. Right now, it is in the hole and the magic number they want is to keep the fund at 2 million. It sits at about one and a half million dollars. That is why he talked about it throughout the budget process and that is why we are charging ourselves more for workers' compensation to get that number back up.

Fleet Services:

Gas (1 Truck)	\$75,000
Police (1 SUV, 5 Chargers, 2 Cars)	\$455,000
Fire (2 SUVs)	\$90,000
Water (2 Trucks)	\$90,000
Wastewater (4 Trucks, 1 Pipehunter)	\$576,000
Solid Waste (1 Front Load Truck)	\$340,000
Public Works (2 trucks, 2 tractors)	\$171,000
Recreation (1 tractor)	\$30,000

CM Minner stated that the magic number for buying vehicles is in the neighborhood of one and a half to two million dollars per year. If we stay at that number, we will be okay and that will replenish the fleet. They have slowly reduced that balance each year. This fund is a little like the building fund where each year they kick the can down the road. He did think kicking the can would stop in either FY 25 or 26. Referring to a chart, he explained that the green line is the fleet reserve level, and the blue line represents the lease level. That is the money that we bring in. It represents one hundred percent depreciation for all vehicles. When we were at that one hundred percent number, we brought in a bit over two million dollars. That number dropped in FY 15 to save money. It was dropped by half, and that is referred to as a 50% lease payment. They kicked it back up in FY 17-18 to 75% and they have been rolling at 75% since. This is money in versus a purchase request. That is a gap, so if the red line was below the blue line, that means we are making money on our leases. We would put that lease money back into the green line. They have been peeling off the green line to use a little cash plus leases. It shows that we would be out of cash in FY 26. We would be at zero and that needs to get fixed. The way we fix it is, we need to keep a tight review on what we are adding to the fleet. We need to stay in the one and a half to two million dollar range. They may have to look at kicking up the fleet lease (the blue line) back to the 100% level. Then they will see the green line flatten out. That will happen either this year or maybe next year. Now, what are we buying? A truck for gas, a few police vehicles, two fire SUVs, two water trucks, four wastewater trucks, a solid waste truck, trucks for public works, and a tractor for recreation. The fleet division of public works manages all the vehicles. We have over one thousand vehicles and every vehicle has an inspection and we rate them at a certain number. The magic number is 39. When it hits that number, it gets a point and that point is bad. When it hits a level of 39, we circle that vehicle and say it needs to go. They match the fleet inventory review versus the department head requests. They do receive requests asking to change out trucks, but if that truck scores 24, they have to keep it. There are some vehicles that have over 39 points that need to be changed out. There are a couple of cars in the fleet that are above that changeout level, and they are reviewed on an annual basis. The planning and zoning director drives an older vehicle, but it does not get beat up like police cars or fire trucks. There are a few vehicles that do not get a lot of use, so they have not been changed. Each year they are reviewed, and they use a formula to score them. The total for this year is 1.8 million. There are some bigger inventory items, like fire trucks and bucket trucks, because there is a delay in getting them. They were programmed but they have not come in. **Commissioner Reisman** asked if they had applied for the grant for one of the trucks. **CM Minner** answered that they applied for a grant for the ladder truck. **Commissioner Reisman** asked if he thought we would receive that grant. **CM Minner** replied that he did not know yet.

Commissioner Berry asked if there was a disposal process for the vehicles and if the city received anything in return. **CM Minner** said yes, and that money goes into the reserve account. They auction off vehicles and equipment. He signs off on the titles and then they go to auction. The money they receive from that goes into a revenue line. **Commissioner Berry** wanted to know the average number for when they start getting points. **CM Minner** stated he would get back with her on that. He could not say what the overall condition was, but he would get that number for her. We are consistent with trying to live within our means, but this year there is 1.8 million dollars worth of new stuff.

Commissioner Pederson said it is a compliment that they can hold it below two million dollars, especially with growth and the cost of vehicles and equipment going up. He was surprised to see it was held down. **CM Minner** commented that the big takers of the fleet fund are police and fire, but those are funded by DST money. **Commissioner Pederson** remarked that he wondered how long this would last with all the new growth. **CM Minner** said we would be good for FY 24. He did not recommend an increase in the lease payments.

Mayor Burry asked if there were any further questions. **Commissioner Pederson** remarked that on the first night he complimented everyone for doing a great job on the budget. It is nice to see all the positive numbers. **CM Minner** wanted to close by saying he appreciated that. There have been a lot of positive comments about the administration and what we do. They did a good job on the budget, but it really starts with the budget director. She did an awesome job on the budget. The finance director helped them with doing some ancillary type stuff and researching projects. They beat the department heads up pretty well, but all in all, the department heads did a good job of bringing in budgets. He would say over the last ten years not much is left on the floor before it goes to the commission. He gave a big thank you to the budget director and the finance team along with the department heads because a lot of work goes into that document every year. **Commissioner Reisman** thanked the Budget Director and all the department heads.

3. **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.

With a motion made by Commissioner Reisman and seconded by Commissioner Connell, the meeting adjourned at 6:33 p.m.

**AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, AUGUST 14, 2023 5:30 PM**

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, August 14, 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. Leesburg Lightning FCSL Championship

Mayor Burry read a proclamation proclaiming the accomplishments of the 2023 Leesburg Lightning, and commended the dedication, perseverance, and teamwork they displayed enroute to winning the FCSL Championship. He thanked them for being great ambassadors for the City of Leesburg. He encouraged all fans to continue supporting our home team. Go Lightning! He said the success of the Leesburg Lightning is wholly dependent on a team of extraordinary volunteers whose time, energy, and efforts bring quality college baseball to our city year after year. He appreciates their professionalism and dedication to this organization and the community. Present to accept the Proclamation was "Stricker" and several of the volunteer members.

3. PRESENTATIONS:

A. Certificates to Miss Leesburg winners: Miss Leesburg - Lily Boliek; Teen Miss -

**Meghan Boliek; Junior Miss - Shaylin Shumate; Little Miss - Abby Carlton; and
Tiny Miss - Carleigh Smith**

Mayor Burry presented certificates to the Miss Leesburg winners. He appreciates the girls being ambassadors for Leesburg. He sees them at every event and he knows the work they put in.

Miss Leesburg, Lily Boliek commented that thirty-seven years ago Ms. Linda presented her ideas to the city commission and asked permission to use the city's name. That was the beginning of the Miss Leesburg Scholarship Program. It has been a great success and everyone can see them all over town. Ms. Linda keeps them very busy. They appreciate the continued support from the city. The Miss Leesburg Program has two goals. One is the importance of volunteering. They aid society in giving back to the community and the program has encouraged them to step out of their comfort zones to become role models for all ages. Ms. Linda says if they start volunteering at a younger age it will stay with them throughout their lives. The other goal is the importance of education through a scholarship program. The scholarship program is non-profit and all funds raised are given out. When extra funds are obtained, they give them to boys and girls who are not part of the program. This year, they gave out six scholarships to graduating seniors. It was a special honor to have their certificates presented by the mayor and commission. On behalf of herself, Ms. Linda, and her fellow pageant sisters, she thanked Mayor Burry and the commission. She also thanked everyone in the room for their support throughout the year. Leesburg is a tremendous place to be and it is full of overflowing opportunities. She is so proud to call it her hometown.

B. FIRE - UNIT CITATION

Fire Chief Mera commented jokingly that if he knew he was following the Leesburg Lightning's mascot he would have had somebody dress up as Sparky. He wanted to recognize the efforts and the manner of a few firefighters in how they performed at a fire recently. On May 25th, the fire department responded to a structure fire. Ladder 63 was the first apparatus on site. Darin Mathis was the lieutenant, firefighter Tymber McLain was driving and firefighter Connor Urbon was the backstep firefighter. This team arrived first at the fire. Upon arrival, Lieutenant Mathis sized up the situation. He realized there was a working fire in a structure and opted to begin his operation with a fire attack, which meant he intended for a hose line to be pulled to reach into the fire to extinguish the fire. However, during that process it was brought to their attention that there was a bystander still inside. It was the husband who lived there and he could not get out. At that time, Lieutenant Mathis changed from extinguishment to a search and rescue issue. Without any hesitation, he changed the operation to search and rescue. They entered the structure with zero visibility and found the victim. They took him out of the burning structure and turned him over to EMS. As far as they know, he did survive his injuries. He then went back to his initial operation of extinguishment. The crew was able to enter the structure and extinguish the fire. The fact that they made a rescue meets the city's expectations. However, that is not what they are getting an award for. It is their expectation to find victims in fires. The reason for this award is that this crew, without any backup, operated alone during that fire. They first started down a path that made sense and they had to stop mid-path to follow different tactical priorities. They completed that priority and then went back to the initial operation. That shows their approach and dedication to saving lives and property. He wanted to award these members with a unit citation. However, he would be remiss if he did not acknowledge another person and his group. They are a part of why this group performed so well and he wanted to give them a big thank you for this operation turning out so well. That group of people is the training division. Although these members are the proverbial tip of the spear, that is where the metal meets the meat. They are another part of this operation and that training side is very important. Without that training, he does not believe they would have had the same outcome from this fire. Chief

Walter Roenbeck was not in attendance but some of the trainers that worked alongside him were in attendance. He thanked them for all their efforts. They are as big a part of this as the members that actually did the work. They are owed a great thank you. Lastly, at the time of the fire, firefighter Connor Urbon only had about six months on the job. Chief Mera said he has been in Leesburg for twenty-two years and has never put his hands on a fire victim and firefighter Urbon did it within six months.

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.

There were no public comments offered.

5. CONSENT AGENDA:

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

Items pulled for discussion:

5.B.1 - Authorization to execute a Construction Services Agreement with the Guaranteed Maximum Price (GMP) with Wharton-Smith, Inc. for \$39,884,358

5.B.2 - Authorization to execute a Construction Services Agreement with a Guaranteed Maximum Price (GMP) with Wharton-Smith, Inc. for \$3,992,440

Commissioner Reisman moved to adopt the Consent Agenda except for 5.B.1 and 5.B.2, and Commissioner Berry 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 July 24, 2023

B. PURCHASING:

1. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Construction Services Agreement with a Guaranteed Maximum Price (GMP) with Wharton-Smith, Inc. for \$39,884,358; and providing an effective date.**

ADOPTED RESOLUTION 11,367

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

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

Mayor Burry requested comments from the Commission and the audience.

Commissioner Reisman stated he pulled this item so the city manager could give an overview. **CM Minner** remarked that it was a tough call whether they put this item under the consent agenda or non-routine. In any case, this 39.8 million dollar expenditure is for the expansion of the Turnpike Wastewater plant. They may recall when they entered into the agreement with The Villages, they did some system improvements at the plant to get it up to 4.5 MGD. The Villages came a couple of years later, just about the time they were wrapping up that improvement project. It was realized, with all the growth coming in, that we needed to expand the plant further. They would have to go from upgrade to expansion pretty much one step later. In July of last year, they issued a 30-million dollar banknote at about 3.3 percent. That banknote was approved and they have spent some of the proceeds on engineering. Engineering is now at the point where the design is complete and it can move into the construction phase. Tonight, they are looking at a guaranteed maximum price agreement with Wharton Smith who is the construction manager for the project. This was done in conjunction with the expansion project. The portion of the item basically covers the sewer plant bill. They anticipated the project costing about 40 million dollars. Right now, they are right on target and the expenditure was about 30 million dollars in debt proceeds and 10 million dollars from cash. Hopefully, in about eighteen months he will be back to report that everything went smoothly and that they finished at 39.8 million dollars. **Mayor Burry** wanted to confirm this would get them to 6 MGD. **CM Minner** replied yes. **Commissioner Pederson** stated he supports this. However, it may be that he did not notice it in other contracts like this, but on page three there is a section called contingency savings. He was surprised to see that if there were any contingencies left over, the contractor would get twenty-five percent and we would get seventy-five percent. In his experience with contracts, he has never seen that. Is that customary? **CM Minner** answered yes, it is pretty customary. There is a five percent contingency, around 2.6 million dollars. Hopefully, they do not cut into that and we will get some savings back. **Commissioner Pederson** wanted to know the logic of the contractor getting a portion of that? **Public Works Director (PWD) Cliff Kelsey** answered that the incentive is for them to save money, which, in turn, helps the city save money. **CM Minner** confirmed it is an incentive and we would share the wealth with them. It is an incentive to save money instead of spending it. **CA Watson** added from his experience and perspective, the idea is to incentivize the contractor to save money and not spend the contingency money. If that happens, then there is a little bit of incentive for everybody and the city would get the lion's share back on that.

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 resolution.

2. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Construction Services Agreement with a Guaranteed Maximum Price (GMP) with Wharton-Smith, Inc. for \$3,992,440; and providing an effective date.

ADOPTED RESOLUTION 11,368

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

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

Mayor Burry requested comments from the Commission and the audience.

Commissioner Reisman mentioned that he also pulled this so the city manager could give a brief overview. **CM Minner** stated this was another project that has been sitting on the books. There are three parts to managing growth with reference to wastewater. We have two big growth areas; the CR 44 Corridor area, which is in the northeast of Leesburg, and in the southeast we have the US 27 Corridor. All of those units, if they go, need sewer plant expansion. They also just talked about how the flow of the wastewater to the plant is kind of two-fold. The first part is on the northeast corridor and that is pretty much taken care of with the flow and capacity from the Canal plant. The Turnpike plant is a bit more difficult with how to get flow out there. Where they see the growth on the southside that pretty much comes from the north to south. On the CR 48 Corridor, that is where we see immediate growth. It then goes a little bit south and moves into the Windsong phase two area. Most of that growth can be taken care of by the flow from lift station 72. They identified that lift station 72 needs to be expanded to capture that growth. This project expands that lift station. About this time last year, the city bought that extra property from Winn-Dixie Plaza, where the expansion of the lift station will go. The costs for this project are a bit under what was estimated in the budget, so if all goes well they will stay under four million dollars. Then they can turn some money back to reserves. That will buy a capacity of about four to five thousand houses before the sewer bypass is needed. There have been some discussions on the sewer bypass and the plan is to shift the construction costs to many of the subdivisions that are coming in further down US 27. For example, BarKey, Lyden Nicholson, and Whispering Hills, that bypass would be built with sewer impact fee money. That would go across the transmission corridor from Plantation to CR 33 and up to Okahumpka. This measure will allow for continued growth in the south and the northern side of the south. The money for this project has been budgeted for quite some time.

The roll call vote was:

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

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

3. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the City Commission to approve the purchase of one (1) Mobile Air Cascade Breathing System by Fire Services from Channel Innovations Corporation in the amount of \$168,000.00; and providing an effective date.**

ADOPTED RESOLUTION 11,362

C. RESOLUTIONS:

1. **Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from 800 N 14th Street, LLC, a Delaware limited liability company, for the purpose of granting the City an Easement over the property described therein; and providing an effective date.**

ADOPTED RESOLUTION 11,363

2. **Resolution of the City Commission of the City of Leesburg, Florida hiring Gray Robinson Attorney's Advisors Consultants to represent the City of Leesburg before the State of Florida on issues related to the executive and legislative branches of government; and providing an effective date.**

ADOPTED RESOLUTION 11,364

3. **Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from Anacott Steel, LLC, for the purpose of granting the City an Easement over the property described therein, together with the Joinder and Consent to Utility Easement from Southstate Bank, N.A. joining and consenting to the Utility easement; and providing an effective date.**

ADOPTED RESOLUTION 11,365

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

ADOPTED RESOLUTION 11,366

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 60.27 +/- acres and generally located north of Jackson Road, east and west of Park Lane, and west of Radio Road, lying in Section 10, 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. (Silver Lake Woods AX)**

ADOPTED ORDINANCE 23-37

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 ordinance and Commissioner Pederson seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

CA Watson said since these are quasi-judicial hearings, if anyone in attendance wished to address the Silver Lake Woods rezoning and the Main-Butler Properties to stand so and be sworn in. He swore everyone in. **PZD Miller** stated this project is Silver Lake Woods; a single-family residential development on approximately sixty acres. It is generally located west of Radio Road and east and west of Park Lane. They are requesting eighty-five units for a density of 1.41 units per acre. Their request is for an annexation, small scale comp plan, and rezoning into the city. There would be twenty-eight acres of preserved wetlands. The only permitted use is for single-families. There are three lot sizes; fifty, sixty, and seventy-feet. The access point is required to be on Radio Road. It will be a boulevard-type access with a landscape median. The sixty and seventy-foot lots will be located on the exterior of the property and the fifty-foot lots will be on the interior. Each home will have a two-car garage and the fifty-foot lots as discussed will have gutters. They have the standard architectural and design standards in place with twenty-five foot buffers around the property. On the northeast and south sides there are storm water ponds and twenty-eight acres of wetlands buffer the west side. There is an option for fencing. They have tree requirements in the front and backyard, along with dark sky lighting. There is a requirement of .4 acres of recreation. The petitioner, Mr. Henin is in attendance if the commission chooses to view a presentation. He noted that the annexation showed commission district three; however, that should be district five. With the commission's permission, he would request that change. **Commissioner Pederson** mentioned when the fifty-foot lots hit the radar about five years ago there was a lot of questions and debate. These lots seem to be selling. He had not heard about any problems with them, but are the fifty-foot lots selling in the developments that were already approved? **PZD Miller** answered that so far everything that has been built is selling. **Commissioner Pederson** said he was just curious. **PZD Miller** mentioned that in total, around thirty thousand lots are either being reviewed or have recently been

approved through zoning and they are platted. A majority of the lots are fifty-foot lots. The staff believes we need to mix that up a little bit. **Commissioner Pederson** commented that when it first hit the radar there was a lot of debate and his position was whatever the market wanted. However, he was curious about it five years later and if the market was absorbing the fifty-foot lots. **PZD Miller** said Lake Denham is mostly 50-foot lots. It also has forty-foot lots around the front and that development is almost finished. **Mayor Burry** asked if there were any public comments. There were none.

The roll call vote was:

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

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

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 60.27 +/- acres from Lake County Urban Low Density to City of Leesburg Estate Residential, for a property generally north of Jackson Road, east and west of Park Lane, and west of Radio Road, lying in Section 10, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Silver Lake Woods LSCP)**

ADOPTED ORDINANCE 23-38

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

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

The roll call vote was:

Commissioner 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 60.27 +/- acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow for residential development for a property generally located north of Jackson Road, east and west of Park Lane, and west of Radio Road, lying in Section 10, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Silver Lake Woods PUD)**

ADOPTED ORDINANCE 23-39

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

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

The roll call vote was:

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

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

- 4. 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 0.4 +/- acres from City of Leesburg General Commercial and Low Density Residential to City of Leesburg General Commercial, for a property generally located south of West Main Street and north of Butler Street, lying in Section 27, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Main-Butler Properties SSCP)**

ADOPTED ORDINANCE 23-45

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

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

Mayor Burry requested comments from the Commission and the audience.

PZD Miller stated this was an unusual situation because the zoning district boundaries and the future land use district boundaries on the property are all over the place. He did not know how this happened because it was done decades ago. They had a few gentlemen come in who wanted to utilize the property. In order for them to utilize the property, they need to make some changes. They would like to match the lines with what is under the future land use and zoning, so that they are the same. They will have to do some lot-splits, which they will work on. Doing this, they will have consistency with the lines. The uses will then be C-1, neighborhood commercial and general commercial on the northside along Main Street and R-1, low density residential along Butler Road. Everything would then be consistent. They could put a couple of houses on Butler Road and a small commercial site to the north.

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.

5. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 0.4 +/- acres from City of Leesburg C-1 (Neighborhood Commercial) and R-1 (Low Density Residential) to City of Leesburg C-1 (Neighborhood Commercial), for a property generally located south of West Main Street and north of Butler Street, lying in Section 27, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Main-Butler Properties RZ)**

ADOPTED ORDINANCE 23-46

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

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

The roll call vote was:

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

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

B. FIRST READING OF ORDINANCES

1. **An Ordinance of the City of Leesburg, Florida, Consenting to the Inclusion of the City of Leesburg, Florida, within the Countywide Municipal Service Taxing Unit for the Provision of Ambulance and Emergency Medical Services, as Adopting by the Board of County Commissioners of Lake County, Florida; providing for the City to be included within said M.S.T.U. for a specific term of years; 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.

CM Minner mentioned that this item is a standard operating procedure (SOP) where the city piggybacks with the county for the Municipal Service Taxing Unit (MSTU) for the ambulance district. This is done annually and every resident in the county receives this service. **Mayor Burry** stated this item would lay over until August 28th.

2. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 11 +/- acres from City of Leesburg SPUD (Small Planned Unit Development) and R-3 (High Density Residential) to City of Leesburg SPUD (Small Planned Unit Development), for a property generally located east of Executive Boulevard and south of State Road 44, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Good News Church Public / Private Partnership SPUD)**

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

Mayor Burry requested comments from the Commission and the audience. There were none. He stated this item would lay over until August 28th.

3. **An Ordinance of the City of Leesburg, Florida amending the City Code of Ordinances by amending Chapter 5, Section 5-6, Consumption of and open containers prohibited on public property; exceptions; amending Section 5-6.2 Consumption of or possession of alcohol in open containers near store selling alcoholic beverages; amending Chapter 18, Streets, Sidewalks, and other Public Places; providing for severability; providing for conflicts; providing for inclusion in the Code of Ordinances; and providing for an effective period and 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. He wanted to mention that he was in favor of this ordinance. He spoke with the city manager about including a sunset clause for one year so they could look at it again. If it works, it works, but if it does not, they can address it.

Commissioner Pederson remarked that he fully supports this ordinance. He inquired how the rest of the commission felt about this issue, since there were a few people in attendance from downtown. He wanted to be fair to the audience and this has been talked about for a few years. He appreciates Commissioner Reisman bringing it to the table. **Mayor Burry** stated he is all for it with a sunset clause being included for one year so they can look at it again. He stated this item would lay over until August 28th.

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 May 2023

Mayor Burry asked if there were any questions regarding the financial reports for May or

June. **Commissioner Reisman** questioned the projected write-offs and what classifies the ability to determine a write-off for both commercial and residential accounts. The numbers are pretty high compared to last year. **CM Minner** responded once they have gone through the process of trying to collect where they have chased it down as far as they can with the collection agencies. That is the time they write them off. Once all available efforts have been exhausted trying to collect it, they write it off. The numbers are a bit higher because a lot of them were covid induced. They will probably see a little blip in there for a bit. They try to keep them on the books, but they are at the point where they need to be written off. **Commissioner Pederson** asked for clarification. He understands writing it off, but do we give up collection efforts? **CM Minner** replied no. We turn it over and if it comes in they will mark it. However, they need to keep moving forward the best they can. **Commissioner Berry** asked how many months the accounts are in collection before they are written off. **CM Minner** answered a couple of years. That is from the time it is incurred to when they ultimately write it off. The numbers are up about one hundred grand. They are looking at a write-off of around \$335,000 out of 90 million. **Commissioner Pederson** commented that in his first year on the commission it was over \$400,000 and he made an issue of it. **Commissioner Reisman** pointed out that the city could do a lot with \$350,000. **CM Minner** said they look at it that way quite often, but when they compare that to the amount of revenue they bring in and what that does, it is not anything other than private sector write-offs, and that is a pretty good number. They do beat them up pretty well when trying to collect funds. We have this discussion every year and the flipside of the equation is to lower that number, but it would then become more punitive to our customers in terms of deposit policies, utility connections, and disconnection. The trade-off was to ease up on some of the deposit policies. The deposit policy back in the day was considerable and it was not market driven. We have good policies that are customer-service friendly and the write-off amount is not a considerable number.

B. Financial Reports as of June 2023

8. CITY ATTORNEY ITEMS:

CA Watson had no items to address this evening.

9. CITY MANAGER ITEMS:

CM Minner did not have any further items to discuss.

10. ROLL CALL:

Commissioner Pederson commented that he has been vocal with prior commissions on how he would like the commission to consider knocking down the Wellness Center. He was not taking that mildly, but when he is driving and he gets stopped at that light, he cannot see the Pat Thomas Stadium. We have a thirteen million dollar investment there. The Venetian Center is first rate and then there is this ugly building. We could put a new facade on it, but it still blocks the view of Pat Thomas Stadium. However, there is a parking problem on occasion. For example, the weekend of the Stepping out for Education event, he was down there both Friday and Saturday night, and there was a parking problem. There was an event happening at the Venetian Center, there was a baseball game, and the Ski Beach Restaurant. With that combination and then add in the boat club events that will lead to parking issues. He wanted to throw this out because they were going through the budget process. He wanted to see if the commission would consider merging this into the budget. He waited to bring it to the commission's attention until he had a

good number. The city manager gave him the number and it was not good. It will cost about 1.5 million dollars to demolish the building to create parking which is needed. Not having that building there would open up the view to Pat Thomas. They could also renovate the building on Griffin Road that the city owns, which could be used for the Wellness Center. That would be subject to an agreement with the hospital because the city sold the baseball fields to the hospital and we now lease that property from them. **CM Minner** stated there was a lease with a reverter clause. That property was sold to the hospital eons ago and it was to be used for hospital use only. If it was not used for hospital use, then the property would revert back to the city. A hospital use has a pretty broad definition, but essentially the concept was that the hospital cannot turn around and sell it to McDonald's. It has to be some form of hospital use. He has talked with the hospital a number of times about giving it back to the city. About three months ago, he talked to the hospital about it again, and they seemed to warm up to the concept of allowing us a different use. **Commissioner Pederson** added that was what he was proposing. **CM Minner** continued to say that it sort of looked like the stars were aligning. The concept that Commissioner Pederson brought up about knocking down the Wellness Center is not new. It goes back to when they started the Venetian Center and when they purchased the Knights of Columbus building. That building is located right next to the electric department. When they bought that, the ultimate thought was to shift around some uses at the Venetian Center and the Venetian Isles area. However, they recently received the numbers back and, going through the budget process, he wanted to bring it to the commission's attention. **Commissioner Reisman** asked what was currently in the Knights of Columbus building. **CM Minner** answered it was empty. It was the Knights of Columbus and then the Boys and Girls Club used it on an interim basis. Back to the Venetian Isles project, they knocked down the old Boys and Girls Club when they wanted to make the Splash Pad look better. They leased that building to the Boys and Girls Club while the Teen Club was being constructed. They have now shifted out of that and we have a shell building with about one million dollars' worth of work. They could convert that into the Wellness Center, which was the concept they started with. **Commissioner Pederson** added that part of his idea for the baseball field was subject to the hospital's approval. He would like to make it a grass parking lot. He does not want to surface it or spend a lot of money on it. He would like to take down the remaining fence in the back. **CM Minner** remarked that it had already been done. **Commissioner Pederson** said he was referring to the fence behind home plate or the backstop. They could take that out and build a curb cut there. He just wanted to put curb stops on that grass field and lay it out like a parking lot. It could be used for overflow as needed. If we did that, we would not need to knock down the Wellness Center building. We have spent a lot of money on the Pat Thomas project and we need to do it right. We are ninety-five percent of the way there. Even though it is 1.5 million dollars, we could knock the building down and create as many parking spaces as possible. He had inquired if they could move the small retention pond, but that would be too complicated and we have a larger retention pond to the west. He just wants to create additional parking and open up that area. We have spent \$750,000 updating Pat Thomas field and it looks great. He would like to open the visibility to that and create more parking. **Mayor Burry** commented that Ski Beach had agreement for the right of first refusal on that property. **CM Minner** agreed and said in the Ski Beach agreement there is a right of first refusal clause where if we did another restaurant pad, they would have the first opportunity to work with the city on that. **Commissioner Pederson** pointed out that would create more parking problems and we already have parking problems on occasion. **Mayor Burry** remarked that it is a great problem to have. **Commissioner Pederson** said he states that all the time, even in the downtown, when people complain about parking, he says that is a good problem to have. **CM Minner** remarked that the clause in the agreement does not really concern him. **Mayor Burry** said personally, rather than tearing down the building and with the potential for another restaurant, they could have parking across the street where the old baseball fields were. They could make that a more formalized parking lot. **Commissioner Pederson** added that the building blocks the view of Pat Thomas heading eastbound. If the commission does not like that idea, he would not argue about it too strongly. **Commissioner Connell** remarked that he had several concerns about this. They had discussions before and he was not in agreement with that. He asked if there had been any geotech reports

done on the soil. **CM Minner** answered no. **Commissioner Connell** stated they would most likely find that the soil is not conducive for development and the Wellness Center sits on some major pylons. It would not be easy to tear that building down and put asphalt in that area. Also, how many spots would we actually get? That is not a big lot, especially if we accommodate the extra impervious area for storm water. It would be a complete waste of money and there is nothing wrong with that building. It is in perfectly good shape. For the bang for the buck, we will not get much more than one dozen parking spots for 1.5 million dollars. That is not worthwhile. If we did a geotech survey of the soil, we would find out that it is not conducive for a parking lot, unless you do not mind cars sinking. If we want to dress it up to make it look more compatible to the Pat Thomas and the Venetian Center, he would be all for it, but he does not see the need to tear it down. Across the street at the baseball fields does anyone even use them anymore? Do they practice there or anything? **Commissioner Pederson** said they have been taking the baseball backstops and fencing down. **Commissioner Connell** stated if we had use of that property what would it cost to put parking there? What would the hospital want for it in order for us to do that? **CM Minner** answered the hospital would probably let us use the property for parking, but the hitch with that is that when they want to develop it, we will lose parking. **Commissioner Connell** said, other than when major events are happening there, do we really have a parking problem? **Commissioner Pederson** mentioned that it was not every weekend but when three or four different events are going on at all the facilities, we do have a parking problem. If the commission wants to put a new facade on the building, he would not argue that because it is more fiscally responsible. Right now, it stands out like a sore thumb, so at a minimum, they need to put a new facade on it. **Commissioner Berry** inquired how far the parking deck was from the Pine Street area in reference to walking. **CM Minner** said about a mile. He asked if she was referring to the parking deck near the library. **Commissioner Berry** said she was referring to the parking deck that is just behind the baseball fields. **Mayor Burry** said it would be a couple blocks. **Commissioner Berry** inquired how many parking spots there were. **CM Minner** asked if she was referring to the parking lot at the aquatic facility. **Commissioner Berry** replied yes. **CM Minner** stated the CDC parking lot has about sixty spots. It is located on the corner of Child's and Pine Streets. **Commissioner Berry** said they are talking about putting more parking at Canal and Dixie, which is maybe a block away from that parking lot. **CM Minner** said it would be about a block. **Commissioner Reisman** mentioned that with the way this conversation is going they should continue it at another time.

Commissioner Berry had no comment.

Commissioner Connell had no further comment.

Commissioner Reisman had no comment.

Mayor Burry said he had a couple of items. First, with the Partnership, where are we going on that and what is the city's take? **CM Minner** answered that he had a number of conversations with the Partnership board, along with individual discussions with commissioners. He and the recreation director will bring a presentation about how the city can move forward in terms of events. That presentation will provide some information to help the commission make a decision. They can then proceed with the framework so they can put that in the FY 23-24 budget. The Partnership approached the city asking for additional funding of four hundred fifty thousand dollars. There was no formal motion made by the commission to say let's give them a check for four hundred and fifty thousand dollars. They had a public discussion and the concept was warmly received by the community. Since then, the Partnership began doing some planning and during that time the general manager gave her resignation. Now, there are some questions as to how the Partnership will move forward. In this regard, his editorial revolves around the concept of Bikefest and Mardi Gras and the mechanism of why the city is not in the events business. Back in the day when Bikefest started, Bikefest and Mardi Gras were lucrative enterprises for the Partnership. The concept then was to let the Partnership handle the major events and do tertiary events, which would save

the city from having to invest in events. That was the concept and it worked for a long time until about 2015/2016, as Bikefest became less lucrative. At that time, different concepts came up and the city provided additional funding to the Partnership in the form of civic funding. The Partnership held on and the events went off. In more recent years there have been a number of reasons why Bikefest has not been the money maker that it used to be. Some of that goes back to covid and there are a number of other reasons. On a perpetual basis, the funding is not there for the Partnership, not only for Bikefest, but to fund other city events that everyone enjoys. The Partnership voted with the outcome of five to one, to approach the city to see if we would take on all events. They approached him and this editorial came with some trepidation from the Partnership board. There were concerns from the Partnership board. That was when he received a change of request from partnering with them on funding to how the city could take them over. His response to the Partnership board and through individual conversations with the commission was it would not be a major concern for the city commission. The major concern of the city commission is that Leesburg continues to have great events. We want Leesburg to look great and have folks wanting to live, work, and play here. As long as we find that answer, then everybody will be happy. This has been a question since at least 2015, and eight years later we are talking about it again. Based on the Partnership board's request, they would like the city to take on the events. They are currently working on a presentation to outline some concepts. The division between the city and the Partnership is that the Partnership would take on the ticketed events because non-profit organizations do those as fundraisers. Those events include the chili cook-off, the fish fry, and Beast Feast. The city does not want to be involved in those events. They are good fundraisers for the not-for-profits. The framework for how the city would handle the events moving forward is that we take the funds that we were going to consider giving to the Partnership for funding the events and put them in the recreation department's budget. They are finishing the presentation and he will share it with the Partnership board prior to dissemination to the commission to ensure that the Partnership board understands where the city will be going. At the August 28th meeting there will be a recommendation and the commission will make a decision. It will be as simple as they love the concept, let's do it, then weave it into the budget. Or, they could also say this is crazy and they would go back to the drawing board.

Mayor Burry mentioned the Lee school property had a 60-day sunset. The commission wanted them to decrease the number of units from what they applied for. He was curious where that stood.

Commissioner Pederson said his concern was adequate parking, which means they would have to give up some units to create what he would deem adequate parking. **Mayor Burry** continued to say that they approved a PUD that night for fewer units. It was not what the applicant wanted, so they gave them 60 days to come back with a new plan. **CM Minner** pointed out that there was a motion that was loosely worded that if the developer did not come back to the city with a modified plan within 60 days, he would need to start over. The concept was that he needed to redo the site plan and he would need to go back to the historical board for approval. If Mr. Mansfield were to come back with a new plan with fewer units and more parking. They may want to walk back on the sixty days. However, that is probably a conversation he would have with the city attorney. He was not prepared to discuss that in detail now and he did not want to put out any incorrect information. At this stage, the go-no-go of that development falls in the lap of Mr. Mansfield and where he wants to go. The city will continue to enforce codes to ensure that property is kept up under the existing codes. He spoke with Mr. Mansfield about two or three weeks ago and he said he had a new investment group he was working with. They are trying to put the numbers together. They are trying to meet in the middle, between the sixty-three units and the fifty units that the Planning Commission wanted. **Commissioner Pederson** said he would not pick a fight with him over the sixty days. In fact, the sixty days had already expired. However, they do need some direction on this property. He appreciates everything the developer has done to date, but if he does not do something soon, he would want the city to get a bit tougher on cleaning that site up. **CM Minner** pointed out that they have a notice to appear before the special magistrate. **Commissioner Pederson** stated he welcomes this development and he wants it to happen, but it keeps dragging and dragging.

Mayor Burry said the last thing he wanted to talk about and it was mentioned earlier about how busy

that weekend was with the Stepping out for Education, a baseball game, and the restaurant. However, he wanted to make sure the public knew that the city had a premier dancer involved in that fundraising event. He wanted to show the public a little preview of what it looks like to be a superstar. A YouTube video was shown of the city manager dancing during that event. The mayor pointed out that John Travolta had nothing on our city manager. **CM Minner** said he had a sneaking suspicion that a video was going to be played. **Commissioner Pederson** commended him on a job well done. He did a great job.

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.

With a motion by Commissioner Reisman and a second by Commissioner Pederson the meeting adjourned at 6:38 p.m.

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.1.

Meeting Date: August 28, 2023

From: Dan Miller, (Planning and Zoning Director)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, approving a Proportionate Share Agreement entered into by and between the School Board of Lake County, Florida, TLC Hodges Reserve, LLC, and the City of Leesburg, Florida, to allow for payment of Lake County School Impact Fees; and providing an effective date. (Hodges Reserve Prop. Share)

Staff Recommendation:

Planning and Zoning Staff recommend approval of the attached Proportionate Share Mitigation Agreement.

Analysis:

A proportionate share agreement is a method of paying for student station costs to assist in future funding of additional student stations created by a new development. This Proportionate Share Mitigation agreement requires a payment of \$1,673,376.00, payable to the Lake County School board, prior to recording the plat for each phase of the property in the Public Records of Lake County. This agreement runs with the land, and shall therefore be binding on all successors and assigns of the Applicant/Contract Purchaser. The City of Leesburg does not assume duties under this agreement, nor does it undertake any liability. It joins as a party only in its capacity as the local government having jurisdiction over the development.

Procurement Analysis:

N/A

Options:

1. Approve the attached Proportionate Share Mitigation Agreement as presented; or
2. Other action as the Commission may choose.

Fiscal Impact:

No fiscal impact to the City of Leesburg is anticipated as a result of this agreement.

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, APPROVING A PROPORTIONATE SHARE AGREEMENT ENTERED INTO BY AND BETWEEN THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA, TLC HODGES RESERVE, LLC, AND THE CITY OF LEESBURG, FLORIDA, TO ALLOW FOR PAYMENT OF LAKE COUNTY SCHOOL IMPACT FEES; AND PROVIDING AN EFFECTIVE DATE. (HODGES RESERVE PROP. SHARE)

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute a Proportionate Share Mitigation Agreement, under Lake County School Concurrence Case Number 2023-06, for the Project known as Hodges Reserve, as attached hereto, between the Lake County School Board, whose address is 201 West Burleigh Avenue, Tavares, Florida, 32778, and TLC Hodges Reserve, LLC, a Florida limited liability corporation, whose address is 605 Commonwealth Avenue, Orlando, Florida, 32803, and the City of Leesburg, whose address is 501 West Meadow Street, Leesburg, Florida, 34748.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 28th day of August 2023.

Mayor

ATTEST:

City Clerk

PROPORTIONATE SHARE MITIGATION AGREEMENT

Project Name: Hodges Reserve School Concurrency Case# 2023-06

THIS PROPORTIONATE SHARE MITIGATION AGREEMENT, is entered into by and between School Board of Lake County, Florida, a political subdivision of the State of Florida, whose address is 201 West Burleigh Boulevard, Tavares, Florida 32778 (“**School Board**”), TLC Hodges Reserve, LLC, a Florida limited liability corporation, whose address is 605 Commonwealth Avenue, Orlando, Florida 32803, (“**Applicant**”); and the City of Leesburg, a Florida municipal corporation, whose address is 501 West Meadow Street, Leesburg, Florida 34748 (“**City**”). School Board, Applicant, and City may also be referred to herein each as a “**Party**”.

WHEREAS, School Board, the municipalities located within Lake County, Florida, and the Board of County Commissioners of Lake County, Florida (“**County**”) entered into that certain First Amended Interlocal Agreement For School Facilities Planning and Siting recorded June 23, 2008 in Official Records Book 3644, Page 1, in the public records of Lake County, Florida (the “**Interlocal Agreement**”).

WHEREAS, pursuant to Section 5 of the Interlocal Agreement an application for a subdivision, site plan, or plat for residential dwelling units that will generate students in a Concurrency Service Area in which there is insufficient School Capacity to accommodate the anticipated students must enter into a Proportionate Share Mitigation Agreement to mitigate the school overcrowding attributable to the anticipated students, all as specified in the Interlocal Agreement.

WHEREAS, Applicant is the contract purchaser of those certain tract(s) of land located in Leesburg, Florida, commonly identified by Alternate Keys 1030285, 1209463, 1404410 and more particularly described on **Exhibit “A”** attached hereto, and illustratively depicted on **Exhibit “B”** attached hereto (the “**Property**”).

WHEREAS, Applicant has requested City approval to allow development of four hundred twenty four (424) total dwelling units (the “**Total Units**”) on the Property (the “**Project**”), as depicted on the site plan attached hereto as **Exhibit “C”**.

WHEREAS, based on the current adopted Level of Service standards of the Concurrency Service Area in which the Property is currently located, School Board has determined existing school capacity is insufficient for the number of students anticipated to be generated by the Project.

WHEREAS, School Board has determined the anticipated deficit created by the Project as of the date of School Board’s capacity review is forty-eight (48) high school students (the “**Capacity Deficit**”).

WHEREAS, City’s approval of the final site plan or plat without requiring mitigation of the Capacity Deficit will either create or worsen school overcrowding.

WHEREAS, the Applicant has agreed to enter into this Agreement to provide mitigation proportionate to the demand on Public School Facilities to be created by the actual development of the Project.

NOW, THEREFORE, in consideration of the mutual promises, covenants, terms, and conditions set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, School Board, Applicant, and City hereby agree as follows:

1. **Recitals.** The above recitals are true and correct and fully incorporated herein.
2. **Definitions.** Any capitalized terms used but not defined herein shall have the same meaning as set forth in the Interlocal Agreement.
3. **Term.** The term of this Agreement shall commence on the date this Agreement is recorded in the Public Records of Lake County, Florida (the “**Effective Date**”) and, unless earlier terminated in accordance herewith, shall end on the date that is two (2) years after the Effective Date (the “**Expiration Date**”). The term of this Agreement may be extended once for a period of one (1) year if (i) requested by Applicant by delivering a sworn affidavit to School Board, no later than thirty (30) days prior to the Expiration Date, that demonstrates Applicant’s good faith efforts to obtain all development approvals required to proceed with the Project, and (ii) School Board and City agree to extend the term of this Agreement. Any extension of this Agreement shall be evidenced by an Amendment to this Agreement signed by Applicant, School Board, and City and recorded, at Applicant’s sole expense, in the public records of Lake County, Florida.
4. **Mitigation Payment.** Applicant shall pay to School Board the cost to mitigate the Capacity Deficit as follows:
 - a. **Amount.** Applicant’s proportionate share mitigation payment is One Million Six Hundred Seventy Three Thousand Three Hundred Seventy Six and 00/100 Dollars (\$1,673,376.00 USD) (the “**Mitigation Payment**”). The Mitigation Payment is the product of the Capacity Deficit multiplied by the applicable Cost of Student Station (i.e. $48 \times \$34,862.00 = \$1,673,376.00$).
 - b. **Due Date.** The Mitigation Payment shall be made prior to recording of a plat for each or no more than ninety (90) days after final site plan approval by City for the Project, whichever is applicable (the “**Due Date**”). This provision shall survive the expiration of this Agreement.

In the event Applicant develops the Project in multiple phases, then references in this Agreement to the final plat shall mean the separate final plat for each phase. As a result, the payments due from Applicant under this Section will be paid in increments, prior to the Applicant recording the final plat for each phase, based on the number of residential dwelling units reflected on the final plat for each such phase.

By way of example, if the phase 1 plat contains 163 residential dwelling units, then the Proportionate Share Mitigation payment due prior to the recording of such plat would be \$643,303 (163/424 x \$1,673,376). Remaining phases would be as follows:

Phase 2 (142 units):	\$560,423.00
Phase 3 (119 units):	<u>\$469,650.00</u>
Total:	\$1,673,376.00

In the event that the final plat approved by CITY results in less than four hundred and twenty-four residential single family dwelling units, then the estimated Proportionate Share Mitigation set forth above will be adjusted accordingly based on the final number of residential dwelling units (lots) approved for the Project by CITY.

- c. **Delivery Instructions.** Applicant shall deliver the Mitigation Payment with the completed payment form, a copy of which is attached hereto as **Exhibit “D”**, to School Board’s Growth Planning Department at 201 West Burleigh Boulevard, Tavares, FL 32778.

5. **Mitigation Payment Credit.** The Mitigation Payment shall be credited against the total educational impact fees due for the Project. Applicant shall remain obligated for payment of all remaining educational impact fees due after application of the Mitigation Payment credit in accordance with the Lake County Impact Fee Ordinance. Notwithstanding anything contained herein to the contrary, Applicant shall not be entitled to a credit for the Mitigation Payment unless and until such payment is actually made and delivered to School Board. School Board will notify all applicable local governments once the Mitigation Payment is received by School Board.

6. **Termination.** This Agreement shall be terminable at the School Board’s option if (a) City does not issue final site plan approval for Phase 1 of the Project within one hundred eighty (180) days of the Effective Date of this Agreement, or (b) Applicant fails to fully pay the Mitigation Payment when due hereunder and such breach remains uncured for a period of thirty (30) days. Provided, however, with respect to clauses (a) and (b) of the preceding sentence (collectively, the “Termination Conditions”), prior to exercising the termination right set forth herein, the School Board shall provide written notice of its election to terminate this Agreement as a result of the failure of the foregoing Termination Conditions, and provide Applicant with the reasonably opportunity to cure the same for a period of not less than thirty (30) days, following which, and provided that the Termination Conditions remain unsatisfied, the School Board may terminate this Agreement upon written notice to Applicant.

7. **Effect of Termination.** Except as otherwise provided for herein, if this Agreement is terminated, then Applicant and School Board shall have no further duties or obligations hereunder and Applicant shall (a) forfeit all administrative or application fees paid to School Board, (b) forfeit the current school concurrency reservation associated with the Project, (c) cease all construction activities associated with the Project, and (d) re-apply for any future school concurrency reservation associated with the Project.

8. **Acknowledgements.** Applicant, School Board, and [Reference] each hereby acknowledge and agree that (a) this Agreement constitutes a legally binding commitment, pursuant to Section 163.3180, Florida Statutes, to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the Project, (b) this Agreement does not constitute, and shall not be construed as, a development permit, development agreement, development order, or any other instrument

or governmental act permitting the development of the Property, and (c) development of the Property and the Project is and shall remain subject to all land development rules, regulations, and approvals of City and all other governmental bodies, agencies, or authorities having jurisdiction over development of the Property or the Project.

9. **Assignability.** This Agreement shall run with the land and be binding on and shall inure to the benefit of Applicant, School Board, City, and their respective successors and assigns. Notwithstanding anything contained herein to the contrary, Applicant may assign its rights or obligations contained herein to a successor to the Property upon the execution of a written instrument memorializing the same, provided that the parties shall provide timely notice of any such assignment to the School Board. Any such assignment shall be evidenced by an instrument signed by Applicant, accepted by Applicant's assignee, and thereafter recorded, at Applicant's sole expense, in the public records of Lake County, Florida.

10. **Notices.** Any notice required or permitted to be given under this Agreement shall be in writing and shall be deemed to be given if delivered by hand, sent by United States registered or certified mail (return receipt requested), sent by recognized overnight courier, or sent by email addressed as follows:

If to School Board: School Board of Lake County
Attn: Superintendent of Schools
201 West Burleigh Blvd.
Tavares, FL 32778
Email contact – lavalleyh@lake.k12.fl.us

If to City: City of Leesburg
Attn: City Manager
501 West Meadow Street
Leesburg, FL 34748

If to Applicant: TLC Hodges Reserve, LLC
Attn: Mr. Andrew Orosz
605 Commonwealth Avenue
Orlando, FL 32803
Email contact: aorosz@hcpland.com

Notices shall be deemed effective only if sent to each address listed for the intended recipient Party, or such other address as may be subsequently provided by that Party in writing. Notices personally delivered, sent by United States registered or certified mail, or sent by overnight courier shall be deemed given on the date of receipt. Notices sent by e-mail shall be deemed sent upon transmission if sent to the recipient Party's e-mail address shown above and the e-mail message is not returned to the sender as being undeliverable.

11. **Incorporation.** All exhibits attached hereto are fully incorporated herein and made a part hereof.

12. **Recording of this Agreement.** Applicant shall submit this Agreement to the Lake County Clerk of Court for recording, at Applicant's sole expense, in the public records of Lake County, Florida within ten (10) days after full execution by Applicant, School Board, and City. Failure to timely submit this Agreement for recording shall render it null and void.

13. **Recording Notice of Satisfaction.** Within thirty (30) days after receiving the final Mitigation Payment, School Board, at School Board's sole expense, shall record a notice of satisfaction, which references the recording information of this Agreement and acknowledges receipt of the Mitigation Payment, in the public records of Lake County, Florida.

14. **Entire Agreement.** This Agreement, including all exhibits attached hereto, constitutes the entire agreement between and among Applicant, School Board, and City, and replaces all prior communications, understandings, representations, arrangements, and agreements, whether oral or written, between or among them, related to the terms and subject matter of this Agreement that were not otherwise reduced to writing and incorporated herein.

15. **Construction.** This Agreement shall be construed as if Applicant, School Board, and City jointly prepared this Agreement, and any uncertainty or ambiguity shall not be construed against any one Party. Whenever applicable in this Agreement, the use of the singular shall include the plural and the use of the plural shall include the singular. The headings used in this Agreement are solely for convenience of reference and shall not control the meaning or interpretation of this Agreement.

16. **Modification; Waiver.** This Agreement may not be modified or amended nor shall any provision of this Agreement be waived except in writing signed by Applicant, School Board, and City or their respective agents acting under express written authority to do so. No oral agreement, statement, promise, undertaking, understanding, arrangement, act, or omission of any Party, occurring after the date hereof may be deemed an amendment or modification to this Agreement unless reduced to writing and signed by Applicant, School Board, and City or their respective agents acting under express written authority to do so.

17. **Counterparts.** This Agreement may be executed in as many counterparts as may be required, each of which when so executed shall be deemed an original, but all of which when taken together shall constitute a single agreement. An electronic or facsimile copy of this Agreement and any signatures hereon shall be considered for all purposes as originals.

18. **Severability.** If for any reason any of the covenants, agreements, terms, or provisions contained herein shall be determined or declared to be invalid or unenforceable by a court of competent jurisdiction, then the validity and enforceability of the remaining covenants, agreements, terms, and provisions hereof shall be in no way affected, prejudiced, or disturbed by said determination or declaration and this Agreement shall be automatically conformed to the law and shall continue in full force and effect.

19. **Governing Law.** The laws of the State of Florida shall apply to and control any dispute concerning the interpretation, construction, performance, or enforcement of this Agreement. Applicant, School Board, and City each hereby agree that the exclusive jurisdiction for any legal proceeding arising out of or relating to this Agreement shall be the courts serving Lake County, Florida and Applicant, School Board, and City hereby waive any challenge to personal jurisdiction or venue in such courts.

20. **Prevailing Party Attorney's Fees.** If Applicant, School Board, or City brings a legal action or proceeding arising out of or relating to this Agreement or because of an alleged dispute, breach, default, or misrepresentation hereof or for a declaration of the rights and obligations in connection with this Agreement, then the prevailing Party shall be entitled to reasonable attorney's fees and other costs incurred in that action or proceeding in addition to any other relief to which the prevailing Party may otherwise be entitled.

21. **Change in Circumstances.** If, prior to the Due Date, the Total Units or any other part of the Project is altered or amended in a manner that increases the Capacity Deficit, then Applicant shall submit a separate application for such increase, which shall be subject to a separate review for school concurrency purposes.

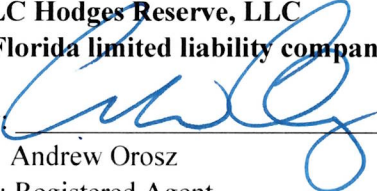
22. **Time of the Essence.** Time is of the essence as to all due dates, deadlines, and time periods set forth herein.

23. **Authority.** Each person signing below represents and warrants they possess full authority to enter into this Agreement and to lawfully and effectively bind the entity they purport to represent.

Remainder of Page Left Blank Intentionally

IN WITNESS WHEREOF, Applicant, School Board, and City have executed this Agreement as of the dates set forth below.

TLC Hodges Reserve, LLC
a Florida limited liability company

By: 
Andrew Orosz
As: Registered Agent

Date: 7-27-23

The School Board of Lake County, Florida

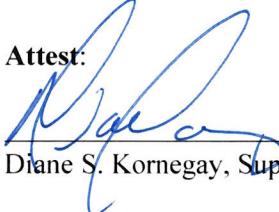
By: 
Marc A. Dodd, Board Chair

Date: 8-14-2023

Approved as to form:



School Board Attorney

Attest: 

Diane S. Kornegay, Superintendent

City of Leesburg, Florida

By: _____
Jimmy Burry, Mayor

Date: _____

Approved as to form:

City Attorney

Attest: _____
J. Andi Purvis, City Clerk

Exhibit A
Hodges Reserve
Legal Descriptions

Phase 1

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 20 SOUTH, RANGE 25 EAST; THENCE RUN N 89°30'16" W ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 31, A DISTANCE OF 894.51 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN N 00°29'44" E, A DISTANCE OF 25.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DEWEY ROBBINS ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE RUN N 89°30'16" W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1091.91 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 31; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE, RUN N 00°42'30" E ALONG SAID WEST LINE, A DISTANCE OF 1305.48 FEET TO A POINT ON THE NORTH LINE OF SAID EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE DEPARTING SAID WEST LINE, RUN S 89°23'11" E ALONG SAID NORTH LINE, A DISTANCE OF 662.59 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 31; THENCE RUN N 00°43'14" E ALONG SAID WEST LINE, A DISTANCE OF 1329.32 FEET TO THE NORTH 1/4 CORNER OF SAID SOUTHEAST 1/4 OF SECTION 31; THENCE DEPARTING SAID WEST LINE, RUN S 89°18'05" E ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 31, A DISTANCE OF 1325.91 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4 OF SECTION 31; THENCE DEPARTING SAID NORTH LINE, RUN S 00°45'28" W ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 31, A DISTANCE OF 1368.07 FEET; THENCE DEPARTING SAID EAST LINE, RUN S 60°19'45" W, A DISTANCE OF 101.14 FEET; THENCE S 27°14'19" W, A DISTANCE OF 68.99 FEET; THENCE N 01°03'23" W, A DISTANCE OF 22.83 FEET; THENCE N 12°32'55" W, A DISTANCE OF 67.66 FEET; THENCE N 32°18'21" W, A DISTANCE OF 67.66 FEET; THENCE N 40°29'51" W, A DISTANCE OF 23.86 FEET; THENCE N 49°53'10" W, A DISTANCE OF 63.12 FEET; THENCE N 49°53'08" W, A DISTANCE OF 117.41 FEET; THENCE N 49°53'09" W, A DISTANCE OF 80.00 FEET; THENCE N 38°09'10" W, A DISTANCE OF 35.62 FEET; THENCE N 63°46'24" W, A DISTANCE OF 71.27 FEET; THENCE S 89°59'53" W, A DISTANCE OF 651.02 FEET; THENCE SOUTHERLY, 15.46 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 75.00 FEET AND A CENTRAL ANGLE OF 11°48'44" (CHORD BEARING S 05°54'22" W, 15.43 FEET); THENCE S 00°00'00" E, A DISTANCE OF 85.45 FEET; THENCE SOUTHEASTERLY, 31.42 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90°00'00" (CHORD BEARING S 45°00'00" E, 28.28 FEET); THENCE S 00°00'00" E, A DISTANCE OF 50.00 FEET; THENCE SOUTHWESTERLY, 31.42 FEET ALONG THE ARC OF A NON-

TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90°00'00" (CHORD BEARING S 45°00'00" W, 28.28 FEET); THENCE S 00°00'00" E, A DISTANCE OF 59.97 FEET; THENCE SOUTHERLY, 40.17 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 275.00 FEET AND A CENTRAL ANGLE OF 08°22'13" (CHORD BEARING S 04°11'07" W, 40.14 FEET); THENCE N 90°00'00" E, A DISTANCE OF 565.94 FEET; THENCE S 49°53'09" E, A DISTANCE OF 198.17 FEET; THENCE S 00°00'00" E, A DISTANCE OF 282.31 FEET; THENCE N 90°00'00" W, A DISTANCE OF 100.00 FEET; THENCE S 00°00'00" E, A DISTANCE OF 50.00 FEET; THENCE N 90°00'00" W, A DISTANCE OF 18.44 FEET; THENCE S 00°00'00" E, A DISTANCE OF 146.59 FEET; THENCE N 89°27'21" W, A DISTANCE OF 142.62 FEET; THENCE S 00°44'21" W, A DISTANCE OF 428.99 FEET; THENCE N 89°30'16" W, A DISTANCE OF 233.41 FEET; THENCE S 00°29'44" W, A DISTANCE OF 210.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 77.167 ACRES, MORE OR LESS.

Phase 2

A PARCEL OF LAND LYING IN SECTIONS 31 AND 32, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 20 SOUTH, RANGE 25 EAST; THENCE RUN N 00°45'28" E ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 31, A DISTANCE OF 663.44 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 31, ALSO BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LINE, RUN N 89°27'21" W, A DISTANCE OF 519.69 FEET; THENCE N 00°00'00" E, A DISTANCE OF 146.59 FEET; THENCE S 90°00'00" E, A DISTANCE OF 18.44 FEET; THENCE N 00°00'00" E, A DISTANCE OF 50.00 FEET; THENCE S 90°00'00" E, A DISTANCE OF 100.00 FEET; THENCE N 00°00'00" E, A DISTANCE OF 282.31 FEET; THENCE N 49°53'09" W, A DISTANCE OF 198.17 FEET; THENCE N 90°00'00" W, A DISTANCE OF 565.94 FEET; THENCE NORTHERLY, 40.17 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 275.00 FEET AND A CENTRAL ANGLE OF 08°22'13" (CHORD BEARING N 04°11'07" E, 40.14 FEET); THENCE N 00°00'00" E, A DISTANCE OF 59.97 FEET; THENCE NORTHEASTERLY, 31.42 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90°00'00" (CHORD BEARING N 45°00'00" E, 28.28 FEET); THENCE N 00°00'00" W, A DISTANCE OF 50.00 FEET; THENCE NORTHWESTERLY, 31.42 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90°00'00" (CHORD BEARING N 45°00'00" W, 28.28 FEET); THENCE N 00°00'00" E, A DISTANCE OF 85.45 FEET; THENCE NORTHERLY, 15.46 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET AND A CENTRAL ANGLE OF 11°48'44" (CHORD BEARING N 05°54'22" E, 15.43 FEET); THENCE N 90°00'00" E, A DISTANCE OF 651.01 FEET; THENCE S 63°47'29" E, A DISTANCE OF 71.27 FEET; THENCE S 38°09'10" E, A DISTANCE OF 35.62 FEET; THENCE S 49°53'09" E, A DISTANCE OF 80.00 FEET; THENCE S 49°53'08" E, A DISTANCE OF 117.41 FEET; THENCE S 49°53'10" E, A

DISTANCE OF 63.12 FEET; THENCE S 40°29'51" E, A DISTANCE OF 23.86 FEET; THENCE S 32°18'21" E, A DISTANCE OF 67.66 FEET; THENCE S 12°32'55" E, A DISTANCE OF 67.66 FEET; THENCE S 01°03'23" E, A DISTANCE OF 22.83 FEET; THENCE N 27°14'19" E, A DISTANCE OF 68.99 FEET; THENCE N 60°19'45" E, A DISTANCE OF 101.14 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 31; THENCE ALONG SAID EAST LINE, RUN N 00°45'28" E, A DISTANCE OF 41.20 FEET TO THE SOUTHWEST CORNER OF THE NORTH 1/2 OF SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 20 SOUTH, RANGE 25 EAST; THENCE RUN S 89°33'32" E ALONG THE SOUTH LINE OF NORTH 1/2 OF SOUTHWEST 1/4 OF SAID SECTION 32, A DISTANCE OF 1276.29 FEET; THENCE DEPARTING SAID SOUTH LINE RUN S 30°26'32" W, A DISTANCE OF 396.29 FEET; THENCE S 59°33'28" E, A DISTANCE OF 22.35 FEET; THENCE S 30°26'32" W, A DISTANCE OF 50.00 FEET; THENCE WESTERLY, 31.42 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90°00'00" (CHORD BEARING S 75°26'32" W, 28.28 FEET); THENCE S 30°26'32" W, A DISTANCE OF 202.00 FEET; THENCE SOUTHERLY, 31.42 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90°00'00" (CHORD BEARING S 14°33'28" E, 28.28 FEET); THENCE S 30°26'32" W, A DISTANCE OF 50.00 FEET; THENCE WESTERLY, 31.42 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90°00'00" (CHORD BEARING S 75°26'32" W, 28.28 FEET); THENCE N 59°33'28" W, A DISTANCE OF 50.00 FEET; THENCE S 30°26'32" W, A DISTANCE OF 100.50 FEET; THENCE N 59°33'28" W, A DISTANCE OF 92.24 FEET; THENCE WESTERLY, 183.04 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 344.50 FEET AND A CENTRAL ANGLE OF 30°26'32" (CHORD BEARING N 74°46'44" W, 180.89 FEET); THENCE N 90°00'00" W, A DISTANCE OF 359.41 FEET; THENCE N 00°00'00" W, A DISTANCE OF 100.00 FEET; THENCE N 90°00'00" W, A DISTANCE OF 50.00 FEET; THENCE S 00°00'00" W, A DISTANCE OF 100.00 FEET; THENCE N 90°00'00" W, A DISTANCE OF 120.00 FEET; THENCE S 38°47'07" W, A DISTANCE OF 40.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 27.939 ACRES, MORE OR LESS.

Phase 3

A PARCEL OF LAND LYING IN SECTION 32, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

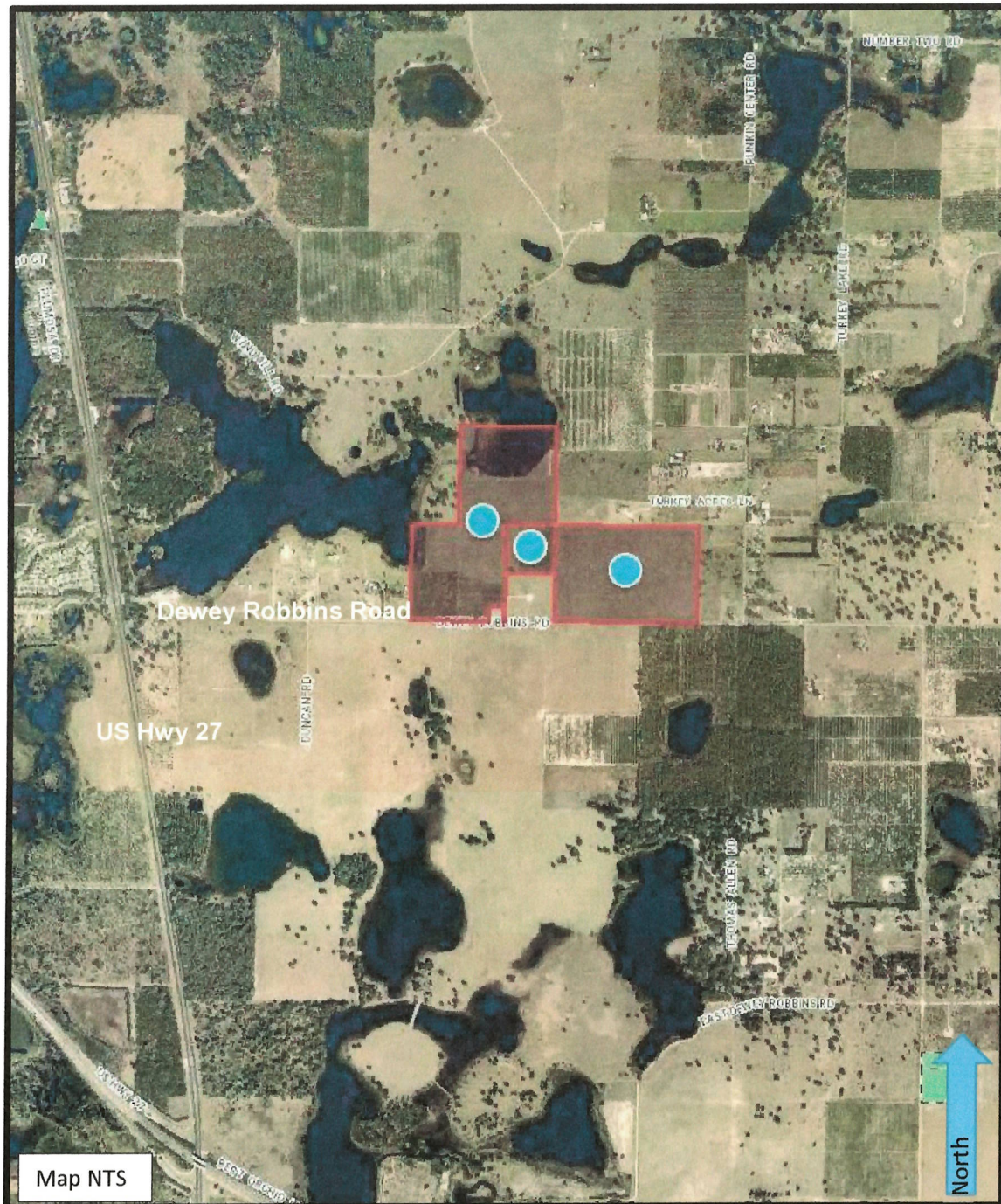
COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 20 SOUTH, RANGE 25 EAST; THENCE RUN N 00°45'28" E ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 31, A DISTANCE OF 25.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF DEWEY ROBBINS ROAD, ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE, RUN N 00°45'28" E, A DISTANCE OF 638.43 FEET; THENCE DEPARTING SAID EAST LINE, RUN N 38°47'07" E, A DISTANCE OF 40.44 FEET; THENCE N 90°00'00" E, A DISTANCE OF 120.00 FEET; THENCE N 00°00'00" E, A DISTANCE OF 100.00 FEET; THENCE N 90°00'00" E, A DISTANCE OF 50.00 FEET; THENCE S 00°00'00" E, A DISTANCE OF 100.00 FEET; THENCE N 90°00'00" E, A

DISTANCE OF 359.41 FEET; THENCE EASTERLY, 183.04 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 344.50 FEET AND A CENTRAL ANGLE OF 30°26'32" (CHORD BEARING S 74°46'44" E, 180.89 FEET); THENCE S 59°33'28" E, A DISTANCE OF 92.24 FEET; THENCE N 30°26'32" E, A DISTANCE OF 100.50 FEET; THENCE S 59°33'28" E, A DISTANCE OF 50.00 FEET; THENCE EASTERLY, 31.42 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90°00'00" (CHORD BEARING N 75°26'32" E, 28.28 FEET); THENCE N 30°26'32" E, A DISTANCE OF 50.00 FEET; THENCE NORTHERLY, 31.42 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90°00'00" (CHORD BEARING N 14°33'28" W, 28.28 FEET); THENCE N 30°26'32" E, A DISTANCE OF 202.00 FEET; THENCE EASTERLY, 31.42 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90°00'00" (CHORD BEARING N 75°26'32" E, 28.28 FEET); THENCE N 30°26'32" E, A DISTANCE OF 50.00 FEET; THENCE N 59°33'28" W, A DISTANCE OF 22.35 FEET; THENCE N 30°26'32" E, A DISTANCE OF 396.29 FEET; THENCE S 89°33'32" E, A DISTANCE OF 712.50 FEET; THENCE S 00°38'43" W, A DISTANCE OF 1303.74 FEET TO A POINT ON THE AFORESAID NORTHERLY RIGHT OF WAY LINE OF DEWEY ROBBINS ROAD; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, RUN N 89°30'17" W, A DISTANCE OF 1991.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 43.458 ACRES, MORE OR LESS.

Remainder of Page Left Blank Intentionally

Exhibit B
Hodges Reserve
Location Map



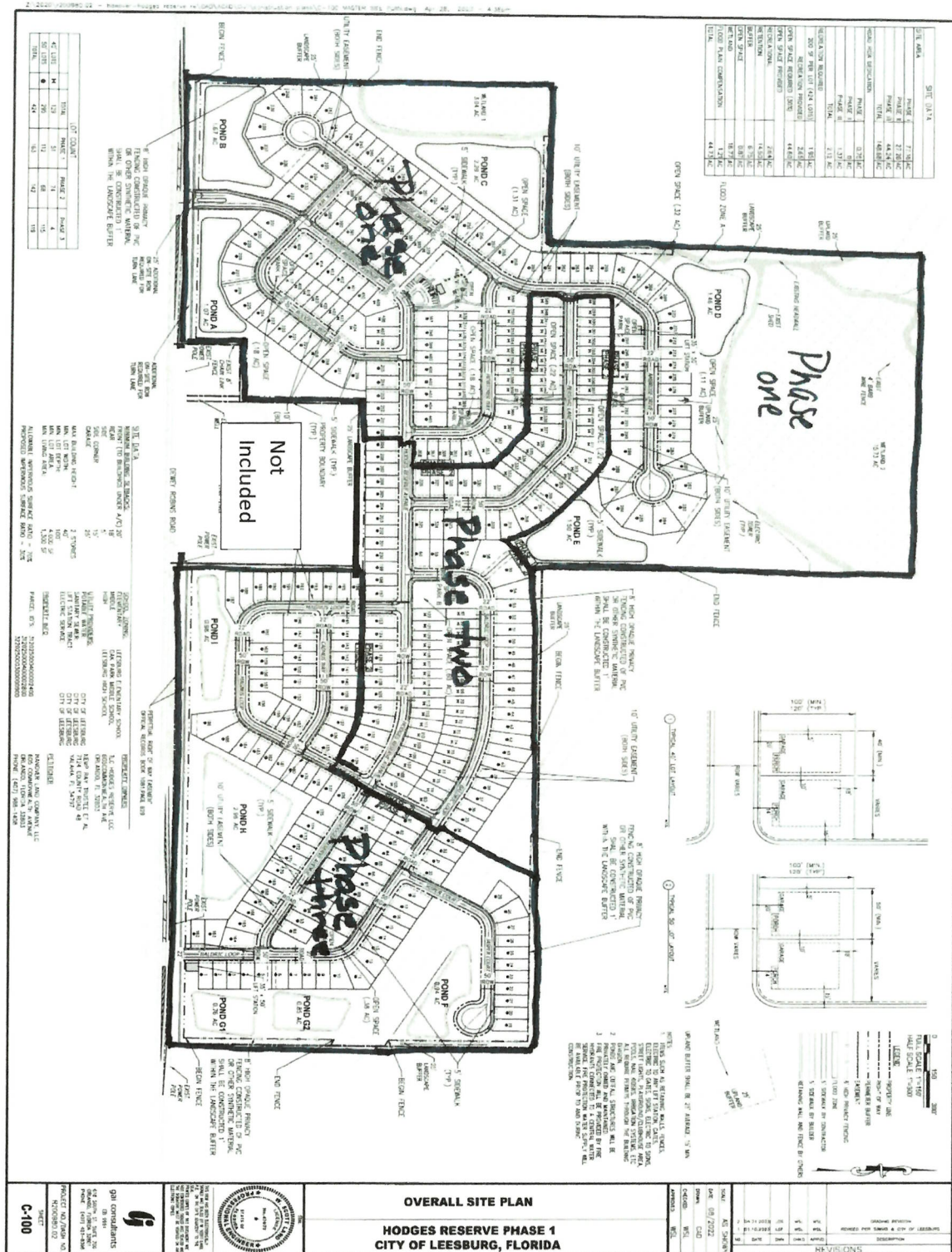


Exhibit D

Proportionate Share Mitigation Payment Form

Section 1	Proportionate Share Mitigation Information
LCS#:	2023-06
Project Title:	Hodges Reserve Phases 1, 2 & 3
Local Jurisdiction:	Leesburg
Parcel ID's/Alt Keys: (list all parcel identification numbers or alternate keys that apply to this agreement project boundaries)	1030285, 1209463, 1404410
Permit Type: (Plat, preliminary plat or site plan, final subdivision plan, etc.)	Final Plat(s) or Final Site Plan(s)
Section 2	Applicant Information (to be completed by Applicant for each payment)
Date:	
Name:	
Company/Firm:	
Contact phone number:	
Email Address:	
Section 3	Residential Development Project Information
Plat/Site Plan Title: (as it appears on the document)	Hodges Reserve
Total Units:	424 SF in 3 phases
Unit Type: SF, MF, MH	Single Family
Section 4	Payment Information
Payment Amount:	\$
Mitigation Review Fee (if applicable):	N/A Previously paid
Total Amount of This Payment	\$



Instructions
Complete form and return with payment to: Lake County Schools Growth Planning Department – Attn: Helen LaValley 201 West Burleigh Boulevard Tavares, FL 32778
For more information contact Helen LaValley, Growth Planning Department at 352-253-6694 or by email at lavalleyh@lake.k12.fl.us

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.2.

Meeting Date: August 28, 2023

From: Sandra Wilson, (Housing Director)

Subject: Resolution of the City Commission of the City of Leesburg, Florida adopting and approving a Leesburg Surplus Lot Donation Program; establishing policies and procedures; and providing an effective date.

Staff Recommendation:

Staff recommends approval of the Surplus Lot Donation Policy & Procedure.

Analysis:

A recognized best practice to eradicate slum and blight is to redevelop by utilizing in-fill lots. The City of Leesburg owns several surplus lots and seeks an equitable manner to disburse such inventory in a fashion that promotes redevelopment in the community.

Procurement Analysis:

N/A

Options:

1. Adopt as recommended; or
2. Make any changes the city commission deems necessary.

Fiscal Impact:

N/A

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA ADOPTING AND APPROVING A LEESBURG SURPLUS LOT
DONATION PROGRAM; ESTABLISHING POLICIES AND PROCEDURES;
AND PROVIDING AN EFFECTIVE DATE.**

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the City of Leesburg Surplus Lot Donation program, establishing the criteria, policies and procedures is hereby approved and adopted by the City Commission as presented.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 28th day of August 2023.

Mayor

ATTEST:

City Clerk

CITY OF LEESBURG SURPLUS LOT DONATION CRITERIA, POLICIES & PROCEDURES

The City of Leesburg and CRA Board has reviewed its real property inventory and identified vacant lots for affordable housing purposes, pursuant to Florida Statutes 166.0451. This document will outline the guidelines that will be used to determine the disposition of surplus vacant lots.

Whereas, the City of Leesburg and the CRA Board have committed specific vacant lots to the further creation and success of the continued program, and

Whereas, the City Commission of the City of Leesburg, Florida, has determined that the donation of surplus City-Owned, and CRA-Owned property to facilitate the development of affordable housing serves a valid public purpose; and

Whereas, the participants of the program have identified roles and responsibilities as outlined in the following procedures.

On the terms and conditions set forth in this agreement, the City shall transfer title of the property to the Not-for-Profit Developer for purposes of constructing affordable housing for eligible clients as defined herein.

NON-PROFIT PARTNERS WILL:

- A. Serve as the housing developer for all homeownership packages under the program; they will remain responsible for referring Program homebuyer applicants to the City of Leesburg Housing Department for pre-qualification. The partner is responsible for the construction process through the issuance of the Certificate of Occupancy and/or Final Inspection from the City of Leesburg.
- B. At its sole cost and expense, construct a dwelling on the property for purposes of selling such to an eligible client. A dwelling shall be constructed within three (3) years of the date of the City deed for property that is transferred via this agreement. In the event the developer cannot locate an eligible client within the three-year timeframe, the developer may request one three-year extension from the City.
- C. Vacant lots provided through this program will be conditioned on construction beginning within twenty-four (24) months of donation of the lot, and the new unit must be completed within thirty-six (36) months from the time of donation. Lots shall be provided on a first come/first served basis.
- D. Lot donations will be limited to no more than three (3) lots within a 3-year period per partner and/or affiliate.
- E. Be responsible for ensuring that all builders/subcontractors utilized are licensed appropriately and capable of performing all necessary work. The agencies will further be

responsible to ensure that all applicable permits, inspections, and fees are obtained and paid (as required for the respective scope of work) per housing packages.

- F. Construct single-family residential homes and such dwellings shall meet the City's R-1 Zoning design standards.
- G. Submit homebuyer packages that must contain up to date income verification documents (not older than 30 days) upon submission to the City for review.
- H. Identify and seek out available funds to be used for leveraging existing program dollars such as the Lake County Housing SHIP - Housing Trust Fund.
- I. If necessary, assist applicants with the builder's construction contract.
- J. Maintain the minimum availability of three (3) different home models (varying floor plans, elevations, sizes, price ranges, etc.) at all times.
- K. Provide assistance to applicants/homebuyers in obtaining a residential mortgage (loan packaging) from the lender of choice. The non-profit agencies will prepare the completed applicants files (to include request for subsidy assistance) and submit the same to the City of Leesburg Housing Department for evaluation.
- L. Refer applicants for (or provide) credit repair and/or counseling in order to qualify for a (primary) mortgage.
- M. Serve as agent for the Homebuyer in all communications with the builder.

CITY OF LEESBURG HOUSING DEPARTMENT WILL:

- A. Act as the clearinghouse on behalf of all partners, coordinating the approval and advance of assets/subsidies (in accordance with program requirements) for eligible homebuyers; to make available vacant lots annually in the form of a subsidy to reduce a portion of the cost of the home purchase in order to lower the end price to the homebuyer.
- B. Undertake overall coordination, monitoring and reporting of all program requirements related to the City administered assets and/or funds under the Program.
- C. Maintain the availability of assets/funds to be used as subsidies; the City will maintain its authority to approve/deny all housing deals (on an individual basis) requesting assistance from the City.
- D. Refer program applicants and interested persons to the non-profit partner agencies for credit counseling (if needed), application submittal, and mortgage qualification; the City will ensure that all recipients under the Program are channeled through the appropriate non-profit partner for homebuyer education workshops and seminars.
- E. Establish an intake and processing system governing the evaluation and approval of individual.
- F. Give priority consideration to applicants residing and/or working within the City of Leesburg at time of application; the Housing Department will compliment the marketing efforts of the non-profit partner by marketing the program through our established network of Homeowners and Neighborhood Associations.
- G. Monitor all recorded Mortgages and Promissory Notes to ensure the recapture of invested assets/funds where necessary; each subsidy will be provided in the form of a second (forgivable) mortgage to the property.
- H. Provide lots with clean titles.

ADMINISTRATION

Overall administration of this program shall be in accordance with the criteria and guidelines outlined above. Implementation of these policies and procedures shall be the responsibility of the City of Leesburg Housing Department.

The following is a summary of homebuyer eligibility criteria and overall procedures for implementation of the various components of the Program (unless revised due to regulatory/program revisions associated with the funding source (s)).

ADDITIONAL ELIGIBILITY AND PRIORITY CONSIDERATIONS

- a. **Income:** Households with incomes not exceeding 120% of AMI for the area are eligible for assistance under this program. Household income will be computed in accordance with the State Housing Initiatives Partnership (SHIP) Program guidelines. Income is considered to be the total for all persons residing within the household; income limits are adjusted for family size. The same will be verified by a signed employer verification form, and/or income tax records (for self-employed).
- b. **Resident/Employment Status:** Applicants (documented) residing and/or working within the corporate limits of the City of Leesburg will be given priority consideration for assistance.
- c. **Family Status:** Parental households with dependent children shall receive primary consideration.
- d. **Special Needs:** Persons/households determined to have "Special Needs", in accordance with the SHIP Rule at 9I-37.002 and other cases determined by the City and according to the Lake County LHAP, shall be given priority and special consideration for assistance.
- e. **Public Housing/Section 8 Tenants** - Subsidy assistance provided by Lake County Housing will give preference to eligible families/households residing at the Mispah/Simmons Apartment Complex or receiving Section 8 rental assistance.
- f. **Local First Time Homebuyers:** Is defined as not having owned a home during the past three (3) years, a single parent with children under the age of 18 who has recently been divorced and/or displaced, a displaced victim of domestic abuse or a person displaced as a result of a governmental action, and those who have special needs according to Chapter 67-37.002 (13).
- g. **Credit Worthiness:** Those households meeting the lenders credit standards will be further processed. Those households that cannot meet underwriting standards/requirements will be referred for credit counseling and other necessary services.

- h. Package Requirements:** Only those applicant packages submitted to the City for consideration which are complete and comply with all documentation requirements will be given consideration (on a first come, first served basis).
- i. Debt Ratio (Affordability):** All applicants will be screened based upon the primary lender's income to housing debt ratio requirements. Housing expenses (PITI) shall not exceed 35% of the MFI (for the area) adjusted for family size for the income category into which household falls. Exception to this ratio can be made if a mortgage amount resulting in a monthly payment in excess of 30% is approved by a primary lender.
- j. Local Homebuyer Asset Limitation:** Homebuyers with household liquid assets in excess of \$25,000 will be required to decrease their asset value to under \$25,000 through an additional homebuyer contribution. Liquid assets to be analyzed on a case-by-case basis.

RECAPTURE PROVISIONS

Families/households assisted under this Program shall be contractually subject to Recapture Provisions through the recording of a second mortgage and promissory note, as set forth by the City of Leesburg. These provisions require that purchasers must occupy the assisted (subsidized) units as their principal residence for a period of five (5). Otherwise, the purchaser (s) will be obligated to repay a prorated portion of the subsidy award. Any moneys recaptured through the sale of a subsidized property within the designated period shall be returned to the applicable subsidy program account and made available to another eligible first-time homebuyer.

The second mortgage and promissory note will be recorded in the Public Records of Lake County. The City of Leesburg will be notified (as a lien holder) upon sale of the subject property.

MANDATORY HOMEBUYER SEMINARS

Homebuyers shall be required to attend at least two 4-hour training sessions. One session shall be held prior to closing as a condition of the loan closing. The second session shall be held close to the time of occupancy to educate households about the responsibilities of home ownership and building maintenance. The Leesburg Housing Department shall coordinate each session with assistance from other participants as needed. Proof of completion should be made part of each applicant's/household's file.

These sessions shall at a minimum include the following topics:

- Personal Finance and Planning
- Credit and Borrowing
- Fair Housing Issues
- Maintenance and Upkeep
- Underwriting Criteria

- Property Tax Information
- Other information as required by participants and federal/state regulations

During the period covered by this Agreement, the city will explore additional resources in support of homebuyer education. Both pre- and post-closing educational opportunities will be evaluated for their potential future application under this Program.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of the day and year first above written.

ATTEST:

CITY OF LEESBURG, FLORIDA

City Clerk

By: _____
James A. Burry, Jr.
Mayor

Approved as to Form:

CARVER HEIGHTS/MONTCLAIR COMMUNITY
REDEVELOPMENT AGENCY

City Attorney

By: _____
James A. Burry, Jr.
Chairman

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.3.

Meeting Date: August 28, 2023

From: Al Minner, (City Manager)

Subject: Resolutions approving the execution of Utility Construction Reimbursement (Pioneering) Agreements with Troon Creek 2, LLC for Wastewater and Potable Water.

Staff Recommendation:

Approve resolution which adopts a wastewater and a water pioneering agreement.

Analysis:

These water and wastewater agreements concern the Troon Creek Preserve (TCP) subdivision. TCP is a residential subdivision of approximately 86 lots, located off Radio Road near the intersection of Poe Street. The purpose of these agreements is to increase wastewater and water mains so that a greater loop of mains serve the development in the State Route 44 Leesburg Corridor.

The water loop seeks to connect a 10" main up Radio Road, across Poe Street and then down SR 44, which will connect back to the extension being completed by Silver Lake Estates. While the TCP agreement does not complete the entire loop as described herein, it does complete the loop from the intersection of Radio Road/441 to the intersection Poe Street/radio Road. Once Orange Bend Subdivision begins development, the loop will be "closed". Because a significant portion of development is anticipated from Orange Bend, there is not enough water impact fees available to entice the developer to build the loop. As such, the City has a development dilemma in that a larger loop is best to serve the corridor, but the current developers should not be charged the additional cost to over build the system. Therefore, it is in the City's best interest to upsize the line for future development now, which will be recouped once development occurs.

With regard for sewer impact fees, the wastewater pioneering agreement requires upsizing along CR 44, and between the development of TCP and Silver Lake Estates, there is enough impact fee collections that will repay for Liberty Preserve, TCP and Silver Lake Estates. Therefore, the wastewater pioneering agreement calls for the developer to upsize the main and reimbursement will be through future wastewater fee collections.

Procurement Analysis:

None

Options:

1. Approve as presented; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

This item has two agreements affecting the Wastewater and Water (Potable Water) funds. The Wastewater (pioneering) agreement reflects a repayment of \$161,479.16 which will be paid back as new taps are made; the repayment will come from future Wastewater impact fees. The Potable Water agreement reflects a "maximum reimbursement" of \$117,918.33, which will require a budget adjustment from available Water Cash Reserves.

Account No. 043-3099-533-6310

Project No. 430002

WF No. WF1510224

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A
UTILITY CONSTRUCTION REIMBURSEMENT (PIONEERING)
AGREEMENT WITH TROON CREEK 2, LLC FOR CONSTRUCTION OF A
WASTEWATER FORCE MAIN; AND PROVIDING AN EFFECTIVE DATE.**

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute a Utility Construction Reimbursement (Pioneering) Agreement with Troon Creek 2, LLC, whose address is 643 Egret Place Drive, Winter Garden, Florida 34787, for construction of an eight-inch PVC wastewater force main.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 28th day of August 2023.

Mayor

ATTEST:

City Clerk

**AGREEMENT
FOR
UTILITY CONSTRUCTION REIMBURSEMENT
(Upsize for the Benefit of the City)**

THIS AGREEMENT is made as of the ____ day of _____, 2023, by and between **THE CITY OF LEESBURG, FLORIDA**, hereafter referred to as the “**City**” and **TROON CREEK 2, LLC**, a Florida limited liability company, or its designated assignee, hereafter referred to as the “**Developer**.”

WITNESSETH:

THAT Developer is constructing or causing to be constructed a project on certain real property owned, or to be owned, by Developer that is more particularly described on Exhibit “A” attached (hereafter called the “**Development**”). The City will be providing one or more utility services to the Development, as described more particularly below (the “**Utility Services**”). Developer will be constructing certain infrastructure to support the Utility Services, as described on Exhibit “B” attached (the “**Infrastructure**”). The parties have entered into this Agreement to set forth the terms and conditions under which Developer will be entitled to partial reimbursement for the cost of the Infrastructure described in Exhibit B.

NOW THEREFORE, for and in consideration of the construction of the Infrastructure, the provision of Utility Services to the Development by the City, and the mutual covenants and promises contained in this instrument, the parties do hereby agree as set forth below:

1. The following Utility Services will be provided to the Development by the City (check all that apply):

- | | |
|---|--|
| ☐ Potable Water | ☒ Wastewater |
| ☐ Electricity | ☐ Natural Gas |
| ☐ Fiber Optic/Telecommunications | ☐ Reuse Water |

2. The costs incurred by Developer for construction of the Infrastructure for which Developer is entitled to reimbursement by the City under this Agreement (“**Reimbursement**”) are estimated on Exhibit “C” attached hereto. Upon completion and acceptance of the Infrastructure, the Developer will receive Reimbursement as provided herein.

3. The term of this Agreement (the “**Term**”) shall be from present until the date of completion and acceptance of the Infrastructure, as described in paragraph 9, by the City Commission unless terminated earlier as provided below because total reimbursement to Developer has reached the Maximum Reimbursement stated in Section 4.

4. A ~~current~~ estimate of the total construction costs associated with the forcemain work is attached hereto as Exhibit "C" (the "**Total Cost Estimate**"), which includes a ~~current~~ cost estimate and description of the Developer's proposed pipe size (the "**Developer Sized Forcemain Work**") and a ~~current~~ cost estimate and description of the City's requested pipe size (the "**Oversized Forcemain Work**"). Upon such time as the Developer is ready to proceed with the construction of the forcemain work, Developer shall provide the City with a revised Total Cost Estimate. The City will reimburse Developer for the difference between the actual costs of the Developer Sized Forcemain Work and the actual costs of the Oversized Forcemain Work, not to exceed the Maximum Reimbursement (as hereinafter defined). Notwithstanding anything to the contrary contained herein, in no case shall the City be obligated to reimburse Developer in an amount which exceeds the difference between the estimated costs of the Developer Sized Forcemain Work and the estimated costs of the Oversized Forcemain Work, as such costs may be revised at the time construction is to commence, but which is currently the sum of \$161,479.16 as reflected on the Cost Estimate (the "**Maximum Reimbursement**"). At such time as Developer has been reimbursed the Maximum Reimbursement or such lower amount based on actual costs of construction, this Agreement shall terminate and Developer shall not be entitled to any further reimbursements hereunder.

Should "Maximum Reimbursement" not be achieved within twenty (20) years of the date the improvements ~~were~~where accepted by ~~by~~ the City, Developer shall not be entitled to wastewater impact fee reimbursement for any new taps that may be placed into final service.

Notwithstanding anything to the contrary contained herein, Developer understands, agrees, and acknowledges that it will be reimbursed from wastewater system capacity impact fees actually received by the City in connection with development in the CR 44 corridor and that the timing of such reimbursement is unclear. Developer further understands, agrees, and acknowledges that the developer of the nearby Liberty Preserve Development (the "Liberty Preserve Developer") has contributed to the construction of the wastewater system in the area of the Development which has benefitted the Development, and that the Liberty Preserve Developer is entitled to be paid its maximum reimbursement amount from wastewater system capacity impact fees collected by the City in the CR 44 corridor before Developer shall be entitled to payment or reimbursement in connection with this Agreement.

5. This Agreement sets forth the entire understanding of the parties with regard to its subject matter. It supersedes and takes precedence over any and all prior negotiations, representations and agreements, oral or written, all of which are deemed to have merged into this Agreement and to have been extinguished except to the extent specifically set forth herein. This Agreement may not be amended orally, by implication, by course of conduct, or in any other manner whatsoever than by way of a written instrument signed by both parties hereto or their lawful successors. This Agreement shall be construed in accordance with the laws of Florida. The venue for any action or proceeding arising out of this Agreement shall be in Lake County, Florida. This Agreement shall be binding on the parties hereto, as well as on their lawful successors and assigns. Each party represents for

the benefit of the other that it has not entered into this Agreement in reliance on, or on the basis of, any promise, negotiation, representation, undertaking or agreement of the other party, oral or written, which is not specifically set forth within this Agreement. This Agreement shall not be binding on the City until it has received approval by a majority vote of the City Commission of the City of Leesburg at a public meeting, where a quorum was present, at which this Agreement was duly placed on the agenda for approval. In the event of any litigation arising out of this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and court costs (at trial, on appeal, or in any proceeding involving bankruptcy or insolvency) in addition to any other relief obtained.

6. If the City sells or transfers one or more of its utility operations covered by this Agreement, it may assign its rights and delegate its duties hereunder to the person or entity to which the utility operations are assigned and upon such assignment and delegation in writing the City shall be relieved of further obligations hereunder, provided that the assignee of the City's utility operations assumes such obligations in writing. Unless it first receives written permission from the City which will not be unreasonably withheld, conditioned or delayed, Developer may not assign its rights or delegate its duties hereunder, either outright or as collateral or security for any loan or other obligation, except as part of a transfer of ownership of the Development other than through the sale of individual lots or units in the ordinary course of business.

7. If Developer becomes delinquent in payment of any amount due the City for any reason, during the Term of this Agreement, the City may withhold any reimbursement due Developer under this Agreement and offset it against the past due debt owed by Developer to the City, until such debt is paid in full, together with any interest or other additional charges incurred thereon, unless such amount is being lawfully contested by Developer, in which event the City may withhold payment until the legal proceedings contesting the amount claimed by the City have been resolved. Following resolution of the legal challenge, the City may offset the reimbursement due Developer against the debt determined to be owed to the City, and shall then pay any amount of reimbursement in excess of that debt to Developer. If Developer violates any provision of the City's codes and ordinances, its approved site plans or development plans, or the conditions of any permits or approvals issued to the Developer by the City, the City may withhold payment of reimbursements due Developer hereunder until all such violations have been abated fully (provided that such amounts shall continue to accrue, without interest, in accordance with the terms of this Agreement until they are paid).

8. Approval and execution of this Agreement by the City shall not be deemed to constitute approval by the City of any aspect of the Development, nor shall it be construed as permission to proceed with any portion of the Development. Developer shall still be required to obtain all necessary permits and approvals from the City and other governmental bodies before commencement or continuation of work on the Development. This Agreement may be assigned by Developer to any subsequent owner of the Development, provided that any such subsequent owner shall expressly assume all of the obligations of the Developer hereunder.

9. The City's obligation to pay reimbursement to Developer under this Agreement is contingent on the completion by Developer of construction of the infrastructure in accordance with applicable City and other standards, the plans and specifications for the infrastructure (which must be approved in writing by the City prior to commencement of construction), and any other applicable codes and standards imposed by any level or agency of government, and upon payment in full by Developer of the costs of such construction (including but not limited to design and engineering, materials, and labor), and upon acceptance of the Infrastructure by the City into its utility system for operation and maintenance as part of the overall City system. Nothing in this Agreement shall be construed to require the City to accept or approve the Infrastructure until it is in full compliance with the plans and specifications, and all applicable codes and standards.

IN WITNESS WHEREOF, the parties have caused their duly authorized representatives to set their hands and seals to this Agreement.

THE CITY OF LEESBURG, FLORIDA

By: _____
James A. Burry, Jr., Mayor

Attest: _____
J. Andi Purvis, City Clerk

Approved as to form and content:

CITY ATTORNEY

DEVELOPER

Type Witness Name _____

TROON CREEK 2, LLC,
a Florida limited liability company

Type Witness Name _____

By: _____
Name: _____
Title: _____

EXHIBIT "A" to be the legal description of the Development.

EXHIBIT "B" to be the narrative description of the project

EXHIBIT "C" to be an estimate of the cost to construct the Infrastructure and proposed reimbursement amount.

NOTE:

1. If the City's tap fee increases prior to making the tap, the credit amount will be increased an amount equal to the tap fee increase.
2. The manner of the reimbursement shall be at the reasonable discretion of the City.

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPOSED DEVELOPMENT

THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2,
TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; LESS
THE WEST 330 FEET OF THE SOUTH 792 FEET; AND LESS THE NORTH 25
FEET FOR ROAD RIGHT-OF-WAY

EXHIBIT “B”

DESCRIPTION OF PROPOSED WORK

Developer will design, engineer, permit, construct, and install approximately 1,860 linear feet of an 8-inch PVC sewer pipe and all supporting construction materials which shall connect to the Development's NW corner at Radio and Poe Road. The 8-inch PVC sewer line will extend south and tie in to the existing 8-inch line at the corner of CR 44 and East Treasure Island Avenue.

EXHIBIT "C"

ESTIMATED EXPENSES TO CONSTRUCT WASTEWATER MAIN

DEVELOPERS COST TO CONNECT TO CITY WASTEWATER				
FORCEMAIN	UNITS	UNIT TYPE	UNIT COST	TOTAL
Connect to Existing City Main	1	LS	\$ 2,446.02	\$ 2,446.02
Direction Bore	1	LS	\$ 30,408.30	\$ 30,408.30
4" PVC	3,960	LF	\$ 20.73	\$ 82,090.80
Valves and Fittings	1	LS	\$ 3,139.53	\$ 3,139.53
Dewatering	1	LS	\$ 7,200.00	\$ 7,200.00
TV Video	1	LS	\$ 5,941.20	\$ 5,941.20
		TOTAL WASTEWATER		\$ 131,225.85
CITY'S UPGRADED WASTEWATER CONNECTION REQUEST				
FORCEMAIN	UNITS	UNIT TYPE	UNIT COST	TOTAL
Connect to Existing City Main	1	LS	\$ 5,375.78	\$ 5,375.78
Direction Bore	1	LS	\$ 35,197.62	\$ 35,197.62
4" PVC	92	LF	\$ 33.60	\$ 3,091.20
6" PVC	2,338	LF	\$ 37.56	\$ 87,815.28
8" PVC	1,749	LF	\$ 52.91	\$ 92,539.59
Valves and Fittings	1	LS	\$ 55,544.34	\$ 55,544.34
Dewatering	1	LS	\$ 7,200.00	\$ 7,200.00
TV Video	1	LS	\$ 5,941.20	\$ 5,941.20
		TOTAL WASTEWATER		\$ 292,705.01
		PAYMENT TO DEVELOPER		\$ 161,479.16

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A
UTILITY CONSTRUCTION REIMBURSEMENT (PIONEERING)
AGREEMENT WITH TROON CREEK 2, LLC FOR CONSTRUCTION OF A
POTABLE WATER MAIN; AND PROVIDING AN EFFECTIVE DATE.**

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute a Utility Construction Reimbursement (Pioneering) Agreement with Troon Creek 2, LLC, whose address is 643 Egret Place Drive, Winter Garden, Florida 34787, for construction of a ten-inch diameter PVC potable watermain.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 28th day of August 2023.

Mayor

ATTEST:

City Clerk

**AGREEMENT
FOR
UTILITY CONSTRUCTION REIMBURSEMENT
(Upsizing for Benefit of City)**

THIS AGREEMENT is made as of the ____ day of _____, 2023, by and between **THE CITY OF LEESBURG, FLORIDA**, hereafter referred to as the “**City**” and **TROON CREEK 2, LLC**, a Florida limited liability company, or its designated assignee, hereafter referred to as the “**Developer**.”

WITNESSETH:

THAT Developer is constructing or causing to be constructed a project on certain real property owned, or to be owned, by Developer that is more particularly described on Exhibit “A” attached (hereafter called the “**Development**”). The City will be providing one or more utility services to the Development, as described more particularly below (the “**Utility Services**”). Developer will be constructing certain infrastructure to support the Utility Services, as described on Exhibit “B” attached (the “**Infrastructure**”). The parties have entered into this Agreement to set forth the terms and conditions under which Developer will be entitled to partial reimbursement for the cost of the Infrastructure described in Exhibit B.

NOW THEREFORE, for and in consideration of the construction of the Infrastructure, the provision of Utility Services to the Development by the City, and the mutual covenants and promises contained in this instrument, the parties do hereby agree as set forth below:

1. The following Utility Services will be provided to the Development by the City (check all that apply):

- | | |
|---|--------------------------------------|
| ☒ Potable Water | ☐ Wastewater |
| ☐ Electricity | ☐ Natural Gas |
| ☐ Fiber Optic/Telecommunications | ☐ Reuse Water |

2. The costs incurred by Developer for construction of the Infrastructure for which Developer is entitled to reimbursement by the City under this Agreement (“**Reimbursement**”) are estimated on Exhibit “C” attached hereto. Upon completion and acceptance of the Infrastructure, the Developer will receive Reimbursement as provided herein.

3. The term of this Agreement (the “**Term**”) shall be from present until the date of completion and acceptance of the Infrastructure, as described in paragraph 9, by the City Commission unless terminated earlier as provided below because total reimbursement to Developer has reached the Maximum Reimbursement stated in Section 4.

4. A current estimate of the total construction costs associated with the offsite water work is attached hereto as Exhibit "C" (the "**Total Cost Estimate**"), which includes a current cost estimate and description of the Developer's proposed pipe size (the "**Developer Sized Offsite Water Work**") and a current cost estimate and description of the City's requested pipe size (the "**Oversized Offsite Water Work**"). Upon such time as the Developer is ready to proceed with the construction of the offsite water work, Developer shall provide the City with a revised Total Cost Estimate. The City will reimburse Developer for the difference between the actual costs of the Developer Sized Offsite Water Work and the actual costs of the Oversized Offsite Water Work, not to exceed the Maximum Reimbursement (as hereinafter defined). Notwithstanding anything to the contrary contained herein, in no case shall the City be obligated to reimburse Developer in an amount which exceeds the difference between the estimated costs of the Developer Sized Offsite Water Work and the estimated costs of the Oversized Offsite Work, as such costs may be revised at the time construction is to commence, but which is currently the sum of \$117,918.33 as reflected on the Total Cost Estimate (the "**Maximum Reimbursement**"). At such time as Developer has been reimbursed the Maximum Reimbursement or such lower amount based on actual costs of construction, this Agreement shall terminate and Developer shall not be entitled to any further reimbursements hereunder.

5. This Agreement sets forth the entire understanding of the parties with regard to its subject matter. It supersedes and takes precedence over any and all prior negotiations, representations and agreements, oral or written, all of which are deemed to have merged into this Agreement and to have been extinguished except to the extent specifically set forth herein. This Agreement may not be amended orally, by implication, by course of conduct, or in any other manner whatsoever than by way of a written instrument signed by both parties hereto or their lawful successors. This Agreement shall be construed in accordance with the laws of Florida. The venue for any action or proceeding arising out of this Agreement shall be in Lake County, Florida. This Agreement shall be binding on the parties hereto, as well as on their lawful successors and assigns. Each party represents for the benefit of the other that it has not entered into this Agreement in reliance on, or on the basis of, any promise, negotiation, representation, undertaking or agreement of the other party, oral or written, which is not specifically set forth within this Agreement. This Agreement shall not be binding on the City until it has received approval by a majority vote of the City Commission of the City of Leesburg at a public meeting, where a quorum was present, at which this Agreement was duly placed on the agenda for approval. In the event of any litigation arising out of this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and court costs (at trial, on appeal, or in any proceeding involving bankruptcy or insolvency) in addition to any other relief obtained.

6. If the City sells or transfers one or more of its utility operations covered by this Agreement, it may assign its rights and delegate its duties hereunder to the person or entity to which the utility operations are assigned and upon such assignment and delegation in writing the City shall be relieved of further obligations hereunder, provided that the assignee of the City's utility operations assumes such obligations in writing. Unless it first receives written permission from the City which will not be unreasonably withheld,

conditioned or delayed. Developer may not assign its rights or delegate its duties hereunder, either outright or as collateral or security for any loan or other obligation, except as part of a transfer of ownership of the Development other than through the sale of individual lots or units in the ordinary course of business.

7. If Developer becomes delinquent in payment of any amount due the City for any reason, during the Term of this Agreement, the City may withhold any reimbursement due Developer under this Agreement and offset it against the past due debt owed by Developer to the City, until such debt is paid in full, together with any interest or other additional charges incurred thereon, unless such amount is being lawfully contested by Developer, in which event the City may withhold payment until the legal proceedings contesting the amount claimed by the City have been resolved. Following resolution of the legal challenge, the City may offset the reimbursement due Developer against the debt determined to be owed to the City, and shall then pay any amount of reimbursement in excess of that debt to Developer. If Developer violates any provision of the City's codes and ordinances, its approved site plans or development plans, or the conditions of any permits or approvals issued to the Developer by the City, the City may withhold payment of reimbursements due Developer hereunder until all such violations have been abated fully (provided that such amounts shall continue to accrue, without interest, in accordance with the terms of this Agreement until they are paid).

8. Approval and execution of this Agreement by the City shall not be deemed to constitute approval by the City of any aspect of the Development, nor shall it be construed as permission to proceed with any portion of the Development. Developer shall still be required to obtain all necessary permits and approvals from the City and other governmental bodies before commencement or continuation of work on the Development. This Agreement may be assigned by Developer to any subsequent owner of the Development, provided that any such subsequent owner shall expressly assume all of the obligations of the Developer hereunder.

9. The City's obligation to pay reimbursement to Developer under this Agreement is contingent on the completion by Developer of construction of the infrastructure in accordance with applicable City and other standards, the plans and specifications for the infrastructure (which must be approved in writing by the City prior to commencement of construction), and any other applicable codes and standards imposed by any level or agency of government, and upon payment in full by Developer of the costs of such construction (including but not limited to design and engineering, materials, and labor), and upon acceptance of the Infrastructure by the City into its utility system for operation and maintenance as part of the overall City system. Nothing in this Agreement shall be construed to require the City to accept or approve the Infrastructure until it is in full compliance with the plans and specifications, and all applicable codes and standards. The City shall have made full reimbursement to Developer of the Maximum Reimbursement within thirty (30) days after Developer's satisfaction of all of the requirements set forth in this paragraph 9.

IN WITNESS WHEREOF, the parties have caused their duly authorized representatives to set their hands and seals to this Agreement.

THE CITY OF LEESBURG, FLORIDA

By: _____
James A. Burry, Jr., Mayor

Attest: _____
J. Andi Purvis, City Clerk

Approved as to form and content:

CITY ATTORNEY

DEVELOPER

Type Witness Name _____

TROON CREEK 2, LLC,
a Florida limited liability company

Type Witness Name _____

By: _____
Name: _____
Title: _____

EXHIBIT "A" to be the legal description of the Development.

EXHIBIT "B" to be the narrative description of the project

EXHIBIT "C" to be an estimate of the cost to construct the Infrastructure and proposed reimbursement amount.

NOTE:

1. If the City's tap fee increases prior to making the tap, the credit amount will be increased an amount equal to the tap fee increase.
2. The manner of the reimbursement shall be at the reasonable discretion of the City.

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPOSED DEVELOPMENT

THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2,
TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; LESS
THE WEST 330 FEET OF THE SOUTH 792 FEET; AND LESS THE NORTH 25
FEET FOR ROAD RIGHT-OF-WAY

EXHIBIT “B”

DESCRIPTION OF PROPOSED WORK

Developer will design, engineer, permit, construct, and install approximately 2,350 linear feet of a 10-inch PVC water pipe and all supporting construction materials which shall connect at the dead end point on the North side of the Liberty Preserve Entrance along Radio Road, and extend north to dead end with a 10” x 6” Tee, to include fire hydrant assembly on the 6” and a 10” future valve with plug on the dead end side. This will end at the SW corner of Radio Road and Poe Street.

EXHIBIT "C"

ESTIMATED EXPENSES TO CONSTRUCT WATER MAIN

DEVELOPERS COST TO CONNECT TO CITY WATER				
OFFSITE WATER MAIN	UNITS	UNIT TYPE	UNIT COST	TOTAL
Connect to Existing City Main	1	EA	\$ 3,352.84	\$ 3,352.84
Temporary Jumper Assembly	1	LF	\$ 2,689.72	\$ 2,689.72
8" PVC	1,860	LS	\$ 47.52	\$ 88,387.20
Directional Bore	1	LS	\$ 18,076.46	\$ 18,076.46
Valve and Fittings	1	LS	\$ 7,049.03	\$ 7,049.03
Chlorination & Pressure Testing	1	LS	\$ 3,544.20	\$ 3,544.20
Remove and Replace Drive Aprons	1	LS	\$ 18,960.00	\$ 18,960.00
Seed and Mucl Disturbed Areas	1	LS	\$ 13,800.00	\$ 13,800.00
		TOTAL WATER		\$ 155,859.45
CITY'S UPGRADED WATER CONNECTION REQUEST				
FORCEMAIN	UNITS	UNIT TYPE	UNIT COST	TOTAL
Clearing ROW for Install	1	LS	\$ 10,380.00	\$ 10,380.00
Connect to Existing City Main	1	LS	\$ 2,504.38	\$ 2,504.38
TEMP Jumper Assy.	1	LS	\$ 3,134.11	\$ 3,134.11
8" PVC	176	LF	\$ 57.82	\$ 10,176.32
10" PVC	2,174	LF	\$ 70.58	\$ 153,440.92
Directional Bore	1	LS	\$ 27,676.46	\$ 27,676.46
Fire Hydrant	1	LS	\$ 4,435.68	\$ 4,435.68
Valves and Fiitings	1	LS	\$ 25,725.71	\$ 25,725.71
Chlorination & Pressure Test	1	LS	\$ 3,544.20	\$ 3,544.20
Remove and Replace Drive Aprons	1	LS	\$ 18,960.00	\$ 18,960.00
Seed and Mulch Disturbed Areas	1	LS	\$ 13,800.00	\$ 13,800.00
		TOTAL WASTEWATER		\$ 273,777.78
		PAYMENT TO DEVELOPER		\$ 117,918.33

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.1.

Meeting Date: August 28, 2023

From: Max Vanallen, (Senior Planner), Dan Miller, (Planning and Zoning Director), Kandi Harper, (Planner)

Subject: An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 1.45 +/- acres; and generally located west of Whitney Road and north of State Road 44, lying in Section 19, Township 19 South, Range 24 East, Lake County, Florida. Providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 2; and providing an effective date. (City of Leesburg Electric Substation SR 44 Davis AX)

Staff Recommendation:

The Planning and Zoning staff and the Planning Commission recommend approval of the proposed ordinance for annexation of Electric Substation SR 44 Davis.

Analysis:

The applicant has submitted a request for annexation of approximately 1.45 +/- acres, generally located west of Whitney Road and north of State Road 44, as shown on the attached General Location Map. At this time, the property is vacant and undeveloped. The current zoning is Lake County A (Agriculture); the proposed zoning is City of Leesburg P (Public). The proposal for the property is a municipal services electric substation.

The property is surrounded by Lake County A (Agriculture), PUD (Planned Unit Development), R-1 (Rural Residential), CP (Planned Commercial), MP (Planned Industrial), and City of Leesburg SPUD (Small Planned Unit Development). Based on the use, no negative impacts are anticipated to adjacent properties.

Also, on this City Commission agenda, is a Small-Scale Comprehensive Plan Amendment, which along with the Rezoning, had recommendations for approval from the staff and Planning Commission at the public hearing held on June 22, 2023.

Procurement Analysis:

N/A

Options:

1. Approve the requested annexation. This would give the City jurisdiction over the use and future development of the subject site and provide for the application of City standards to this property; or
2. Disapprove the proposed annexation and allow the property to remain in the County.

Fiscal Impact:

This project will have a direct fiscal impact in the form of construction and operating costs, but will expand electric services in the area to current and future developments, which will generate new revenues for the City of Leesburg.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, ANNEXING CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 1.45 +/- ACRES; AND GENERALLY LOCATED WEST OF WHITNEY ROAD AND NORTH OF STATE ROAD 44, LYING IN SECTION 19, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA. PROVIDING THAT SAID PROPERTY SO ANNEXED SHALL BE LIABLE FOR ITS PROPORTIONATE SHARE OF THE EXISTING AND FUTURE INDEBTEDNESS OF SAID CITY; PROVIDING THAT SUCH ANNEXED PROPERTY SHALL BE SUBJECT TO ALL LAWS AND ORDINANCES OF SAID CITY AS IF ALL SUCH TERRITORY HAD BEEN A PART OF THE CITY OF LEESBURG AT THE TIME OF PASSAGE AND APPROVAL OF SAID LAWS AND ORDINANCES; PROVIDING THAT SUCH ANNEXED TERRITORY SHALL BE PLACED IN CITY COMMISSION DISTRICT 2; AND PROVIDING AN EFFECTIVE DATE. (CITY OF LEESBURG ELECTRIC SUBSTATION SR 44 DAVIS AX)

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that;

Section 1.

Based upon the petition of the City of Leesburg, Petitioner, for Electric Substation SR 44 Davis, for the property hereinafter described, shall be annexed into the city limits of the City of Leesburg, Florida, which petition has heretofore been approved by the City Commission of the City of Leesburg, Florida, pursuant to the provisions of the Laws of Florida, the hereinafter described property is hereby annexed and made a part of the city limits of the City of Leesburg, Florida. The subject property lying and situated in Lake County, Florida, is more particularly described as:

**Legal Description
(See Exhibit A);**

Section 2.

All of the property, real and personal, within said annexed territory, described in Section 1 above, as provided by this ordinance, and the inhabitants thereof, shall be subject to the government, jurisdiction, powers, franchises, duties, and privileges of the City of Leesburg, Florida, and the said annexed property shall be liable, proportionately, for all of the present outstanding and existing, as well as future, indebtedness of the City of Leesburg, Florida; that all of the ordinances of the City of Leesburg, and all the laws heretofore passed by the Legislature of the State of Florida relating to and which now or hereafter constitute its Charter, shall apply to and have the same force and effect on such annexed territory as if all such annexed territory had been a part of the City of Leesburg, Florida, at the time of the passage and approval of said laws and ordinances. The property annexed here by is assigned to City Commission District 2.;

Section 3.

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed;

Section 4.

This ordinance shall become effective immediately upon approval at second reading.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 28th day of August 2023.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

COL Electric Substation SR44 Davis – SR-44 West of Whitney Road, east of Countryside Boulevard, north R-O-W

ANNX-23-229, SSCP-23-230, RZ-23-231

AK#: 1171784

Legal Description taken from Lake County Property Appraiser's Record Card

Wednesday, May 10, 2023

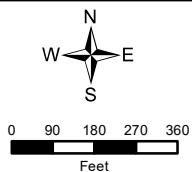
Legal Description:

FROM SE COR OF SEC RUN N 513 FT, N 67DEG 40MIN 30SEC W 1223 FT 2 INCHES FOR POB, TURN 90DEG RIGHT & RUN NE'LY TO RR R/W, BEG AGAIN AT POB RUN N 67DEG 40MIN 30SEC W 165 FT, N TO RR R/W, SE'LY TO INTERSECT FIRST LINE --LESS HWY 44-- ORB 626 PG 1973 ORB 6090 PG 1793

Aerial



**Planning
& Zoning
Division**

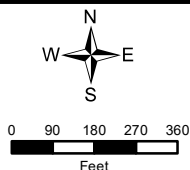


City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

Surrounding Land Uses

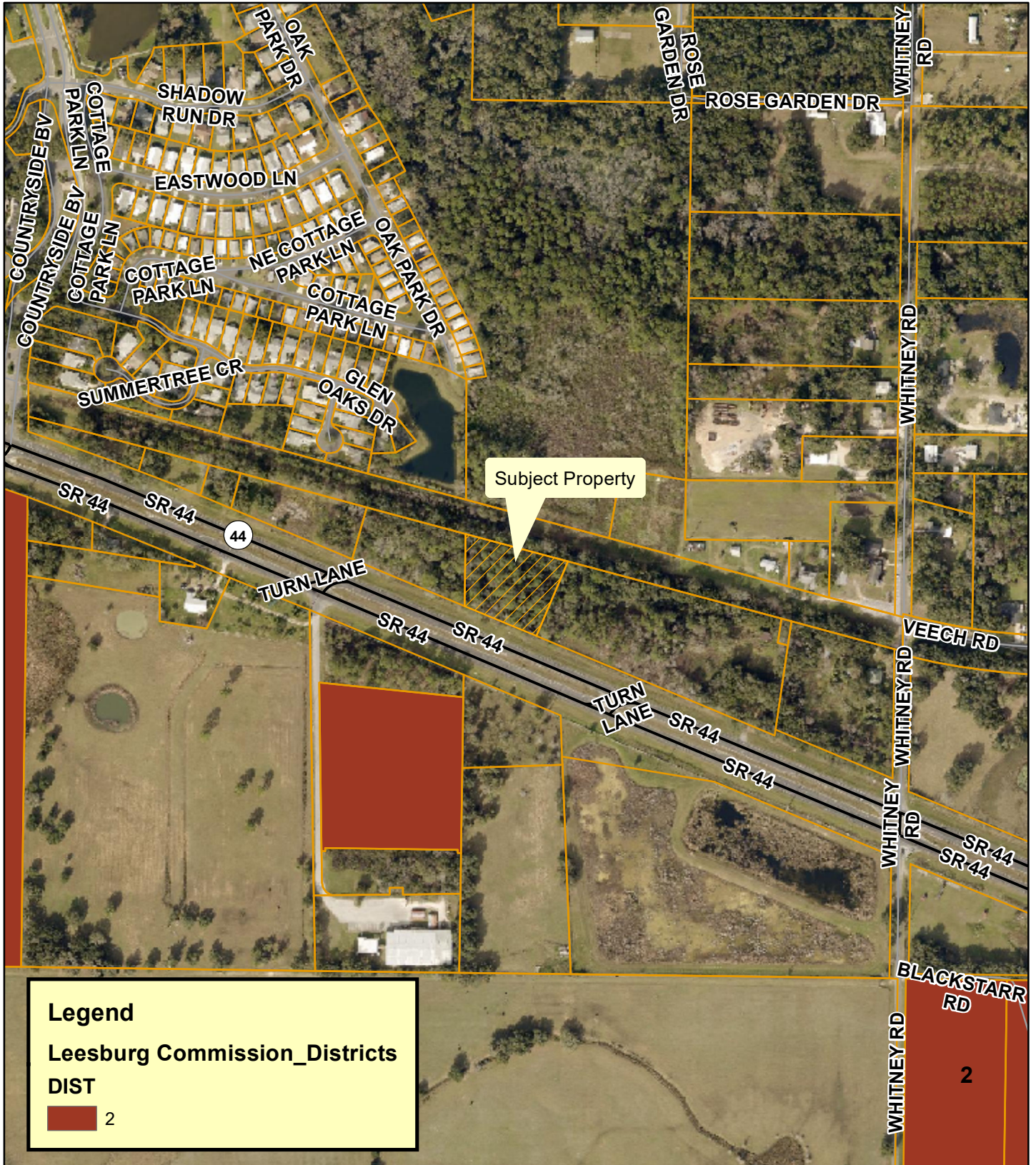


**Planning
& Zoning
Division**

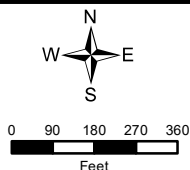


City of Leesburg Electric Substation SR44 Davis
 ANN-23-229; SSCP-23-230; RZ-23-231
 Alternate Key #: 1171784
 Section 19, Township 19 South, Range 24 East
 June 22, 2023

Commission District



**Planning
& Zoning
Division**



City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.2.

Meeting Date: August 28, 2023

From: Max Vanallen, (Senior Planner), Dan Miller, (Planning and Zoning Director), Kandi Harper, (Planner)

Subject: 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 1.45 +/- acres from Lake County Rural Transition to City of Leesburg Institutional, for a property generally located west of Whitney Road and north of State Road 44, lying in Section 19, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (City of Leesburg Electric Substation SR 44 Davis SSCP)

Staff Recommendation:

The Planning & Zoning Staff and the Planning Commission recommend approval of the proposed small-scale comp plan amendment of the City's Future Land Use Map on 1.45 +/- acres from Lake County Rural Transition to City of Leesburg Institutional.

Analysis:

The project site is approximately 1.45 acres. The property is generally located west of Whitney Road and north of State Road 44. Currently, the property is undeveloped acreage. The proposed use is for a municipal service electric substation. The surrounding Future Land Use Map designations of Lake County Rural Transition, Regional Office, Urban Low Density, Rural, and City of Leesburg General Commercial are compatible, with the proposed future land use designation of City Institutional. The proposed zoning designation of City P (Public) will provide for development that is consistent with the City's adopted Growth Management Plan and would allow an appropriate use for the property.

This property lies within the ISBA (Interlocal Service Boundary Area) agreement. This agreement, which was approved by City Commission on November 24, 2014, allows property within the ISBA area but outside the current city limits to be annexed and obtain City of Leesburg utility services.

The Planning Commission held a public hearing on the application on June 22, 2023 and recommended approval. This case went before the City Commission for first reading on June 12, 2023.

Procurement Analysis:

N/A

Options:

1. Approve the requested small-scale comprehensive plan amendment from Lake County Rural Transition to City of Leesburg Institutional; or
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

This project will have a direct fiscal impact in the form of construction and operating costs, but will expand electric services in the area to current and future developments, which will generate new revenues for the City of Leesburg.

ORDINANCE NO. _____

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 1.45 +/- ACRES FROM LAKE COUNTY RURAL TRANSITION TO CITY OF LEESBURG INSTITUTIONAL, FOR A PROPERTY GENERALLY LOCATED WEST OF WHITNEY ROAD AND NORTH OF STATE ROAD 44, LYING IN SECTION 19, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (CITY OF LEESBURG ELECTRIC SUBSTATION SR 44 DAVIS SSCP)

WHEREAS, the City Commission has received written objections, recommendations, and comments from the City of Leesburg Planning Commission, acting as the Local Planning Agenda, regarding amendment of the Comprehensive Plan of the City of Leesburg, and has made recommendations to the City Commission for amendment of the Plan; and

WHEREAS, the City Commission of the City of Leesburg has held public hearings on the proposed amendment to the plan, in light of written comments, proposals and objections from the general public;

NOW, THEREFORE,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that;

Section 1.

The Growth Management Plan of the City of Leesburg, adopted by the City of Leesburg on December 10, 2012, pursuant to the Community Planning Act of 2011, Chapter 163, Part II, Florida Statutes, after public hearings by the City of Leesburg Planning Commission, is hereby amended in the following manner;

The Future Land Use Map is amended by changing the designation of approximately 1.45 acres of land generally located west of Whitney Road and north of State Road 44 from Lake County Rural Transition to City of Leesburg Institutional, as shown on the revised map of said area, lying in Section 19, Township 19 South, Range 24 East, Lake County, Florida;

Section 2.

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed;

Section 3.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 28th day of August 2023.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

COL Electric Substation SR44 Davis – SR-44 West of Whitney Road, east of Countryside Boulevard, north R-O-W

ANNX-23-229, SSCP-23-230, RZ-23-231

AK#: 1171784

Legal Description taken from Lake County Property Appraiser's Record Card

Wednesday, May 10, 2023

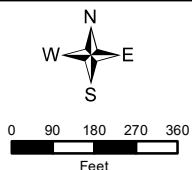
Legal Description:

FROM SE COR OF SEC RUN N 513 FT, N 67DEG 40MIN 30SEC W 1223 FT 2 INCHES FOR POB, TURN 90DEG RIGHT & RUN NE'LY TO RR R/W, BEG AGAIN AT POB RUN N 67DEG 40MIN 30SEC W 165 FT, N TO RR R/W, SE'LY TO INTERSECT FIRST LINE --LESS HWY 44-- ORB 626 PG 1973 ORB 6090 PG 1793

Aerial

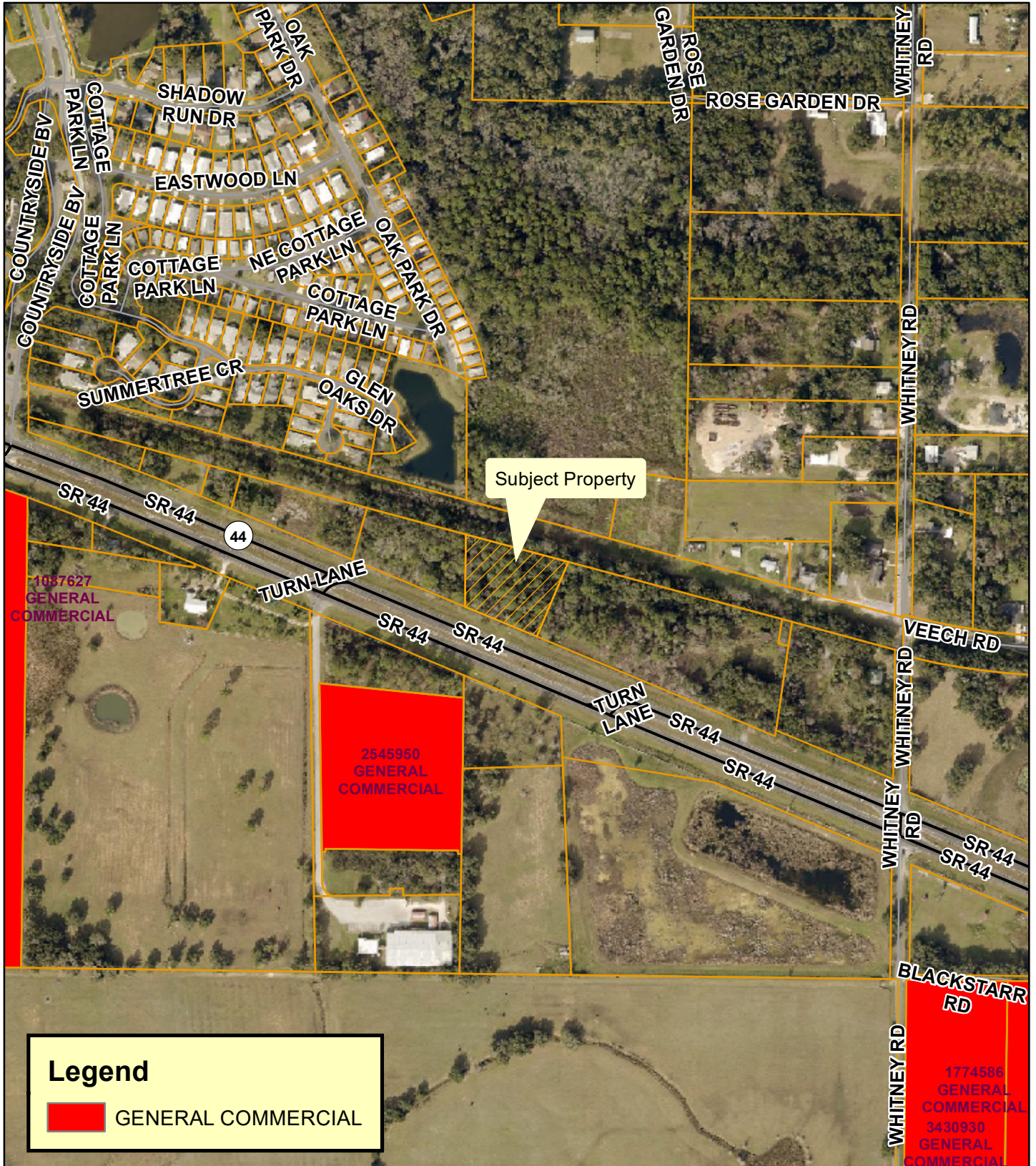


**Planning
& Zoning
Division**

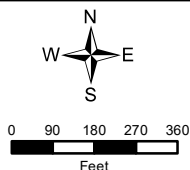


City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

City of Leesburg Future Land Use

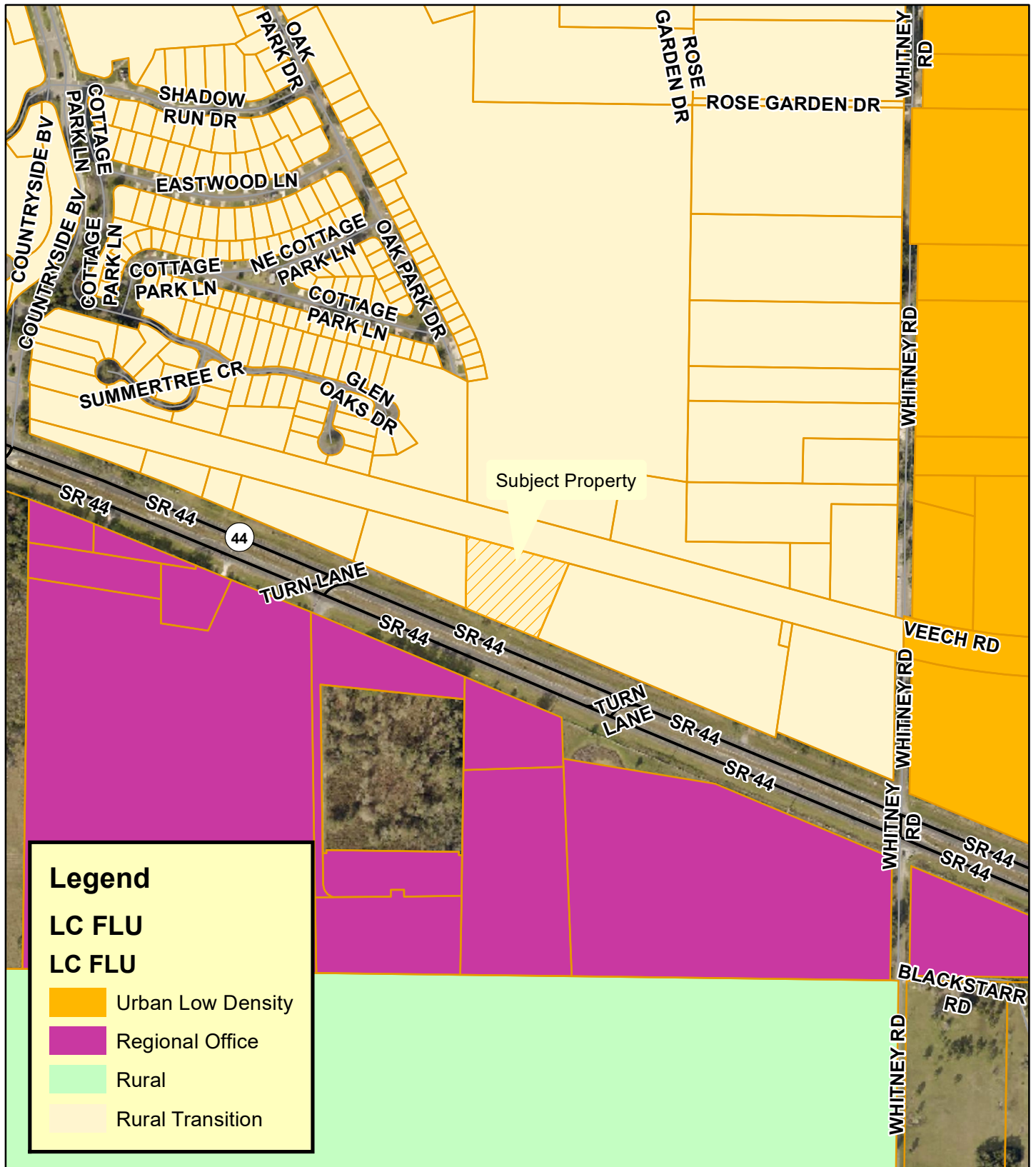


**Planning
& Zoning
Division**

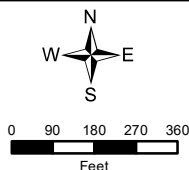


City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

Lake County Future Land Use



**Planning
& Zoning
Division**

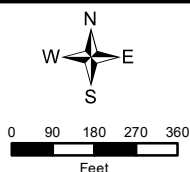


City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

Proposed Future Land Use



Planning
& Zoning
Division

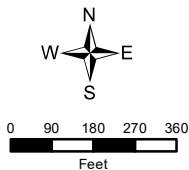


City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

City of Leesburg Zoning

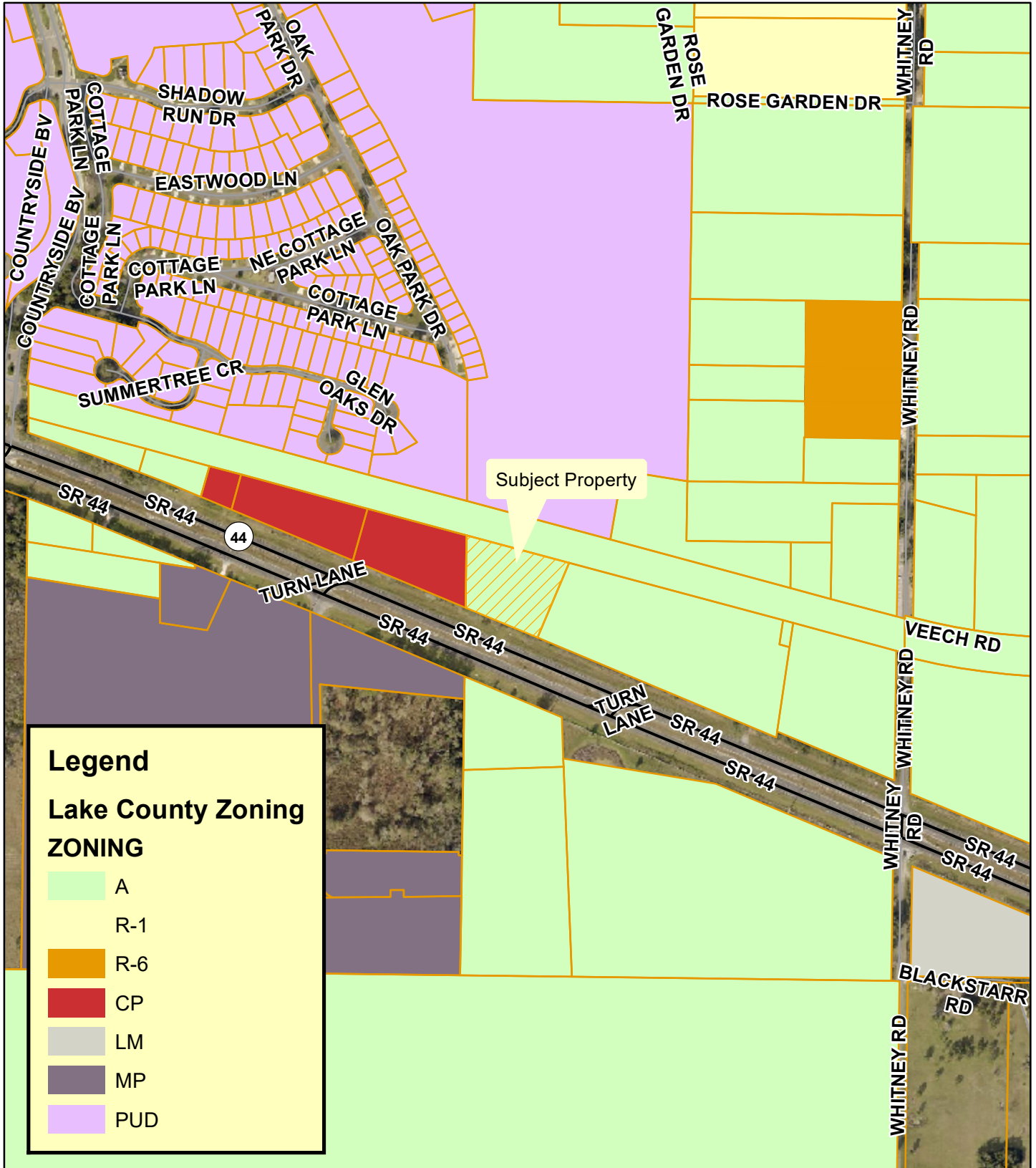


**Planning
& Zoning
Division**

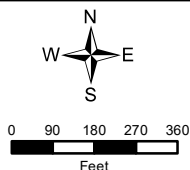


City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

Lake County Zoning

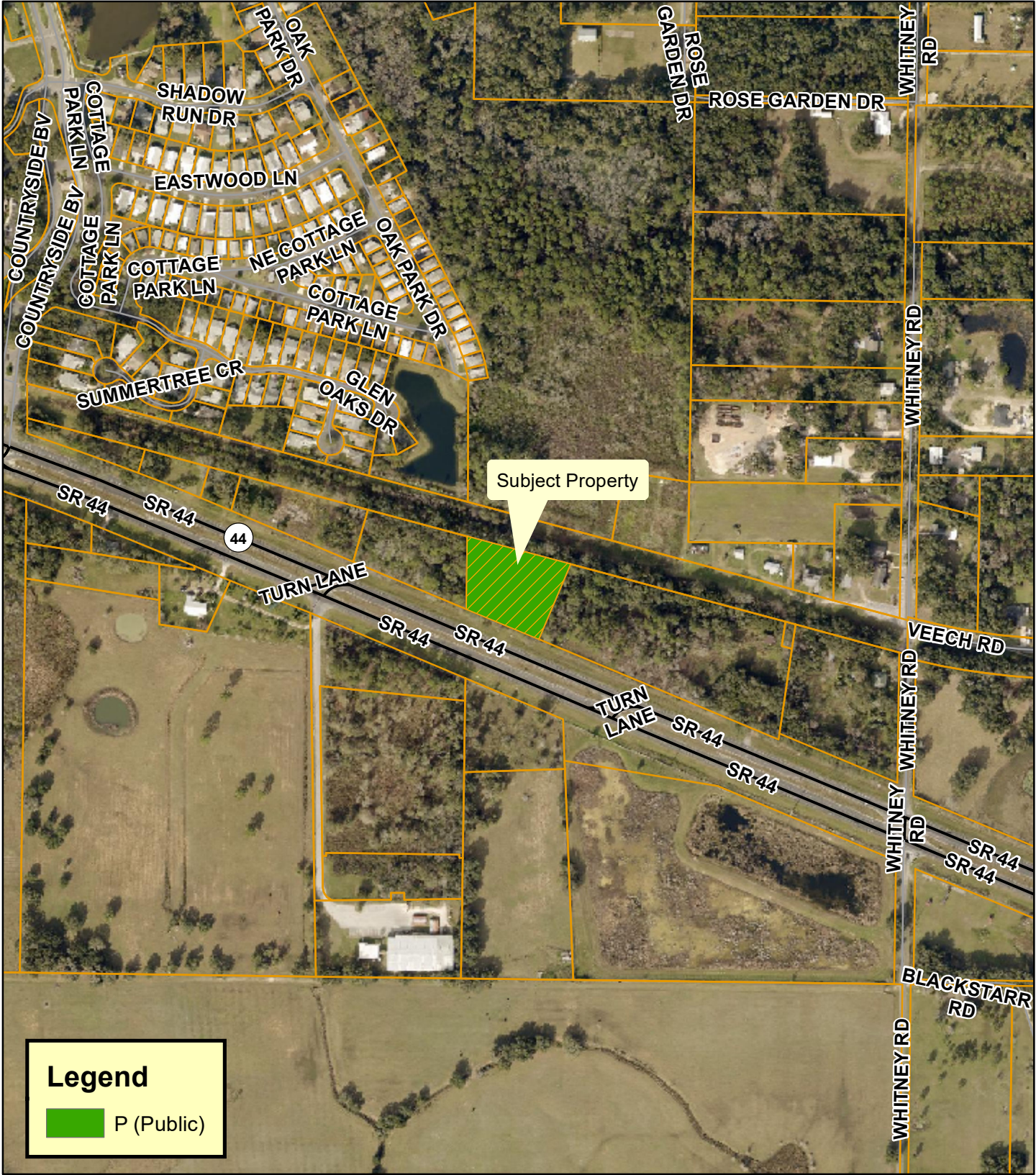


**Planning
& Zoning
Division**

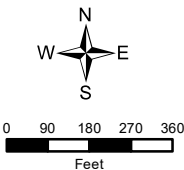


City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

Proposed Zoning

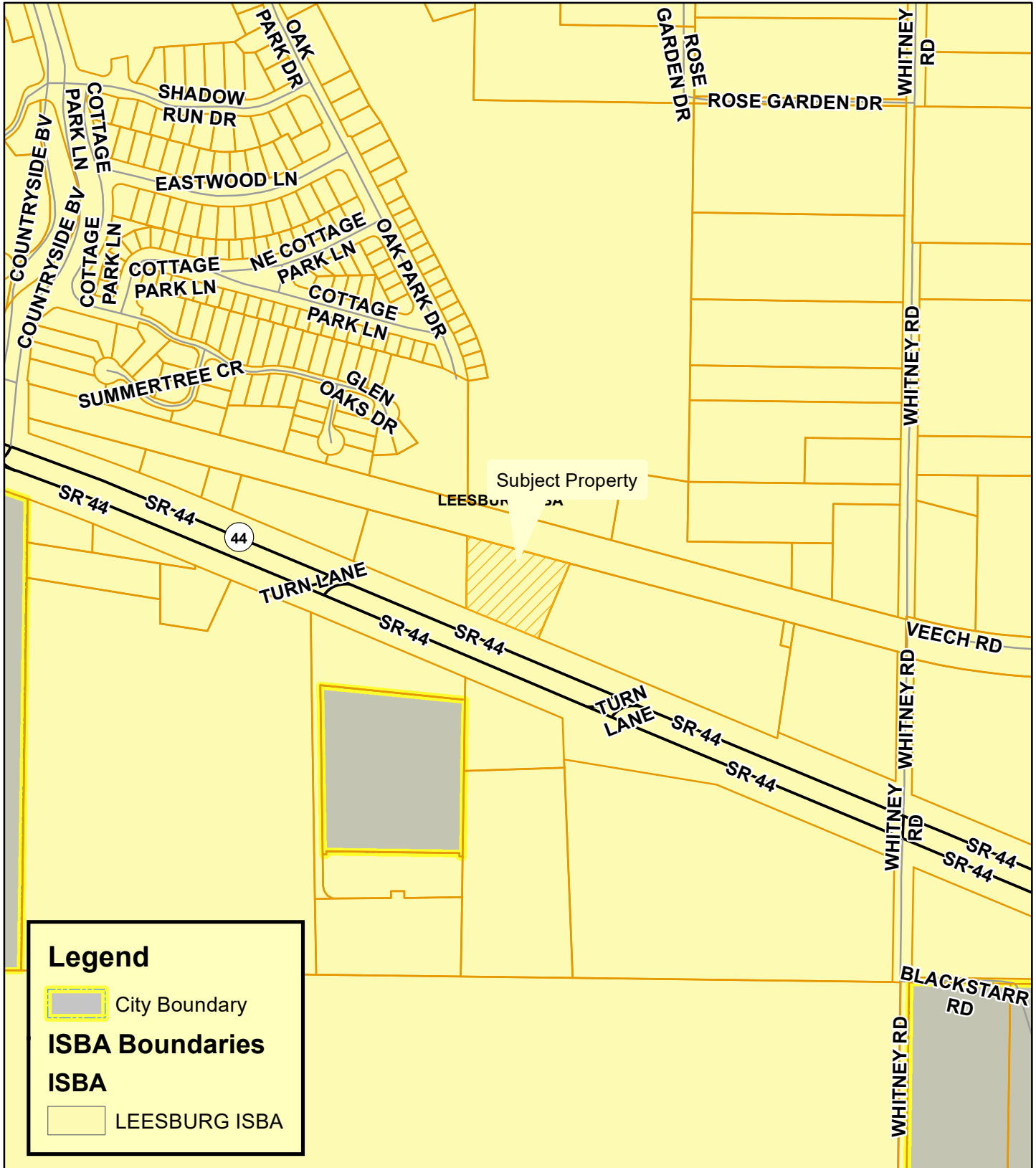


Planning
& Zoning
Division

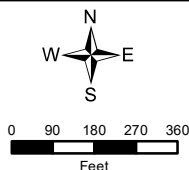


City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

ISBA and City Boundary

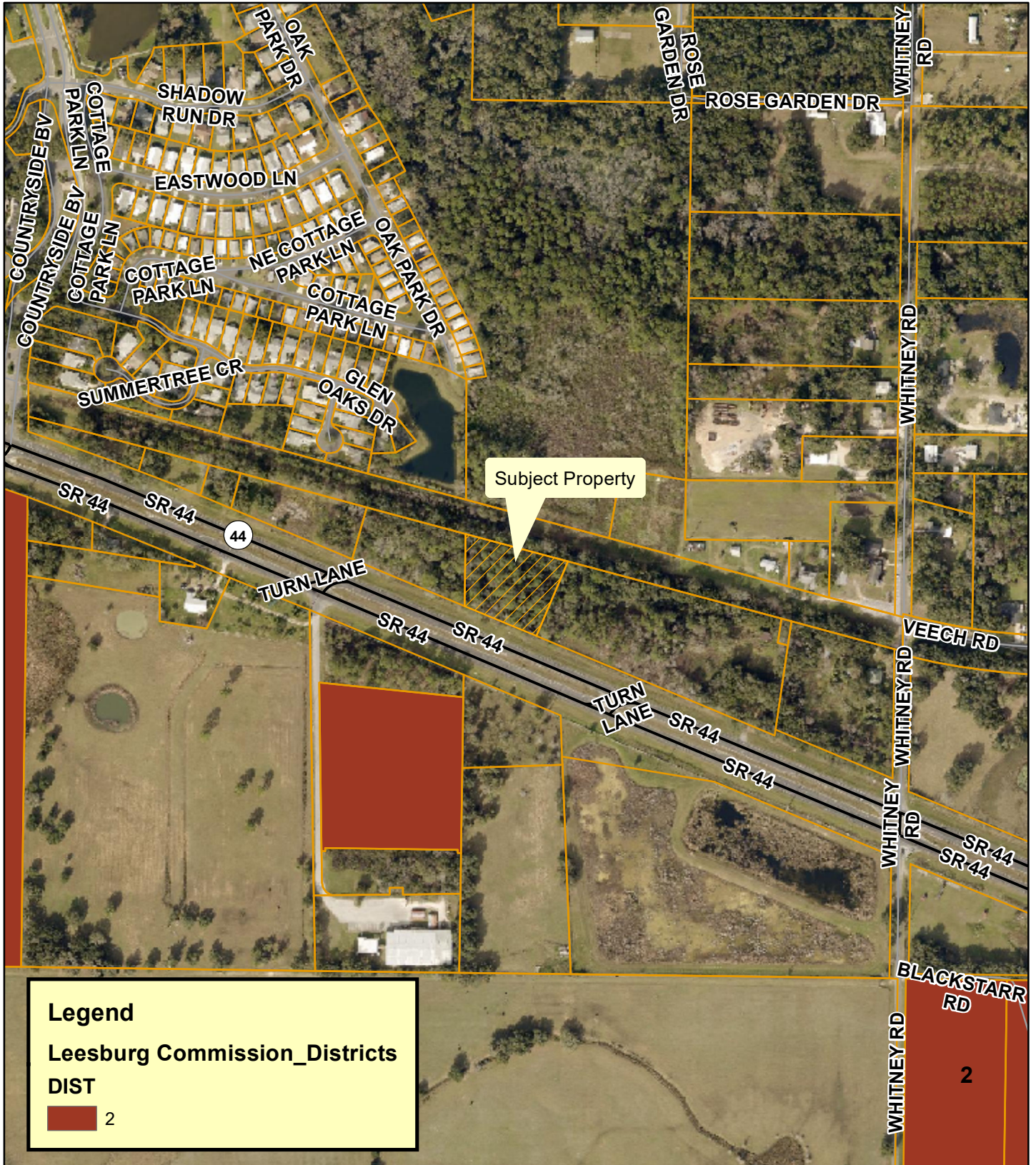


**Planning
& Zoning
Division**

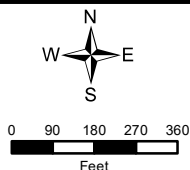


City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

Commission District



**Planning
& Zoning
Division**



City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.3.

Meeting Date: August 28, 2023

From: Kandi Harper, (Planner), Max Vanallen, (Senior Planner), Dan Miller, (Planning and Zoning Director)

Subject: An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 1.45 +/- acres from Lake County A (Agriculture) to City of Leesburg P (Public) for a property generally located west of Whitney Road and north of State Road 44, lying in Section 19, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (City of Leesburg Electric Substation SR44 Davis RZ)

Staff Recommendation:

Planning & Zoning Staff and the Planning Commission recommend approval of the request to rezone the subject property from Lake County A (Agriculture) to City of Leesburg P (Public) to allow for a municipal service electric substation use.

Analysis:

The project site is approximately 1.45 +/- acres, and is generally located west of Whitney Road and north of State Road 44, as shown on the attached maps. At this time, the property is vacant. The proposal will allow for a municipal service electric substation. The existing land uses surrounding the property are vacant, residential, utility, and HOA Commons. The proposed zoning does not appear to have a detrimental impact on the surrounding properties.

The Planning Commission held a public hearing on the application on June 22, 2023 and recommended approval. This case went before the City Commission for first reading on June 12, 2023.

Procurement Analysis:

N/A

Options:

1. Approve the proposed rezoning from Lake County A (Agriculture) to City of Leesburg P (Public),
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

This project will have a direct fiscal impact in the form of construction and operating costs, but will

expand electric services in the area to current and future developments, which will generate new revenues for the City of Leesburg.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 1.45 +/- ACRES FROM LAKE COUNTY A (AGRICULTURE) TO CITY OF LEESBURG P (PUBLIC) FOR A PROPERTY GENERALLY LOCATED WEST OF WHITNEY ROAD AND NORTH OF STATE ROAD 44, LYING IN SECTION 19, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (CITY OF LEESBURG ELECTRIC SUBSTATION SR44 DAVIS RZ)

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

Section 1.

Based upon the petition of the City of Leesburg, petitioner for the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby rezoned from Lake County A (Agriculture) to City of Leesburg P (Public), to-wit:

(Attached Legal Description – Exhibit A)

Section 2.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 28th day of August 2023.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

COL Electric Substation SR44 Davis – SR-44 West of Whitney Road, east of Countryside Boulevard, north
R-O-W

ANNX-23-229, SSCP-23-230, RZ-23-231

AK#: 1171784

Legal Description taken from Lake County Property Appraiser's Record Card

Wednesday, May 10, 2023

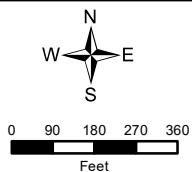
Legal Description:

FROM SE COR OF SEC RUN N 513 FT, N 67DEG 40MIN 30SEC W 1223 FT 2 INCHES FOR POB, TURN
90DEG RIGHT & RUN NE'LY TO RR R/W, BEG AGAIN AT POB RUN N 67DEG 40MIN 30SEC W 165 FT, N TO
RR R/W, SE'LY TO INTERSECT FIRST LINE --LESS HWY 44-- ORB 626 PG 1973 ORB 6090 PG 1793

Aerial



**Planning
& Zoning
Division**

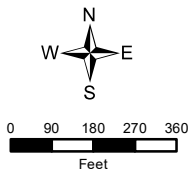


City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

City of Leesburg Zoning

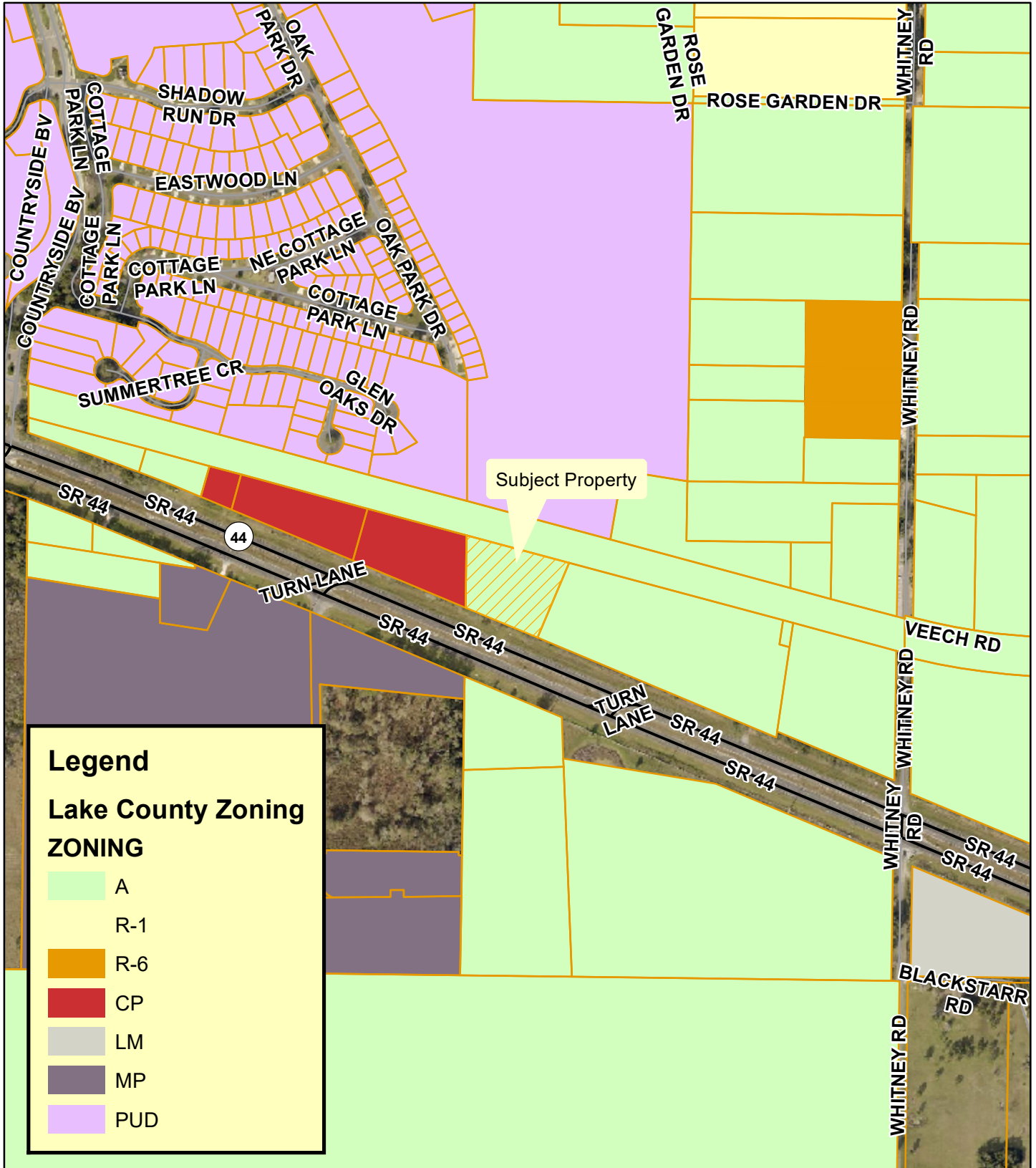


**Planning
& Zoning
Division**

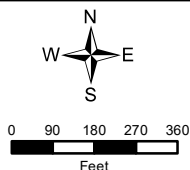


City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

Lake County Zoning

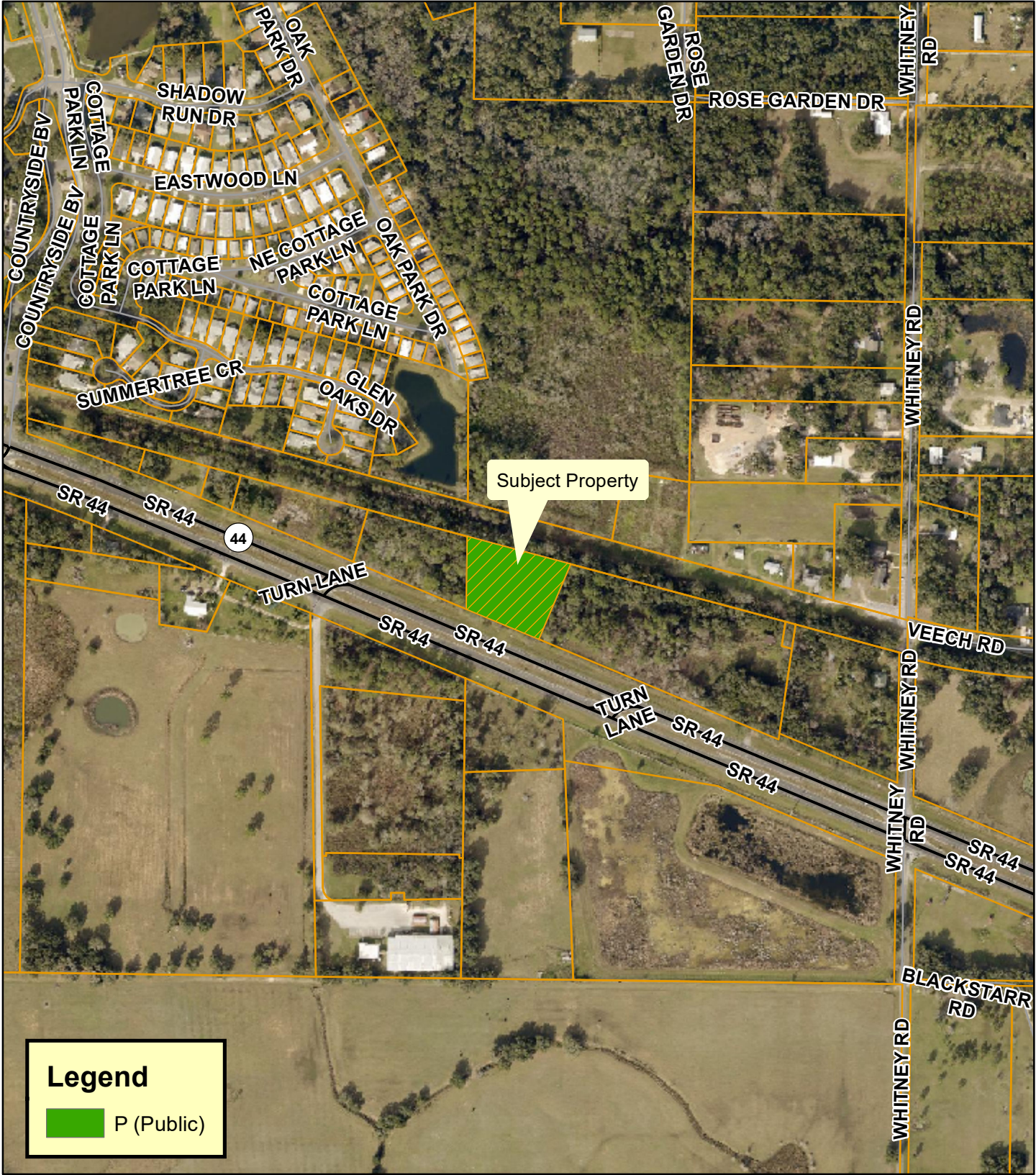


**Planning
& Zoning
Division**

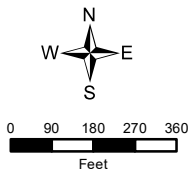


City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

Proposed Zoning

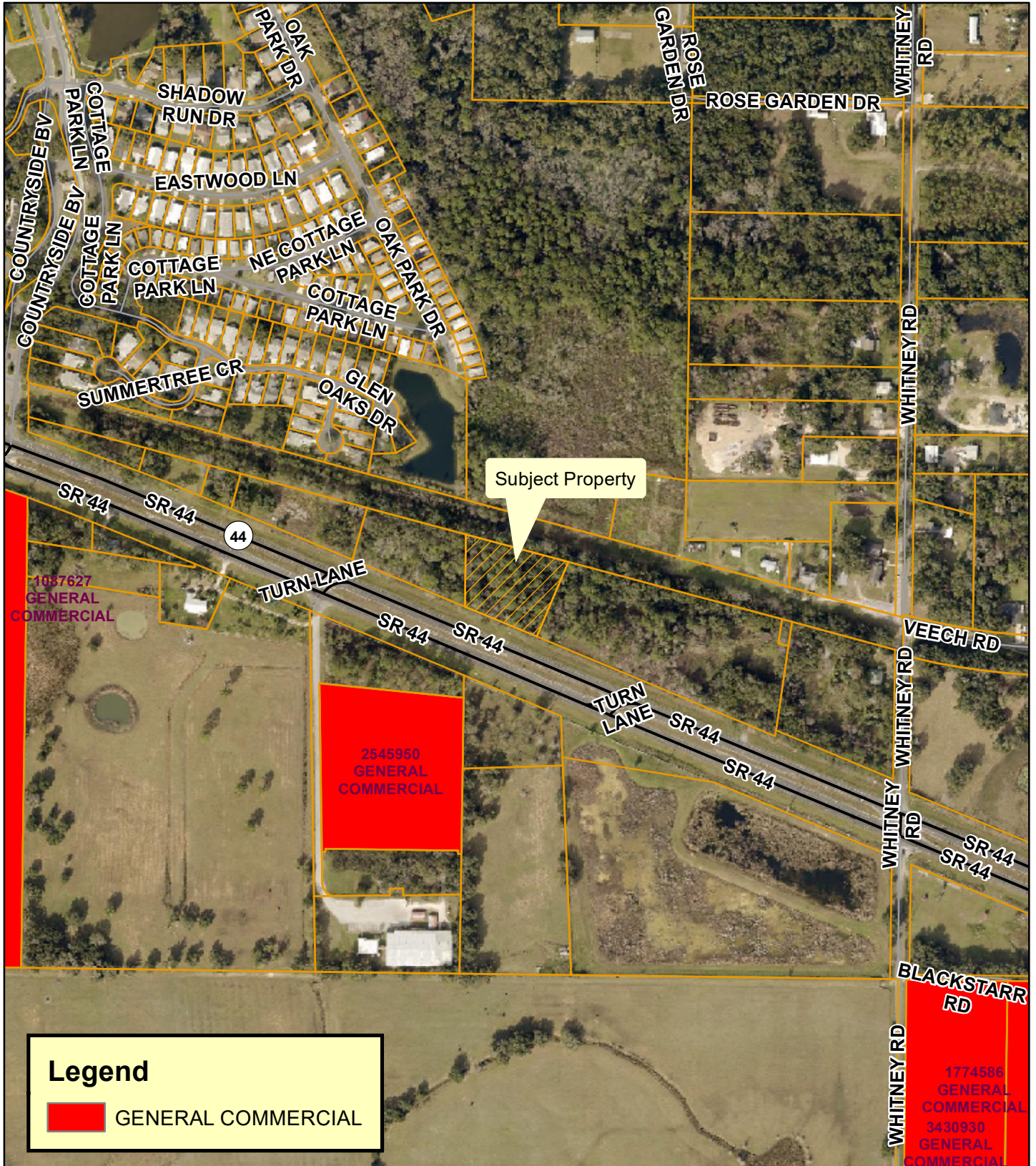


Planning
& Zoning
Division

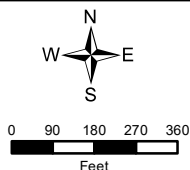


City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

City of Leesburg Future Land Use

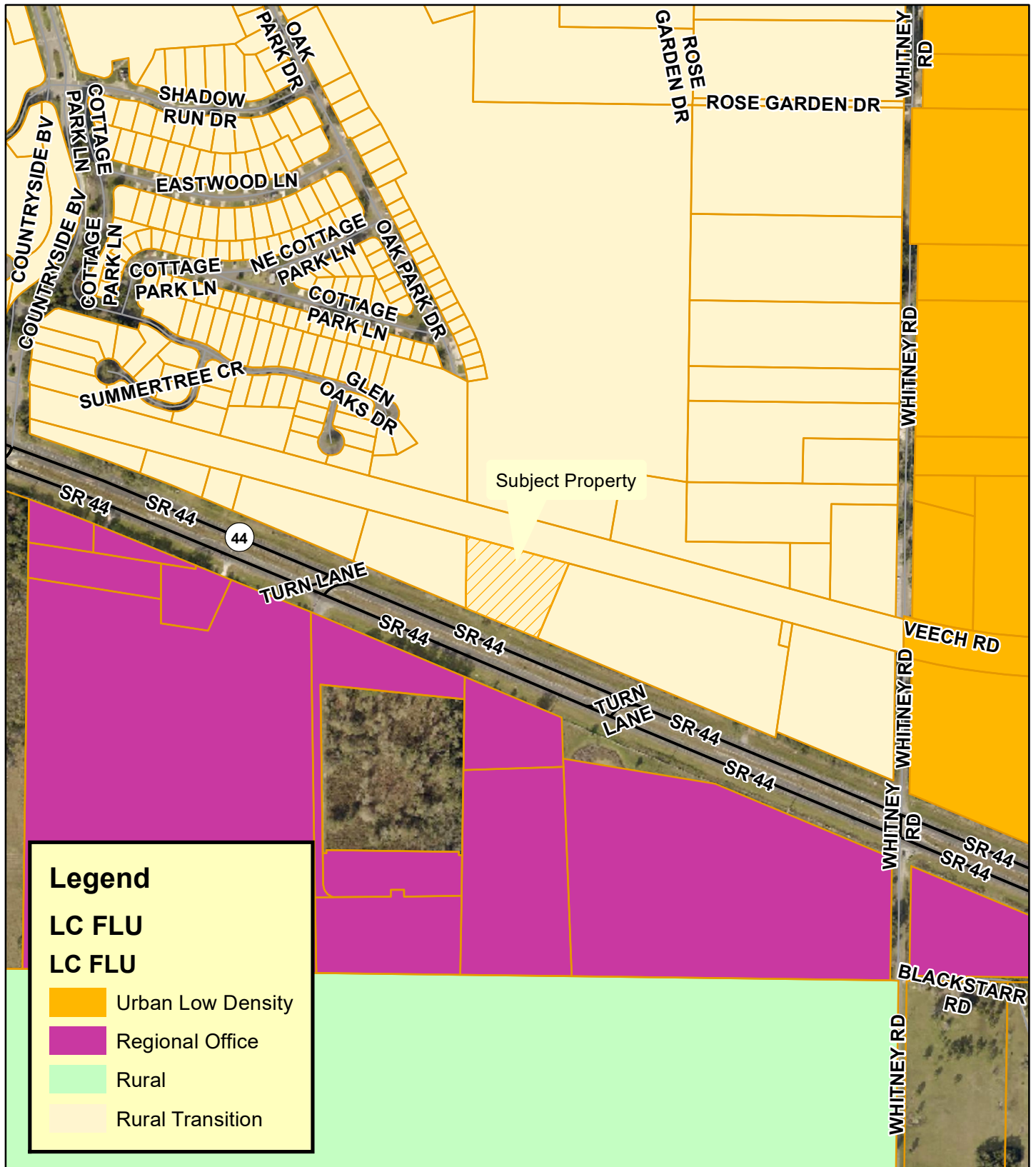


**Planning
& Zoning
Division**

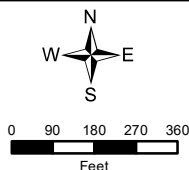


City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

Lake County Future Land Use



**Planning
& Zoning
Division**



City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

Proposed Future Land Use



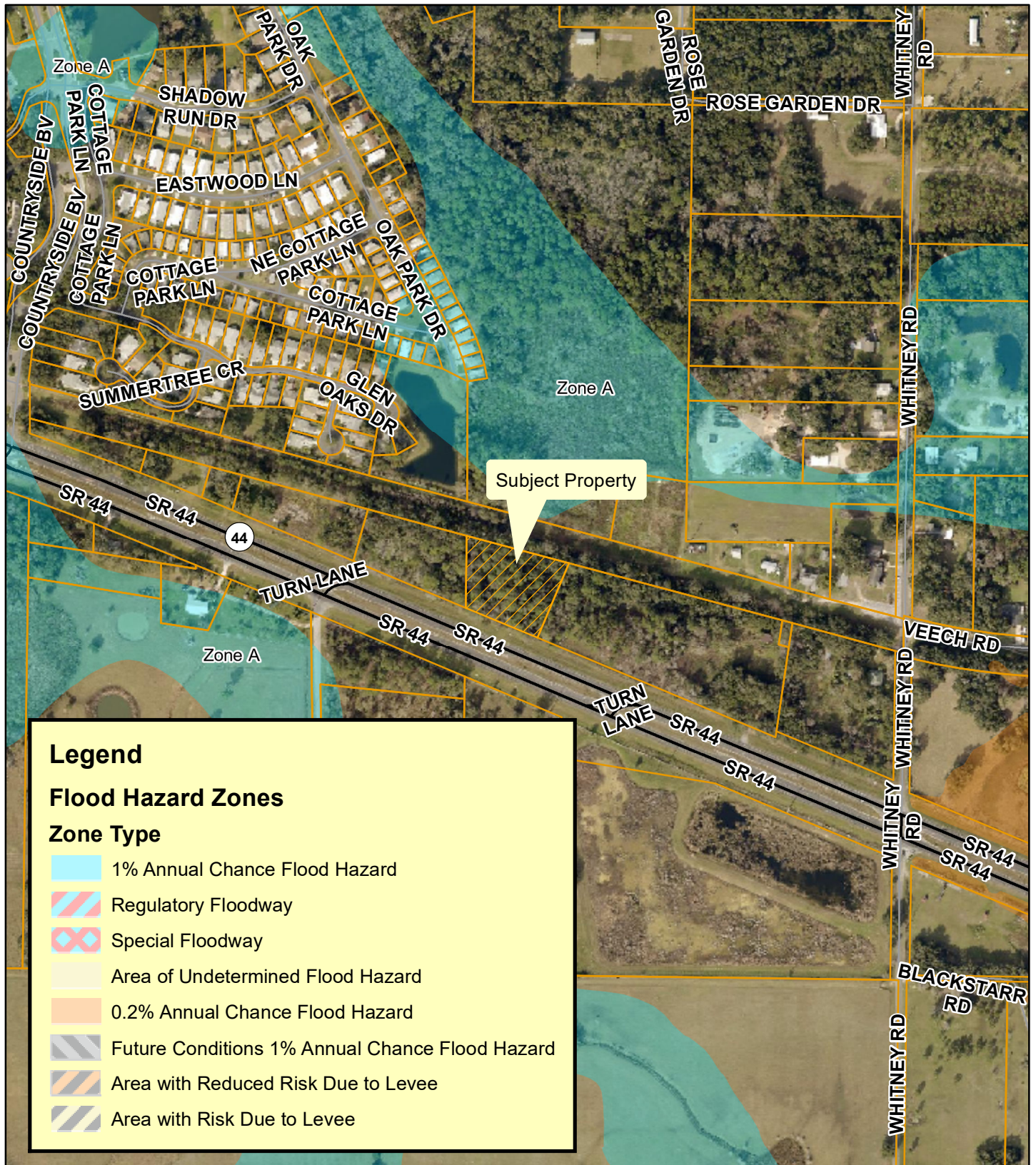
**Planning
& Zoning
Division**



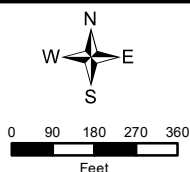
0 90 180 270 360
Feet

City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

Flood Zone

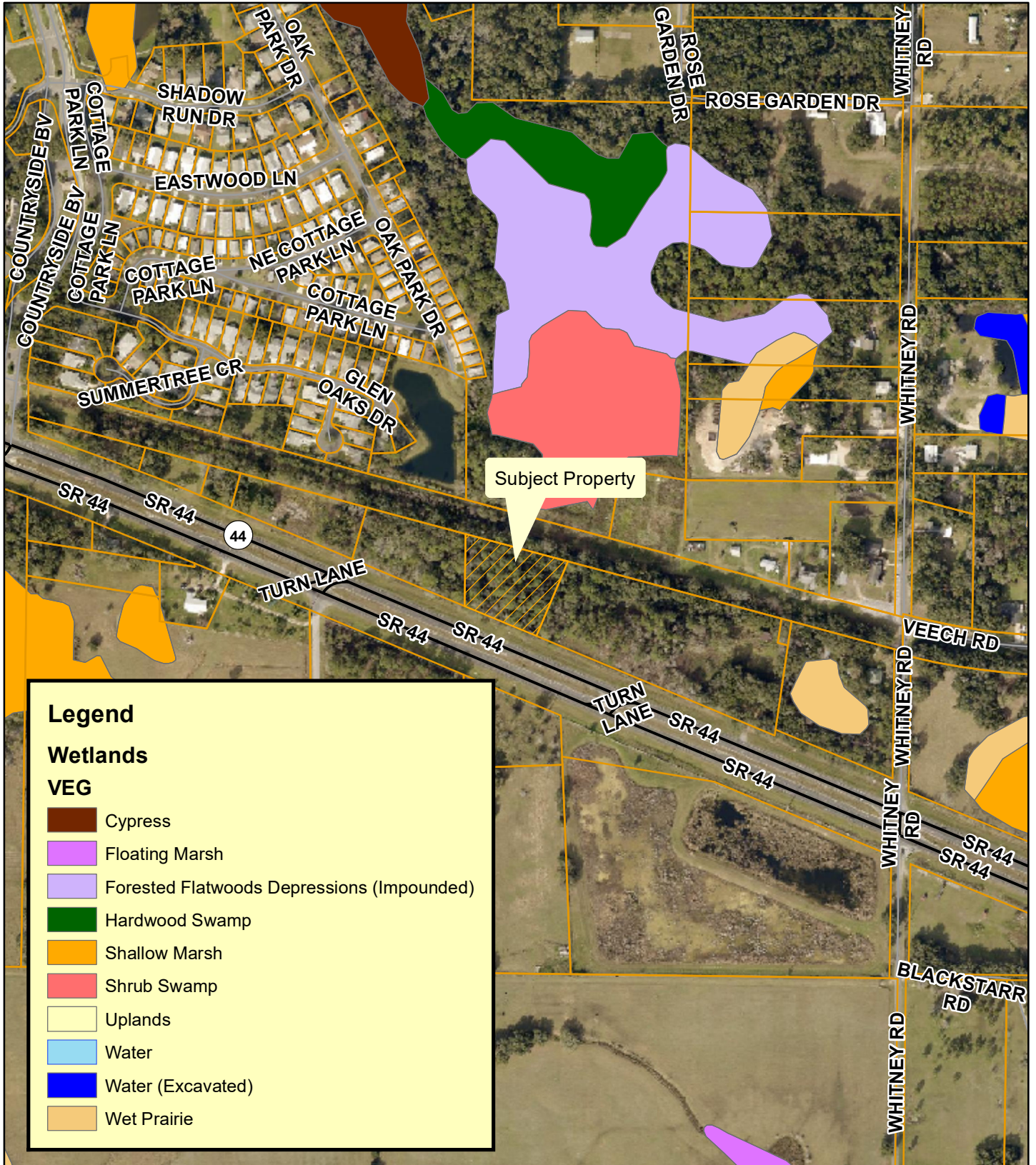


Planning & Zoning Division

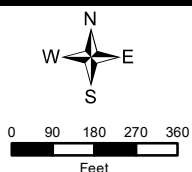


City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

Wetlands



**Planning
& Zoning
Division**

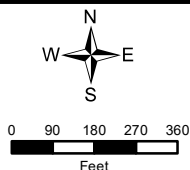


City of Leesburg Electric Substation SR44 Davis
ANNX-23-229; SSCP-23-230; RZ-23-231
Alternate Key #: 1171784
Section 19, Township 19 South, Range 24 East
June 22, 2023

Surrounding Land Uses



**Planning
& Zoning
Division**



City of Leesburg Electric Substation SR44 Davis
 ANN-23-229; SSCP-23-230; RZ-23-231
 Alternate Key #: 1171784
 Section 19, Township 19 South, Range 24 East
 June 22, 2023

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.4.

Meeting Date: August 28, 2023

From: Dan Miller, (Planning and Zoning Director), Christine Rock, (Senior Planner)

Subject: An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 0.33 +/- acres; and being generally located approximately one mile east of the Florida Turnpike and adjacent to County Road 470, lying in Section 17, 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 2; and providing an effective date. (VOWL 0.33 Acre)

Staff Recommendation:

The Planning and Zoning staff and the Planning Commission recommend approval of the proposed ordinance for annexation of 0.33 +/- acres.

Analysis:

The applicant has submitted a request for annexation of approximately 0.33 +/- acres, generally located approximately one mile east of the Florida Turnpike and adjacent to County Road 470, as shown on the attached General Location Map. The subject property is included within the Villages of West Lake Development and is developed for residential uses. The current zoning is Lake County A (Agriculture); the proposed zoning is City of Leesburg ARD (Age Restricted Development).

The property is surrounded by City of Leesburg Age Restricted Development (ARD), SPUD (Small Planned Unit Development), and P (Public) zoning districts. No negative impacts are anticipated to adjacent properties.

Also, on this City Commission agenda, is a Small-Scale Comprehensive Plan Amendment, which along with the Rezoning Application, had recommendations for approval from the staff and Planning Commission at the public hearing held on June 22, 2023.

Procurement Analysis:

N/A

Options:

1. Approve the requested annexation. This would give the City jurisdiction over the use and future development of the subject site and provide for the application of City standards to this property; or
2. Disapprove the proposed annexation and allow the property to remain in the County.

Fiscal Impact:

A positive fiscal impact will result from the annexation and development of this property due to increased tax revenue added to the General Fund.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, ANNEXING CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 0.33 +/- ACRES; AND BEING GENERALLY LOCATED APPROXIMATELY ONE MILE EAST OF THE FLORIDA TURNPIKE AND ADJACENT TO COUNTY ROAD 470, LYING IN SECTION 17, 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 2; AND PROVIDING AN EFFECTIVE DATE. (VOWL 0.33 ACRE)

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that;

Section 1.

Based upon the petition of Martin L. Dzuro, The Villages Land Company, LLC (Petitioner) on behalf of The Villages Land Company, LLC (Owner), for the property hereinafter described, shall be annexed into the city limits of the City of Leesburg, Florida, which petition has heretofore been approved by the City Commission of the City of Leesburg, Florida, pursuant to the provisions of the Laws of Florida, the hereinafter described property is hereby annexed and made a part of the city limits of the City of Leesburg, Florida. The subject property lying and situated in Lake County, Florida, is more particularly described as:

**Legal Description
(See Exhibit A);**

Section 2.

All of the property, real and personal, within said annexed territory, described in Section 1 above, as provided by this ordinance, and the inhabitants thereof, shall be subject to the government, jurisdiction, powers, franchises, duties, and privileges of the City of Leesburg, Florida, and the said annexed property shall be liable, proportionately, for all of the present outstanding and existing, as well as future, indebtedness of the City of Leesburg, Florida; that all of the ordinances of the City of Leesburg, and all the laws heretofore passed by the Legislature of the State of Florida relating to and which now or hereafter constitute its Charter, shall apply to and have the same force and effect on such annexed territory as if all such annexed territory had been a part of the City of Leesburg, Florida, at the time of the passage and approval of said laws and ordinances. The property described on Exhibit "A" attached hereto shall be subject to an existing Development Agreement between the Owner and the City of Leesburg recorded in O.R. Book 5069, Page 729, Public Records of Lake County, Florida, as amended by Ordinance No. 18-36, notice of which was recorded in O.R. Book 5280, Page 1940, Public Records of Lake County, Florida, as further amended by Ordinance No. 20-05, recorded in O.R. Book 5495, Page 421, Public Records of Lake County, Florida, and as further amended by

Ordinance No. 20-46, recorded in O.R. Book 5644, Page 1492, Public Records of Lake County, Florida. The property annexed hereby is assigned to City Commission District 2,

Section 3.

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed;

Section 4.

This ordinance shall become effective immediately upon approval at second reading.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 28th day of August 2023.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

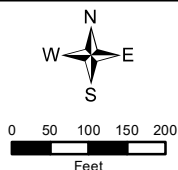
Exhibit A

THAT PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA BOUNDED AND DESCRIBED AS FOLLOWS: BEGIN AT THE NE CORNER OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 24 EAST, RUN THENCE SOUTH 0°18' WEST ALONG THE SECTION LINE FOR 535 FEET TO THE POINT OF BEGINNING, CONTINUE THENCE SOUTH 0°18' WEST ALONG SAID SECTION LINE FOR 274.12 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 470; RUN THENCE NORTHERLY AND WESTERLY ALONG RIGHT-OF-WAY OF STATE ROAD NO. 470 TO A POINT THAT IS NORTH 89°42' WEST OF THE POINT OF BEGINNING, THENCE SOUTH 89°42' EAST FOR 121.2 FEET TO THE POINT OF BEGINNING.

Aerial



**Planning
& Zoning
Division**



VOWL 0.33 Acre
 ANN-23-261; SSCP-23-262; RZ-23-263
 Section 17, Township 20 South, Range 24 East
 Alternate Key #1383412
 May 25, 2023

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.5.

Meeting Date: August 28, 2023

From: Dan Miller, (Planning and Zoning Director), Christine Rock, (Senior Planner)

Subject: 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 approximately 0.33 +/- acres from Lake County Public Service Facility and Infrastructure to City of Leesburg Age Restricted Development, for a property generally located approximately one mile east of the Florida Turnpike and adjacent to County Road 470, lying in Section 17, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (VOWL 0.33 Acre)

Staff Recommendation:

The Planning & Zoning Staff and the Planning Commission recommend approval of the proposed small-scale comp plan amendment of the City's Future Land Use Map on 0.33 +/- acres from Lake County Public Service Facility and Infrastructure to City of Leesburg Age Restricted Development.

Analysis:

The project site is approximately 0.33 +/- acres. The property is generally located approximately one mile east of the Florida Turnpike and adjacent to County Road 470. The subject property is included within the Villages of West Lake Development and is developed for residential uses. The surrounding Future Land Use Map designations of City of Leesburg Industry and Technology Commerce Park and Age Restricted Development is consistent with the proposed future land use designation of City Age Restricted Development. The proposed zoning designation of City ARD (Age Restricted Development) will provide for development that is consistent with the City's adopted Growth Management Plan and would allow an appropriate use for the property.

This property lies within the ISBA (Interlocal Service Boundary Area) agreement. This agreement, which was approved by City Commission on November 24, 2014, allows property within the ISBA area but outside the current city limits to be annexed and obtain City of Leesburg utility services.

The Planning Commission held a public hearing on the application on June 22, 2023 and recommended approval.

Procurement Analysis:

N/A

Options:

1. Approve the requested small-scale comprehensive plan amendment from Lake County Public Service Facility and Infrastructure to City of Leesburg Age Restricted Development; or
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There is no direct fiscal impact to the City for this action. Development of the property will increase this anticipated impact from collection of impact fees, ad valorem taxes and utility charges.

ORDINANCE NO. _____

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 APPROXIMATELY 0.33 +/- ACRES FROM LAKE COUNTY PUBLIC SERVICE FACILITY AND INFRASTRUCTURE TO CITY OF LEESBURG AGE RESTRICTED DEVELOPMENT, FOR A PROPERTY GENERALLY LOCATED APPROXIMATELY ONE MILE EAST OF THE FLORIDA TURNPIKE AND ADJACENT TO COUNTY ROAD 470, LYING IN SECTION 17, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (VOWL 0.33 ACRE)

WHEREAS, the City Commission has received written objections, recommendations, and comments from the City of Leesburg Planning Commission, acting as the Local Planning Agenda, regarding amendment of the Comprehensive Plan of the City of Leesburg, and has made recommendations to the City Commission for amendment of the Plan; and

WHEREAS, the City Commission of the City of Leesburg has held public hearings on the proposed amendment to the plan, in light of written comments, proposals and objections from the general public;

NOW, THEREFORE,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that;

Section 1.

The Growth Management Plan of the City of Leesburg, adopted by the City of Leesburg on December 10, 2012, pursuant to the Community Planning Act of 2011, Chapter 163, Part II, Florida Statutes, after public hearings by the City of Leesburg Planning Commission, is hereby amended in the following manner;

The Future Land Use Map is amended by changing the designation of approximately 0.33 +/- acres of land generally located approximately one mile east of the Florida Turnpike and adjacent to County Road 470 from Lake County Public Service Facility and Infrastructure to City of Leesburg Age Restricted Development, as shown on the revised map of said area, lying in Section 17, Township 20 South, Range 24 East, Lake County Florida;

Section 2.

All ordinances or parts of ordinances in conflict the any of the provisions of this ordinance are hereby repealed;

Section 3.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 28th day of August 2023.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

Exhibit A

THAT PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA BOUNDED AND DESCRIBED AS FOLLOWS: BEGIN AT THE NE CORNER OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 24 EAST, RUN THENCE SOUTH 0°18' WEST ALONG THE SECTION LINE FOR 535 FEET TO THE POINT OF BEGINNING, CONTINUE THENCE SOUTH 0°18' WEST ALONG SAID SECTION LINE FOR 274.12 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 470; RUN THENCE NORTHERLY AND WESTERLY ALONG RIGHT-OF-WAY OF STATE ROAD NO. 470 TO A POINT THAT IS NORTH 89°42' WEST OF THE POINT OF BEGINNING, THENCE SOUTH 89°42' EAST FOR 121.2 FEET TO THE POINT OF BEGINNING.

Future Land Use

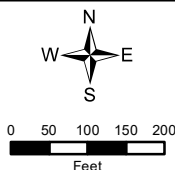


Legend:

- IND_TECH COMMERCIAL PARK
- INSTITUTIONAL
- AGE RESTRICTED DEVELOPMENT



**Planning
& Zoning
Division**

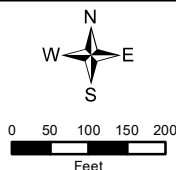


VOWL 0.33 Acre
 ANNEX-23-261; SSCP-23-262; RZ-23-263
 Section 17, Township 20 South, Range 24 East
 Alternate Key #1383412
 May 25, 2023

Lake County Future Land Use

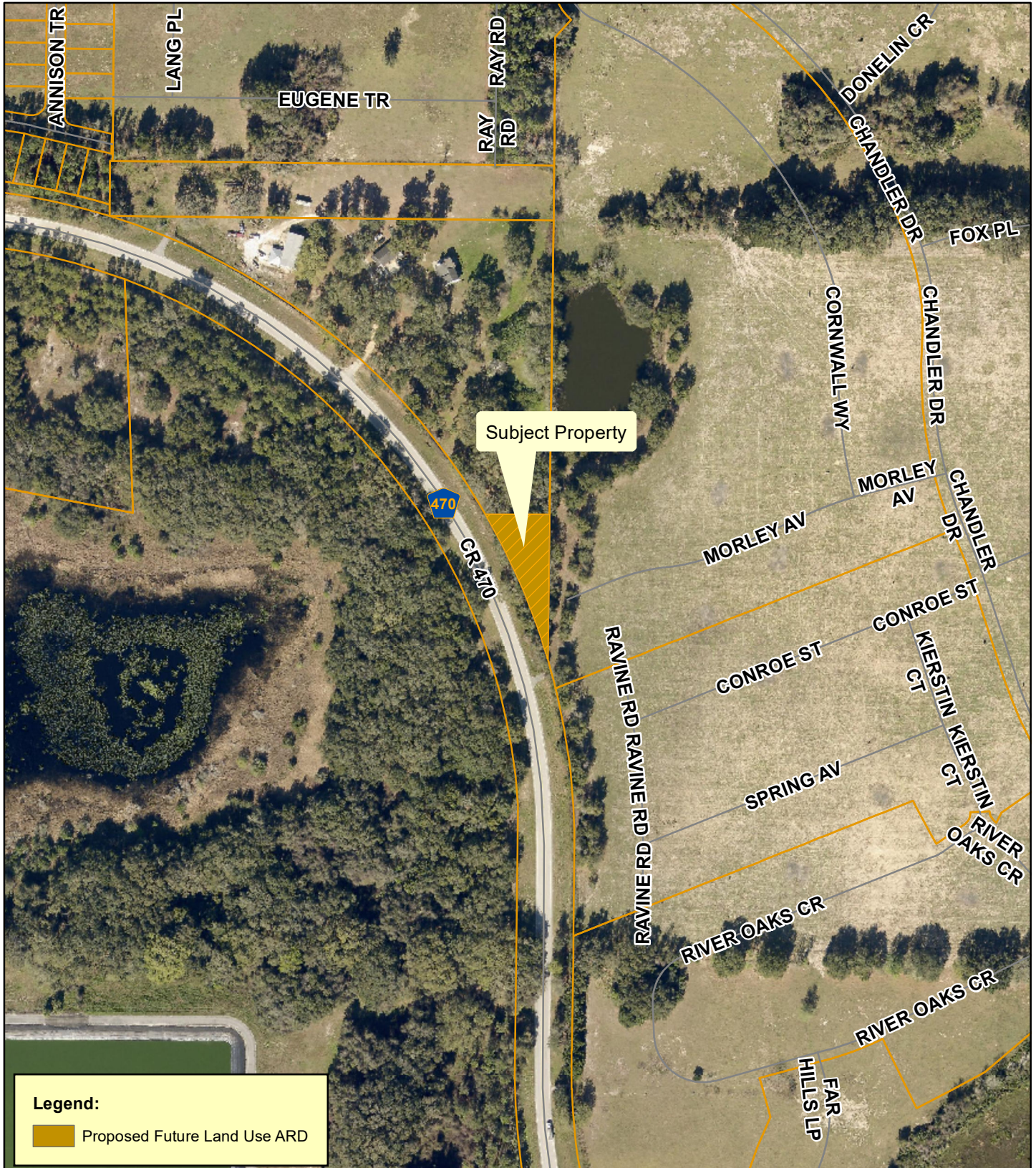


**Planning
& Zoning
Division**

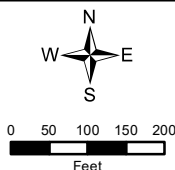


VOWL 0.33 Acre
 ANN-23-261; SSCP-23-262; RZ-23-263
 Section 17, Township 20 South, Range 24 East
 Alternate Key #1383412
 May 25, 2023

Proposed Future Land Use



**Planning
& Zoning
Division**

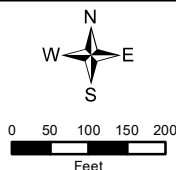


VOWL 0.33 Acre
 ANN-23-261; SSCP-23-262; RZ-23-263
 Section 17, Township 20 South, Range 24 East
 Alternate Key #1383412
 May 25, 2023

Surrounding Land Uses



**Planning
& Zoning
Division**



VOWL 0.33 Acre
 ANN-23-261; SSCP-23-262; RZ-23-263
 Section 17, Township 20 South, Range 24 East
 Alternate Key #1383412
 May 25, 2023



DRAFT SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY HALL
THURSDAY, JUNE 22ND, 2023 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, June 22nd, 2023, at City Hall.

Chairman Tim Sennett called the meeting to order at 4:30 p.m.

The following Commission members were present:

Tim Sennett - Chairman
Ted Bowersox – Vice-Chairman
John O’Kelley
Nathaniel Sanders
Frazier Marshall
Stewart Kaplan
Ken Simeone
Rosalind Peeples-Johnson

The following Commission members were absent:

Ze’ Shieca Carter

City staff in attendance included Sabrina Mitchell, Administrative Assistant II, Kandi Harper, Senior Planner, Christine Rock, Senior Planner, Max Van Allen, Planner, Melissa Medders, Planner and City Attorney Grant Watson was also present.

The meeting opened with an invocation given by Vice-Chairman Bowersox, followed by the Pledge of Allegiance to the Flag.

Kandi Harper informed the audience of the rules of participation and the need to sign the speaker’s registry. He also informed Commissioners and the audience that the City Commission meeting dates are tentatively scheduled.

**DRAFT SUMMARY MINUTES OF THE PLANNING COMMISSION MEETING
FOR THURSDAY, MAY 18TH, 2023.**

Vice-Chairman Bowersox moved to APPROVE the draft minutes from the MAY 18TH, 2023 meeting. Commissioner Sanders SECONDED the motion, which PASSED by a vote of 7-0.

Sabrina Mitchell swore in staff as well as anyone in the audience wishing to speak.

Chairman Sennett called for the first case under new business be brought forward.

NEW BUSINESS

**1) PUBLIC HEARING CASE # SSCP-23-230 – CITY OF LEESBURG
ELECTRIC SUBSTATION SR 44 DAVIS – SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT**

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE DESIGNATION OF A CERTAIN PROPERTY CONTAINING 1.45 +/- ACRES FROM LAKE COUNTY RURAL TRANSITION TO CITY OF LEESBURG INSTITUTIONAL FOR A PROPERTY GENERALLY LOCATED WEST OF WHITNEY ROAD AND NORTH OF STATE ROAD 44, AS LEGALLY DESCRIBED IN SECTION 19, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, JUNE 12TH, 2023 AND SECOND READING IS TENTATIVELY SCHEDULED FOR MONDAY, JULY 24TH, 2023)** (City of Leesburg Electric Substation SR 44 Davis)

Grant Watson, City Attorney requested to discuss the next two cases together and vote on each case separately.

Kandi Harper introduced case number #SSCP-23-230 – City of Leesburg Electric Substation SR 44 Davis – Small Scale Comprehensive Plan Amendment and case number #RZ-23-231 Rezoning into the record and entered the exhibits into the record with maps and photo exhibits including aerial, zoning, future and surrounding land use, wetlands/flood zone maps, CRA maps, staff summary, and staff recommendations.

Kandi Harper gave a background and explanation of the subject property, location, zoning, and requests.

Max Van Allen utilized a power point presentation to demonstrate the area of the proposed site for both cases.

Department Review Summary: This case was sent out to all the different City departments, Lake County Public Works, and the School Board there were no substantive comments from the City Departments. Public responses – no comments from the City of Leesburg notice requirements, Staff did receive one written response for disapproval which recommended a different site to the north to the posted signs and newspaper.

Kandi Harper read the Staff Recommendations into the record for both cases; Staff supports both cases; recommended approval.

Greg David, Electric Superintendent stated they looked at 11 different properties in the area, couple properties; purchased, property; best location, transmission line; right across the street; requirement from Duke Energy; feed substation, back of property; northside, old railroad ROW; City of Leesburg easements; put 2 brand new feeders; help with feed; Pennbrooke and Saint Catherine's, 1000 homes; got from Villages, vital to put substation in this location, allows flexibility new sub; flexibility to refeed Center sub to North sub; catastrophic failure, most economical; for the City, attractive substation, wall around it, landscaped, not intrusive, do due diligence; appealing, new style; low profile, look pleasing; not inclusive as some of the older ones; hope Commission approves case.

Chairman Sennett stated if the Commission have any questions of the applicant.

Commissioners' discussed comment submitted by Mr. McCabe regarding another site to the northeast; right across the ROW; Greg David reviewed aerial map with the Commission, location; problem, no access to the transmission line, no path for us to get to the transmission line, property owner; Greg David stated they tried to purchase property; from citizen; turned down asking price, moved on to another location, important applicant mentioned; make attractive, Greg David stated to the Commission he has pictures, and packets if Commission wants to review; not chain link fence; Center Street; mural; Greg David replied it's actually a blast wall; Duke Energy put up, nice screen looking wall, decorative fence panels; like the Villages puts around their property; substation control house; built on the front side, look like; building, fancy nice wall around it, landscape after that, on west side of the property; DOT ditch; runs through their; good barrier separation to the property to the west.

Chairman Sennett stated if anyone in the audience would like to speak on this case.

Chairman Sennett closes discussion from the Public, entertained a motion, and then the voting took place.

Commissioner Sanders made a MOTION for APPROVAL of case # SSCP-23-230 – CITY OF LEESBURG ELECTRIC SUBSTATION SR 44 DAVIS – SMALL

SCALE COMPREHENSIVE PLAN AMENDMENT Commissioner Kaplan
SECONDED the MOTION which CARRIED by a vote of 7-0.

Chairman Sennett called for the second case under new business be brought forward.

2) PUBLIC HEARING CASE # RZ-23-231 – CITY OF LEESBURG
ELECTRIC SUBSTATION SR 44 DAVIS – REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 1.45 +/- ACRES FROM LAKE COUNTY A (AGRICULTURE) TO CITY OF LEESBURG P (PUBLIC), FOR A PROPERTY GENERALLY LOCATED WEST OF WHITNEY ROAD AND NORTH OF STATE ROAD 44, AS LEGALLY DESCRIBED IN SECTION 19, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, JUNE 12TH, 2023 AND SECOND READING IS TENTATIVELY SCHEDULED FOR MONDAY, JULY 24TH, 2023)** (City of Leesburg Electric Substation SR 44 Davis)

Chairman Sennett entertained a motion, and then the voting took place.

Commissioner Sanders made a MOTION for APPROVAL of case # RZ-23-231 – CITY OF LEESBURG ELECTRIC SUBSTATION SR 44 DAVIS – REZONING Commissioner Kaplan SECONDED the MOTION which CARRIED by a vote of 7-0.

Chairman Sennett called for the third case under new business be brought forward.

3) PUBLIC HEARING CASE # SSCP-23-242 – MAIN-BUTLER
PROPERTIES – SMALL SCALE COMPREHENSIVE PLAN
AMENDMENT

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY CONTAINING 0.4 +/- ACRES GENERAL COMMERCIAL AND LOW DENSITY RESIDENTIAL TO GENERAL COMMERCIAL FOR A PROPERTY GENERALLY LOCATED SOUTH OF W MAIN STREET AND NORTH OF BUTLER STREET, AS LEGALLY DESCRIBED IN SECTION 27, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, JULY 24TH, 2023 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, AUGUST 14TH, 2023)** (Main-Butler Properties)

SSCP)

Grant Watson, City Attorney stated for the record to discuss the next two cases together and vote on each case separately.

Kandi Harper introduced case number #SSCP-23-242 – Main-Butler Properties – Small Scale Comprehensive Plan Amendment and case number #RZ-23-243 Rezoning into the record and entered the exhibits into the record with maps and photo exhibits including aerial, zoning, future and surrounding land use, wetlands/flood zone maps, CRA maps, staff summary, departmental review summary, and staff recommendations.

Kandi Harper gave a background and explanation of the subject property, location, zoning, and requests.

Max VanAllen utilized a power point presentation to demonstrate the area of the proposed site for both cases.

Department Review Summary: This case was sent out to all the different City departments, Lake County Public Works, and the School Board there were no substantive comments were received from the City Departments. Public responses - no responses were received from the City of Leesburg notice requirements, posted signs and newspaper.

Kandi Harper read the Staff Recommendations into the record for both cases; Staff recommended approval.

Chairman Sennett stated if the Commission have any questions of Staff.

Shawn Symphorien at 5 Paerdegat 3rs Street Brooklyn, NY, 11236 stated as a city, community look at something that will benefit the City, changes asking for; bring growth, property more useful, bring happiness to the neighborhood, as we expand in the community, help the City grow; working with Staff; to ensure better use out of the property.

Chairman Sennett stated if the Commission have any questions of the applicant.

Chairman Sennett stated if anyone in the audience would like to speak on this case.

Ken Simeone at 1425 Mosswood Drive Leesburg, FL stated just as an understanding .4 acres for both commercial/low density residential; how much residential can you put on two tenth of an acre.

Kandi Harper stated during the review of this request Dan Miller and Max Van Allen looked at Code to make sure the properties met the requirements of the Code with along the street, lot sizes; Max Van Allen replied when we were writing the agenda caption the Commission is only looking at the northern parcel created through the minor subdivision; administratively, so we wrote agenda caption to reflect only that northern portion so the .4 acre; only referring to commercial section, southern portion excluded the total lot acreage for existing parcels; greater

than that at this time; only looking at the north.

Mario Archila representing the applicant stated to the Commission he has a map of with sketch of lot split; Max Van Allen stated we did not include this particular image, pertains administrative lot split, but the measurements shown on the maps and figures reflects where the split is and if the Commission wants to see for reference, they certainly may; Mario Archila thanks all the committee for the opportunity.

Chairman Sennett closes discussion from the Public, entertained a motion, and then the voting took place.

Commissioner Kaplan made a MOTION for APPROVAL of case # SSCP-23-242 – MAIN-BUTLER PROPERTIES – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT Commissioner O’Kelley SECONDED the MOTION which CARRIED by a vote of 7-0.

Chairman Sennett called for the fourth case under new business be brought forward.

4) PUBLIC HEARING CASE # RZ-23-243 – MAIN-BUTLER PROPERTIES – REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 0.4 +/- ACRES FROM C-1 (NEIGHBORHOOD COMMERCIAL) AND R-1 (LOW DENSITY RESIDENTIAL) TO C-1 (NEIGHBORHOOD COMMERCIAL), FOR A PROPERTY GENERALLY LOCATED SOUTH OF W MAIN STREET AND NORTH OF BUTLER STREET, AS LEGALLY DESCRIBED IN SECTION 27, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, JULY 24TH, 2023 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, AUGUST 14TH, 2023) (Main-Butler Properties RZ)

Chairman Sennett entertained a motion, and then the voting took place.

Commissioner Kaplan made a MOTION for APPROVAL of case # RZ-23-243 – MAIN-BUTLER PROPERTIES – REZONING Commissioner Marshall SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 7-0.

Chairman Sennett called for the fifth case under new business be brought forward.

5) PUBLIC HEARING CASE # CUP-22-439 – LOVE THY NEIGHBOR – CONDITIONAL USE PERMIT

REQUEST FOR A CONDITIONAL USE PERMIT IN THE M-1 (INDUSTRIAL) ZONING DISTRICT TO ALLOW A TEMPORARY OVERNIGHT FOSTER CARE USE, FOR A PROPERTY GENERALLY LOCATED EAST OF THOMAS AVENUE AND NORTH OF CARVER DRIVE, AS LEGALLY DESCRIBED IN SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(FINAL DECISION IS BY THE PLANNING COMMISSION)** (Love Thy Neighbor)

Kandi Harper introduced case number #CUP-22-439 – Love Thy Neighbor – Conditional Use Permit into the record and entered the exhibits into the record with maps and photo exhibits including aerial, zoning, future and surrounding land use, wetlands/flood zone maps, CRA maps, staff summary, departmental review summary, and staff recommendations.

Kandi Harper gave a background and explanation of the subject property, location, zoning, and requests.

Melissa Medders utilized a power point presentation to demonstrate the area of the proposed site for the case.

Department Review Summary: This case was sent out to all the different City departments, Lake County Public Works, and the School Board there were no substantive comment from City the Departments. Public responses - no responses were received from the City of Leesburg notice requirements, posted signs and newspaper.

Kandi Harper read the Staff Recommendations into the record for the case; Staff recommended approval.

Chairman Sennett stated if the Commission have any questions of Staff or applicant.

Belinda Fashaw stated for the record she is the owner of the property and also works for Love Thy Neighbor, thank you for the consideration, business; operated several group homes for the last 23 years; in City of Leesburg, partnered with local foster care agencies; disabilities, and trauma, asking for a change of use; property, assist, police called, perfect location; need for temporary use, asking Commission; consideration for approval; most valuable children; needs, foster care replacement, transportation; school or vocational provided, spot; in case foster care contact them in the middle of the night, location; keeps family members; to protect the children with disabilities, leasing property out; to Love Thy Neighbor; thanks Commission; hopes for vote of approval.

Commissioners' thanks applicant for what you are doing for the children; wonderful thing that the applicant is doing that.

Chairman Sennett closes discussion from the Public, entertained a motion, and then the voting took place.

Commissioner O'Kelley made a MOTION for APPROVAL of case # CUP-22-439 – LOVE THY NEIGHBOR – CONDITIONAL USE PERMIT
Commissioner Sanders SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 7-0.

Chairman Sennett called for the sixth case under new business be brought forward.

6) PUBLIC HEARING CASE # SSCP-23-262 – VOWL 0.33 ACRE – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE DESIGNATION OF A CERTAIN PROPERTY CONTAINING 0.33 +/- ACRES FROM LAKE COUNTY PUBLIC SERVICE FACILITY AND INFRASTRUCTURE TO CITY OF LEESBURG AGE RESTRICTED DEVELOPMENT FOR A PROPERTY GENERALLY LOCATED APPROXIMATELY ONE MILE EAST OF THE FLORIDA TURNPIKE AND ADJACENT TO COUNTY ROAD 470, AS LEGALLY DESCRIBED IN SECTION 17, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, JULY 24TH, 2023 AND SECOND READING IS TENTATIVELY SCHEDULED FOR MONDAY, AUGUST 28TH, 2023)** (VOWL 0.33 ACRE SSCP)

Kandi Harper introduced case number #SSCP-23-262 – VOWL 0.33 acre – Small Scale Comprehensive Plan Amendment and case number #RZ-23-263 Rezoning into the record and entered the exhibits into the record with maps and photo exhibits including aerial, zoning, future and surrounding land use, wetlands/flood zone maps, CRA maps, staff summary, and staff recommendations.

Kandi Harper gave a background and explanation of the subject property, location, zoning, and requests.

Christine Rock utilized a power point presentation to demonstrate the area of the proposed site for both cases, and stated for clarification purposes the Rezoning case number; and read into the record.

Department Review Summary: This case was sent out to all the different City departments, Lake County Public Works, and the School Board there were no substantive comments from the City Departments. Public responses - no responses were received from the City of Leesburg notice requirements, posted signs and newspaper.

Kandi Harper read the Staff Recommendations into the record for both cases; Staff supports both cases; recommended approval.

Chairman Sennett stated if the Commission have any questions of Staff.

Marty Dzuro stated for the record representing the Villages Land Company 3601 Kiessel Road The Villages, FL 32163 and thanks Planning Staff and City Manager's Office for helping assist with this project, got to platting stage; Villages West Lake Unit 74, after six years ago, land use change, zoning, bringing this all into the (ARD) development, missed 0.33 acres, Staff did a good job seeing this and bringing this up, housing cleaning; action, and here to answer any questions.

Chairman Sennett stated if the Commission have any questions of the applicant.

Chairman Sennett stated if anyone in the audience would like to speak on this case.

Chairman Sennett closes discussion from the Public, entertained a motion, and then the voting took place.

Vice-Chairman Bowersox made a MOTION for APPROVAL of case # SSCP-23-262 – VOWL 0.33 ACRE – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT Commissioner Sanders SECONDED the MOTION which CARRIED by a vote of 7-0.

Chairman Sennett called for the seventh case under new business be brought forward.

7) C. PUBLIC HEARING CASE # RZ-23-263 – VOWL 0.33 ACRE – REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 0.33 +/- ACRES FROM LAKE COUNTY A (AGRICULTURE) TO CITY OF LEESBURG ARD (AGE RESTRICTED DEVELOPMENT), FOR A PROPERTY GENERALLY LOCATED APPROXIMATELY ONE MILE EAST OF THE FLORIDA TURNPIKE AND ADJACENT TO COUNTY ROAD 470, AS LEGALLY DESCRIBED IN SECTION 17, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, JULY 24TH, 2023 AND SECOND READING IS TENTATIVELY SCHEDULED FOR MONDAY, AUGUST 28TH, 2023)** (VOWL 0.33 ACRE RZ)

Chairman Sennett entertained a motion, and then the voting took place.

Vice-Chairman Bowersox made a MOTION for APPROVAL of case # RZ-23-263 – VOWL 0.33 ACRE – REZONING Commissioner Sanders SECONDED the MOTION which CARRIED by a vote of 7-0.

DISCUSSION

None

ANNOUNCEMENTS

Kandi Harper announced to the Commission that Dan Miller is doing well and will be back real soon.

Chairman Sennett entertained a motion to adjourn.

Motion to adjourn made by Commissioner Kaplan and seconded by Commissioner O'Kelley.

ADJOURNMENT

Meeting was adjourned at 5:28 p.m.

Tim Sennett, Chairman

Sabrina Mitchell, Administrative Assistant II

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.6.

Meeting Date: August 28, 2023

From: Dan Miller, (Planning and Zoning Director), Christine Rock, (Senior Planner)

Subject: An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 0.33 +/- acres from Lake County A (Agriculture) to City of Leesburg ARD (Age Restricted Development) to allow for residential uses for a property generally located approximately one mile east of the Florida Turnpike and adjacent to County Road 470, lying in Section 17, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (VOWL 0.33 Acre)

Staff Recommendation:

Planning and Zoning Staff and Planning Commission recommend approval of the request to rezone the subject property from Lake County A (Agriculture) to City of Leesburg ARD (Age Restricted Development) to allow for residential uses.

Analysis:

The project site is approximately 0.33 +/- acres, and is generally located approximately one mile east of the Florida Turnpike and adjacent to County Road 470 as shown on the attached maps. At this time, the property is developed acreage. The proposal will allow for residential uses. The existing land uses surrounding the property are residential and government. City of Leesburg utilities are available nearby.

The Planning Commission held a public hearing on the application on June 22, 2023 and recommended approval.

Procurement Analysis:

N/A

Options:

1. Approve the proposed rezoning to ARD (Age Restricted Development); or
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

Future development of this site will create a positive fiscal impact on the City of Leesburg, in the form of impact and utility fees, plus ad valorem taxes.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 0.33 +/- ACRES FROM LAKE COUNTY A (AGRICULTURE) TO CITY OF LEESBURG ARD (AGE RESTRICTED DEVELOPMENT) TO ALLOW FOR RESIDENTIAL USES FOR A PROPERTY GENERALLY LOCATED APPROXIMATELY ONE MILE EAST OF THE FLORIDA TURNPIKE AND ADJACENT TO COUNTY ROAD 470, LYING IN SECTION 17, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (VOWL 0.33 ACRE)

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

Based upon the petition of Martin L. Dzuro, The Villages Land Company, LLC (Petitioner) on behalf of The Villages Land Company, LLC (Owner) of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby rezoned from Lake County A (Agriculture) to City of Leesburg ARD (Age Restricted Development), to-wit:

(Legal Description)
(See Exhibit A)

Section 2.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 28th day of August 2023.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

Exhibit A

THAT PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA BOUNDED AND DESCRIBED AS FOLLOWS: BEGIN AT THE NE CORNER OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 24 EAST, RUN THENCE SOUTH 0°18' WEST ALONG THE SECTION LINE FOR 535 FEET TO THE POINT OF BEGINNING, CONTINUE THENCE SOUTH 0°18' WEST ALONG SAID SECTION LINE FOR 274.12 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 470; RUN THENCE NORTHERLY AND WESTERLY ALONG RIGHT-OF-WAY OF STATE ROAD NO. 470 TO A POINT THAT IS NORTH 89°42' WEST OF THE POINT OF BEGINNING, THENCE SOUTH 89°42' EAST FOR 121.2 FEET TO THE POINT OF BEGINNING.



CITY OF LEESBURG PLANNING & ZONING DIVISION RECOMMENDATIONS

DATE: June 22, 2023
OWNER: The Villages Land Company, LLC
PETITIONER: Martin L. Dzuro, The Villages Land Company, LLC
PROJECT: VOWL 0.3 Acre
REQUEST: Rezone from Lake County A (Agriculture) to City of Leesburg ARD (Age Restricted Development) for residential uses.
CASE NO.: RZ-23-263

THE PLANNING & ZONING DIVISION RECOMMENDS:

APPROVAL of this request for the following reason(s):

1. The proposed request is compatible with the current surrounding zoning districts of City of Leesburg ARD (Age Restricted Development), SPUD (Small Planned Unit Development), and P (Public).
2. The proposed request is compatible with the proposed Future Land Use designation of Age Restricted Development, and the current surrounding Future Land Use designations of Age Restricted Development, Institutional, and Industry and Technology Commerce Park.
3. The proposed request will make the zoning and FLU of the subject property consistent with the Villages of West Lake development.
4. The proposed request does not appear to create a detriment to surrounding properties, based on the location and proximity to compatible development.

Action Requested:

1. Vote to **approve** staff's recommendation to rezone the subject property from Lake County A (Agriculture) to of City of Leesburg ARD (Age Restricted Development) and forward to the City Commission for consideration.

**CITY OF LEESBURG PLANNING & ZONING DIVISION
DEPARTMENTAL REVIEW SUMMARY**

DATE: June 16, 2023
OWNER: The Villages Land Company, LLC
PETITIONER: Martin L. Dzuro, The Villages Land Company, LLC
PROJECT: VOWL 0.3 Acre
REQUEST: Small Scale Comprehensive Plan Amendment to Age Restricted Development and a Rezoning to ARD (Age Restricted Development) to allow residential uses.
CASE NO.: SSCP-23-262; RZ-23-263

THE FOLLOWING COMMENTS RECEIVED FROM EACH DEPARTMENT:

POLICE

No comments received as of 6/16/2023.

FIRE

No comments received as of 6/16/2023.

ELECTRIC

Leesburg Electric has no issues. Steve Davis 6/5/2023

GAS

Natural gas is available and directed per City Ordinance. Brandon Smith 6/6/2023

GIS

GIS has no comments. Tammy Magamoll 6/6/2023

BUILDING

No comments received as of 6/16/2023.

PUBLIC WORKS

Public Works has no issue with this request. Cliff Kelsey 6/2/2023

ADDRESSING

No comments received as of 6/16/2023.

HOUSING & REDEVELOPMENT

No comments received as of 6/16/2023.

LAKE COUNTY PUBLIC WORKS

I see no major concern with this rezoning as long as access is internal to the existing Villages of West Lake.
Seth Lynch 6/6/2023

LAKE COUNTY SCHOOLS

The school district does not have any comments for the Village of West Lake – to allow residential uses.
Helen LaValley 6/5/2023

PUBLIC RESPONSES

Approval

No comments received as of 6/16/2023.

Disapproval

No comments received as of 6/16/2023.

No comment

No comments received as of 6/16/2023.

Notice of Appearance filed: None

PUBLIC COMMENTS (APPROVAL WITH REQUESTS)

No comments received as of 6/16/2023.

PUBLIC COMMENTS (DISAPPROVAL)

No comments received as of 6/16/2023.

**CITY OF LEESBURG PLANNING & ZONING DIVISION
STAFF SUMMARY**

DATE: May 30, 2023
OWNER: The Villages Land Company, LLC
PETITIONER: Martin L. Dzuro, The Villages Land Company, LLC
PROJECT: VOWL 0.33 Acre
REQUEST: Small Scale Comprehensive Plan Amendment; Rezoning
CASE NO.: SSCP-23-262; RZ-23-263

GENERAL LOCATION: Approximately one mile east of the Florida Turnpike and adjacent to County Road 470

FUTURE LAND USE DESIGNATION: Lake County Public Service Facility and Infrastructure

SURROUNDING FUTURE LAND USE DESIGNATION:

North – City of Leesburg Industry and Technology Commerce Park
South – City of Leesburg Age Restricted Development
East – City of Leesburg Age Restricted Development
West – City of Leesburg Institutional

PROPOSED FUTURE LAND USE DESIGNATION: Age Restricted Development

EXISTING ZONING DESIGNATION: Lake County A (Agriculture)

SURROUNDING ZONING DESIGNATIONS:

North – City of Leesburg SPUD (Small Planned Unit Development)
South – City of Leesburg ARD (Age Restricted Development)
East – City of Leesburg ARD (Age Restricted Development)
West – City of Leesburg P (Public)

PROPOSED ZONING DESIGNATION: ARD (Age Restricted Development)

EXISTING LAND USE: Vacant residential

SURROUNDING EXISTING LAND USE:

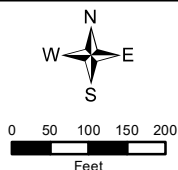
North – Residential and Commercial
South – Residential
East – Residential
West – Government

PROPOSED LAND USE: Residential

Aerial



**Planning
& Zoning
Division**

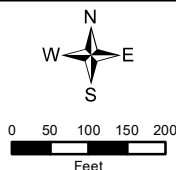


VOWL 0.33 Acre
 ANN-23-261; SSCP-23-262; RZ-23-263
 Section 17, Township 20 South, Range 24 East
 Alternate Key #1383412
 May 25, 2023

Zoning

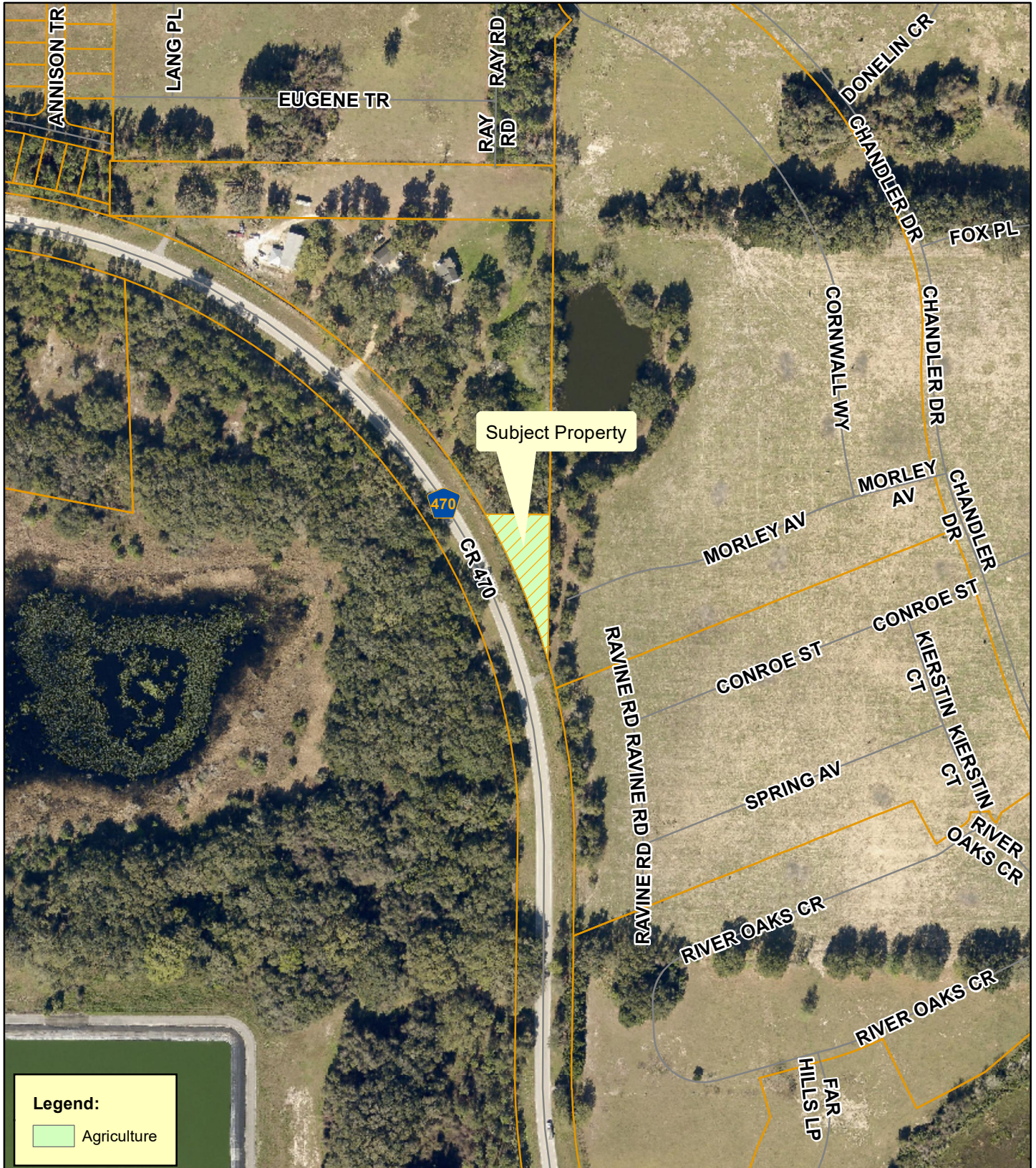


**Planning
& Zoning
Division**

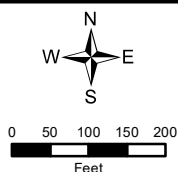


VOWL 0.33 Acre
 ANN-23-261; SSCP-23-262; RZ-23-263
 Section 17, Township 20 South, Range 24 East
 Alternate Key #1383412
 May 25, 2023

Lake County Zoning



Planning & Zoning Division



VOWL 0.33 Acre
ANNX-23-261; SSCP-23-262; RZ-23-263
Section 17, Township 20 South, Range 24 East
Alternate Key #1383412
May 25, 2023



Looking into the property from County Road 470.



Looking south along County Road 470.



Looking north along County Road 470.



Looking across County Road 470.



DRAFT SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY HALL
THURSDAY, JUNE 22ND, 2023 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, June 22nd, 2023, at City Hall.

Chairman Tim Sennett called the meeting to order at 4:30 p.m.

The following Commission members were present:

Tim Sennett - Chairman
Ted Bowersox – Vice-Chairman
John O’Kelley
Nathaniel Sanders
Frazier Marshall
Stewart Kaplan
Ken Simeone
Rosalind Peeples-Johnson

The following Commission members were absent:

Ze’ Shieca Carter

City staff in attendance included Sabrina Mitchell, Administrative Assistant II, Kandi Harper, Senior Planner, Christine Rock, Senior Planner, Max Van Allen, Planner, Melissa Medders, Planner and City Attorney Grant Watson was also present.

The meeting opened with an invocation given by Vice-Chairman Bowersox, followed by the Pledge of Allegiance to the Flag.

Kandi Harper informed the audience of the rules of participation and the need to sign the speaker’s registry. He also informed Commissioners and the audience that the City Commission meeting dates are tentatively scheduled.

**DRAFT SUMMARY MINUTES OF THE PLANNING COMMISSION MEETING
FOR THURSDAY, MAY 18TH, 2023.**

Vice-Chairman Bowersox moved to APPROVE the draft minutes from the MAY 18TH, 2023 meeting. Commissioner Sanders SECONDED the motion, which PASSED by a vote of 7-0.

Sabrina Mitchell swore in staff as well as anyone in the audience wishing to speak.

Chairman Sennett called for the first case under new business be brought forward.

NEW BUSINESS

**1) PUBLIC HEARING CASE # SSCP-23-230 – CITY OF LEESBURG
ELECTRIC SUBSTATION SR 44 DAVIS – SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT**

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE DESIGNATION OF A CERTAIN PROPERTY CONTAINING 1.45 +/- ACRES FROM LAKE COUNTY RURAL TRANSITION TO CITY OF LEESBURG INSTITUTIONAL FOR A PROPERTY GENERALLY LOCATED WEST OF WHITNEY ROAD AND NORTH OF STATE ROAD 44, AS LEGALLY DESCRIBED IN SECTION 19, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, JUNE 12TH, 2023 AND SECOND READING IS TENTATIVELY SCHEDULED FOR MONDAY, JULY 24TH, 2023)** (City of Leesburg Electric Substation SR 44 Davis)

Grant Watson, City Attorney requested to discuss the next two cases together and vote on each case separately.

Kandi Harper introduced case number #SSCP-23-230 – City of Leesburg Electric Substation SR 44 Davis – Small Scale Comprehensive Plan Amendment and case number #RZ-23-231 Rezoning into the record and entered the exhibits into the record with maps and photo exhibits including aerial, zoning, future and surrounding land use, wetlands/flood zone maps, CRA maps, staff summary, and staff recommendations.

Kandi Harper gave a background and explanation of the subject property, location, zoning, and requests.

Max Van Allen utilized a power point presentation to demonstrate the area of the proposed site for both cases.

Department Review Summary: This case was sent out to all the different City departments, Lake County Public Works, and the School Board there were no substantive comments from the City Departments. Public responses – no comments from the City of Leesburg notice requirements, Staff did receive one written response for disapproval which recommended a different site to the north to the posted signs and newspaper.

Kandi Harper read the Staff Recommendations into the record for both cases; Staff supports both cases; recommended approval.

Greg David, Electric Superintendent stated they looked at 11 different properties in the area, couple properties; purchased, property; best location, transmission line; right across the street; requirement from Duke Energy; feed substation, back of property; northside, old railroad ROW; City of Leesburg easements; put 2 brand new feeders; help with feed; Pennbrooke and Saint Catherine's, 1000 homes; got from Villages, vital to put substation in this location, allows flexibility new sub; flexibility to refeed Center sub to North sub; catastrophic failure, most economical; for the City, attractive substation, wall around it, landscaped, not intrusive, do due diligence; appealing, new style; low profile, look pleasing; not inclusive as some of the older ones; hope Commission approves case.

Chairman Sennett stated if the Commission have any questions of the applicant.

Commissioners' discussed comment submitted by Mr. McCabe regarding another site to the northeast; right across the ROW; Greg David reviewed aerial map with the Commission, location; problem, no access to the transmission line, no path for us to get to the transmission line, property owner; Greg David stated they tried to purchase property; from citizen; turned down asking price, moved on to another location, important applicant mentioned; make attractive, Greg David stated to the Commission he has pictures, and packets if Commission wants to review; not chain link fence; Center Street; mural; Greg David replied it's actually a blast wall; Duke Energy put up, nice screen looking wall, decorative fence panels; like the Villages puts around their property; substation control house; built on the front side, look like; building, fancy nice wall around it, landscape after that, on west side of the property; DOT ditch; runs through their; good barrier separation to the property to the west.

Chairman Sennett stated if anyone in the audience would like to speak on this case.

Chairman Sennett closes discussion from the Public, entertained a motion, and then the voting took place.

Commissioner Sanders made a MOTION for APPROVAL of case # SSCP-23-230 – CITY OF LEESBURG ELECTRIC SUBSTATION SR 44 DAVIS – SMALL

SCALE COMPREHENSIVE PLAN AMENDMENT Commissioner Kaplan SECONDED the MOTION which CARRIED by a vote of 7-0.

Chairman Sennett called for the second case under new business be brought forward.

2) PUBLIC HEARING CASE # RZ-23-231 – CITY OF LEESBURG ELECTRIC SUBSTATION SR 44 DAVIS – REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 1.45 +/- ACRES FROM LAKE COUNTY A (AGRICULTURE) TO CITY OF LEESBURG P (PUBLIC), FOR A PROPERTY GENERALLY LOCATED WEST OF WHITNEY ROAD AND NORTH OF STATE ROAD 44, AS LEGALLY DESCRIBED IN SECTION 19, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, JUNE 12TH, 2023 AND SECOND READING IS TENTATIVELY SCHEDULED FOR MONDAY, JULY 24TH, 2023)** (City of Leesburg Electric Substation SR 44 Davis)

Chairman Sennett entertained a motion, and then the voting took place.

Commissioner Sanders made a MOTION for APPROVAL of case # RZ-23-231 – CITY OF LEESBURG ELECTRIC SUBSTATION SR 44 DAVIS – REZONING Commissioner Kaplan SECONDED the MOTION which CARRIED by a vote of 7-0.

Chairman Sennett called for the third case under new business be brought forward.

3) PUBLIC HEARING CASE # SSCP-23-242 – MAIN-BUTLER PROPERTIES – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY CONTAINING 0.4 +/- ACRES GENERAL COMMERCIAL AND LOW DENSITY RESIDENTIAL TO GENERAL COMMERCIAL FOR A PROPERTY GENERALLY LOCATED SOUTH OF W MAIN STREET AND NORTH OF BUTLER STREET, AS LEGALLY DESCRIBED IN SECTION 27, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, JULY 24TH, 2023 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, AUGUST 14TH, 2023)** (Main-Butler Properties)

SSCP)

Grant Watson, City Attorney stated for the record to discuss the next two cases together and vote on each case separately.

Kandi Harper introduced case number #SSCP-23-242 – Main-Butler Properties – Small Scale Comprehensive Plan Amendment and case number #RZ-23-243 Rezoning into the record and entered the exhibits into the record with maps and photo exhibits including aerial, zoning, future and surrounding land use, wetlands/flood zone maps, CRA maps, staff summary, departmental review summary, and staff recommendations.

Kandi Harper gave a background and explanation of the subject property, location, zoning, and requests.

Max VanAllen utilized a power point presentation to demonstrate the area of the proposed site for both cases.

Department Review Summary: This case was sent out to all the different City departments, Lake County Public Works, and the School Board there were no substantive comments were received from the City Departments. Public responses - no responses were received from the City of Leesburg notice requirements, posted signs and newspaper.

Kandi Harper read the Staff Recommendations into the record for both cases; Staff recommended approval.

Chairman Sennett stated if the Commission have any questions of Staff.

Shawn Symphorien at 5 Paerdegat 3rs Street Brooklyn, NY, 11236 stated as a city, community look at something that will benefit the City, changes asking for; bring growth, property more useful, bring happiness to the neighborhood, as we expand in the community, help the City grow; working with Staff; to ensure better use out of the property.

Chairman Sennett stated if the Commission have any questions of the applicant.

Chairman Sennett stated if anyone in the audience would like to speak on this case.

Ken Simeone at 1425 Mosswood Drive Leesburg, FL stated just as an understanding .4 acres for both commercial/low density residential; how much residential can you put on two tenth of an acre.

Kandi Harper stated during the review of this request Dan Miller and Max Van Allen looked at Code to make sure the properties met the requirements of the Code with along the street, lot sizes; Max Van Allen replied when we were writing the agenda caption the Commission is only looking at the northern parcel created through the minor subdivision; administratively, so we wrote agenda caption to reflect only that northern portion so the .4 acre; only referring to commercial section, southern portion excluded the total lot acreage for existing parcels; greater

than that at this time; only looking at the north.

Mario Archila representing the applicant stated to the Commission he has a map of with sketch of lot split; Max Van Allen stated we did not include this particular image, pertains administrative lot split, but the measurements shown on the maps and figures reflects where the split is and if the Commission wants to see for reference, they certainly may; Mario Archila thanks all the committee for the opportunity.

Chairman Sennett closes discussion from the Public, entertained a motion, and then the voting took place.

Commissioner Kaplan made a MOTION for APPROVAL of case # SSCP-23-242 – MAIN-BUTLER PROPERTIES – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT Commissioner O’Kelley SECONDED the MOTION which CARRIED by a vote of 7-0.

Chairman Sennett called for the fourth case under new business be brought forward.

4) PUBLIC HEARING CASE # RZ-23-243 – MAIN-BUTLER PROPERTIES – REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 0.4 +/- ACRES FROM C-1 (NEIGHBORHOOD COMMERCIAL) AND R-1 (LOW DENSITY RESIDENTIAL) TO C-1 (NEIGHBORHOOD COMMERCIAL), FOR A PROPERTY GENERALLY LOCATED SOUTH OF W MAIN STREET AND NORTH OF BUTLER STREET, AS LEGALLY DESCRIBED IN SECTION 27, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, JULY 24TH, 2023 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, AUGUST 14TH, 2023) (Main-Butler Properties RZ)

Chairman Sennett entertained a motion, and then the voting took place.

Commissioner Kaplan made a MOTION for APPROVAL of case # RZ-23-243 – MAIN-BUTLER PROPERTIES – REZONING Commissioner Marshall SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 7-0.

Chairman Sennett called for the fifth case under new business be brought forward.

5) PUBLIC HEARING CASE # CUP-22-439 – LOVE THY NEIGHBOR – CONDITIONAL USE PERMIT

REQUEST FOR A CONDITIONAL USE PERMIT IN THE M-1 (INDUSTRIAL) ZONING DISTRICT TO ALLOW A TEMPORARY OVERNIGHT FOSTER CARE USE, FOR A PROPERTY GENERALLY LOCATED EAST OF THOMAS AVENUE AND NORTH OF CARVER DRIVE, AS LEGALLY DESCRIBED IN SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(FINAL DECISION IS BY THE PLANNING COMMISSION)** (Love Thy Neighbor)

Kandi Harper introduced case number #CUP-22-439 – Love Thy Neighbor – Conditional Use Permit into the record and entered the exhibits into the record with maps and photo exhibits including aerial, zoning, future and surrounding land use, wetlands/flood zone maps, CRA maps, staff summary, departmental review summary, and staff recommendations.

Kandi Harper gave a background and explanation of the subject property, location, zoning, and requests.

Melissa Medders utilized a power point presentation to demonstrate the area of the proposed site for the case.

Department Review Summary: This case was sent out to all the different City departments, Lake County Public Works, and the School Board there were no substantive comment from City the Departments. Public responses - no responses were received from the City of Leesburg notice requirements, posted signs and newspaper.

Kandi Harper read the Staff Recommendations into the record for the case; Staff recommended approval.

Chairman Sennett stated if the Commission have any questions of Staff or applicant.

Belinda Fashaw stated for the record she is the owner of the property and also works for Love Thy Neighbor, thank you for the consideration, business; operated several group homes for the last 23 years; in City of Leesburg, partnered with local foster care agencies; disabilities, and trauma, asking for a change of use; property, assist, police called, perfect location; need for temporary use, asking Commission; consideration for approval; most valuable children; needs, foster care replacement, transportation; school or vocational provided, spot; in case foster care contact them in the middle of the night, location; keeps family members; to protect the children with disabilities, leasing property out; to Love Thy Neighbor; thanks Commission; hopes for vote of approval.

Commissioners' thanks applicant for what you are doing for the children; wonderful thing that the applicant is doing that.

Chairman Sennett closes discussion from the Public, entertained a motion, and then the voting took place.

Commissioner O'Kelley made a MOTION for APPROVAL of case # CUP-22-439 – LOVE THY NEIGHBOR – CONDITIONAL USE PERMIT
Commissioner Sanders SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 7-0.

Chairman Sennett called for the sixth case under new business be brought forward.

6) PUBLIC HEARING CASE # SSCP-23-262 – VOWL 0.33 ACRE – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE DESIGNATION OF A CERTAIN PROPERTY CONTAINING 0.33 +/- ACRES FROM LAKE COUNTY PUBLIC SERVICE FACILITY AND INFRASTRUCTURE TO CITY OF LEESBURG AGE RESTRICTED DEVELOPMENT FOR A PROPERTY GENERALLY LOCATED APPROXIMATELY ONE MILE EAST OF THE FLORIDA TURNPIKE AND ADJACENT TO COUNTY ROAD 470, AS LEGALLY DESCRIBED IN SECTION 17, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, JULY 24TH, 2023 AND SECOND READING IS TENTATIVELY SCHEDULED FOR MONDAY, AUGUST 28TH, 2023)** (VOWL 0.33 ACRE SSCP)

Kandi Harper introduced case number #SSCP-23-262 – VOWL 0.33 acre – Small Scale Comprehensive Plan Amendment and case number #RZ-23-263 Rezoning into the record and entered the exhibits into the record with maps and photo exhibits including aerial, zoning, future and surrounding land use, wetlands/flood zone maps, CRA maps, staff summary, and staff recommendations.

Kandi Harper gave a background and explanation of the subject property, location, zoning, and requests.

Christine Rock utilized a power point presentation to demonstrate the area of the proposed site for both cases, and stated for clarification purposes the Rezoning case number; and read into the record.

Department Review Summary: This case was sent out to all the different City departments, Lake County Public Works, and the School Board there were no substantive comments from the City Departments. Public responses - no responses were received from the City of Leesburg notice requirements, posted signs and newspaper.

Kandi Harper read the Staff Recommendations into the record for both cases; Staff supports both cases; recommended approval.

Chairman Sennett stated if the Commission have any questions of Staff.

Marty Dzuro stated for the record representing the Villages Land Company 3601 Kiessel Road The Villages, FL 32163 and thanks Planning Staff and City Manager's Office for helping assist with this project, got to platting stage; Villages West Lake Unit 74, after six years ago, land use change, zoning, bringing this all into the (ARD) development, missed 0.33 acres, Staff did a good job seeing this and bringing this up, housing cleaning; action, and here to answer any questions.

Chairman Sennett stated if the Commission have any questions of the applicant.

Chairman Sennett stated if anyone in the audience would like to speak on this case.

Chairman Sennett closes discussion from the Public, entertained a motion, and then the voting took place.

Vice-Chairman Bowersox made a MOTION for APPROVAL of case # SSCP-23-262 – VOWL 0.33 ACRE – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT Commissioner Sanders SECONDED the MOTION which CARRIED by a vote of 7-0.

Chairman Sennett called for the seventh case under new business be brought forward.

7) C. PUBLIC HEARING CASE # RZ-23-263 – VOWL 0.33 ACRE – REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 0.33 +/- ACRES FROM LAKE COUNTY A (AGRICULTURE) TO CITY OF LEESBURG ARD (AGE RESTRICTED DEVELOPMENT), FOR A PROPERTY GENERALLY LOCATED APPROXIMATELY ONE MILE EAST OF THE FLORIDA TURNPIKE AND ADJACENT TO COUNTY ROAD 470, AS LEGALLY DESCRIBED IN SECTION 17, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, JULY 24TH, 2023 AND SECOND READING IS TENTATIVELY SCHEDULED FOR MONDAY, AUGUST 28TH, 2023)** (VOWL 0.33 ACRE RZ)

Chairman Sennett entertained a motion, and then the voting took place.

Vice-Chairman Bowersox made a MOTION for APPROVAL of case # RZ-23-263 – VOWL 0.33 ACRE – REZONING Commissioner Sanders SECONDED the MOTION which CARRIED by a vote of 7-0.

DISCUSSION

None

ANNOUNCEMENTS

Kandi Harper announced to the Commission that Dan Miller is doing well and will be back real soon.

Chairman Sennett entertained a motion to adjourn.

Motion to adjourn made by Commissioner Kaplan and seconded by Commissioner O'Kelley.

ADJOURNMENT

Meeting was adjourned at 5:28 p.m.

Tim Sennett, Chairman

Sabrina Mitchell, Administrative Assistant II

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.7.

Meeting Date: August 28, 2023

From: Joseph Mera, (Fire Chief)

Subject: An Ordinance of the City of Leesburg, Florida, Consenting to the Inclusion of the City of Leesburg, Florida, within the Countywide Municipal Service Taxing Unit for the Provision of Ambulance and Emergency Medical Services, as Adopting by the Board of County Commissioners of Lake County, Florida; providing for the City to be included within said M.S.T.U. for a specific term of years; providing for conflicts; and providing an effective date.

Staff Recommendation:

Staff recommends approval of the ordinance extending participation in the countywide MSTU for ambulance and emergency medical services.

Analysis:

The Board of County Commissioners for Lake County enacted an ordinance creating a municipal service taxing unit (the “MSTU”) to fund the provision of ambulance and emergency medical services within the MSTU. On July 25, 2009, the City passed Ordinance No. 00-29 which included the City within the MSTU. The current term expires on September 30, 2023, and it’s appropriate to extend the City’s participation in the MSTU for an additional year.

Procurement Analysis:

N/A

Options:

1. Approve the ordinance extending the timeframe for participation in the MSTU; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

The MSTU provides the funding source for the provision of ambulance service in Leesburg and Lake County.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CONSENTING TO THE INCLUSION OF THE CITY OF LEESBURG, FLORIDA, WITHIN THE COUNTYWIDE MUNICIPAL SERVICE TAXING UNIT FOR THE PROVISION OF AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTING BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING FOR THE CITY TO BE INCLUDED WITHIN SAID M.S.T.U. FOR A SPECIFIC TERM OF YEARS; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners for Lake County determined that the best mechanism to secure the necessary funding to provide ambulance service was to create a countywide municipal service taxing unit authorizing the County to levy ad valorem taxes therein for the provision of ambulance and emergency medical services, and has enacted an ordinance creating that municipal service taxing unit; and

WHEREAS, Section 125.01(1)(q), Florida Statutes, provides that boundaries of a municipal service taxing unit may include all or part of the boundaries of a municipality if the affected municipality consents, by ordinance, to be included therein; and

WHEREAS, the City Commission of the City of Leesburg, Florida has determined that it is in the best interest of and serves the health, safety, and general welfare of the residents of Leesburg to include the City of Leesburg within the Lake County municipal service taxing unit for ambulance and emergency medical services; and

WHEREAS, Lake County's ordinance expressed its intent to include the City of Leesburg within the boundaries of the Lake County Municipal Taxing Unit for Ambulance and Emergency Medical Services (the "MSTU"), subject to the adoption of an approving ordinance by the City Commission of the City of Leesburg; and

WHEREAS, the City Commission of the City of Leesburg, Florida, previously agreed by Ordinance No. 00 - 29, and subsequent ordinances extending the approval, to be included in the MSTU, which has been mutually beneficial; and

WHEREAS, the City once again wishes to extend its inclusion within the MSTU for an additional one (1) year term upon expiration of the current term on September 30, 2023.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I. The City Commission of the City of Leesburg hereby consents to the inclusion of the City of Leesburg within the boundaries of the "Lake County Municipal Service Taxing Unit for Ambulance and Emergency Medical Services."

SECTION II. The date on which Ordinance No. 00-29 expires is hereby amended to September 30, 2024.

SECTION III. All ordinances or part of ordinances which are in conflict with this Ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinance, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION IV. If any portion of this Ordinance is declared invalid or unenforceable, and to the extent that it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed here from and the remainder of the ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION V. This Ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 28th day of August 2023.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.8.

Meeting Date: August 28, 2023

From: Dan Miller, (Planning and Zoning Director)

Subject: An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 11 +/- acres from City of Leesburg SPUD (Small Planned Unit Development) and R-3 (High Density Residential) to City of Leesburg SPUD (Small Planned Unit Development), for a property generally located east of Executive Boulevard and south of State Road 44, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Good News Church Public / Private Partnership SPUD)

Staff Recommendation:

Planning & Zoning Staff and Planning Commission recommend approval of the request to rezone the subject property from City of Leesburg SPUD (Small Planned Unit Development) and R-3 (High Density Residential) to City of Leesburg SPUD (Small Planned Unit Development) to allow for public-private partnerships, including police canine training and including additional property.

Analysis:

The project site is approximately 11 +/- acres, and is generally located east of Executive Boulevard and south of State Road 44, as shown on the attached maps. At this time, the property is worship center and undeveloped acreage. The proposal will allow for a continued worship center use, with additional facilities, and a police canine training use on the undeveloped acreage. The existing land uses surrounding the property are agricultural, industrial, and commercial. City of Leesburg utilities are available nearby.

The Planning Commission held a public hearing on the application on July 20, 2023 and recommended approval.

Procurement Analysis:

N/A

Options:

1. Approve the proposed rezoning from SPUD (Small Planned Unit Development) and R-3 (High Density Residential) to SPUD (Small Planned Unit Development); or
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There is no direct fiscal impact to the City for this action.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 11 +/- ACRES FROM CITY OF LEESBURG SPUD (SMALL PLANNED UNIT DEVELOPMENT) AND R-3 (HIGH DENSITY RESIDENTIAL) TO CITY OF LEESBURG SPUD (SMALL PLANNED UNIT DEVELOPMENT), FOR A PROPERTY GENERALLY LOCATED EAST OF EXECUTIVE BOULEVARD AND SOUTH OF STATE ROAD 44, LYING IN SECTION 29, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (GOOD NEWS CHURCH PUBLIC / PRIVATE PARTNERSHIP SPUD)

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

Based upon the petition of Michael Rankin, LPG Urban & Regional Planners, LLC., Agent, on behalf of Good News Church of Central Florida, Inc., Owner, petitioner of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby rezoned from City of Leesburg SPUD (Small Planned Unit Development) and R-3 (High Density Residential) to City of Leesburg SPUD (Small Planned Unit Development), to-wit:

(Legal Description)
(See Exhibit A)

Section 2.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 28th day of August 2023.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

Good News Church Public / Private Partnership – East of Executive Boulevard and south of State Road 44.
SPUD-23-314
AK#: 2908874, 2940760
Legal Description Provided by Applicant
Tuesday, June 27, 2023

LEGAL DESCRIPTION

Good News Church of Central Florida, Inc.

The North 6 acres of the following described property: From the northeast corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 29, Township 19 South, Range 24 East, Lake County, Florida, run South $00^{\circ}20'10''$ West along the East line of said Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$, 386 feet to the Point of Beginning; thence continue South $00^{\circ}20'10''$ West, 1134.28 feet, thence North $89^{\circ}39'50''$ West, 461.65 feet, thence North $00^{\circ}25'04''$ East, 1134.28 feet, thence South $89^{\circ}39'50''$ East, 460.03 feet to the Point of Beginning.

AND

The South 6 acres of the following described property: From the Northeast corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 29, Township 19 South, Range 24 East, Lake County, Florida, run South $00^{\circ}20'10''$ West along the East line of said Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$, 386 feet to the Point of Beginning; thence continue South $00^{\circ}20'10''$ West, 1134 feet; thence North $89^{\circ}39'50''$ West, 461.54 feet; thence North $00^{\circ}25'04''$ East, 1134.28 feet; thence South $89^{\circ}39'50''$ East, 460.03 feet to the Point of Beginning.

**CITY OF LEESBURG PLANNING & ZONING DIVISION
STAFF SUMMARY**

DATE: July 20, 2023

OWNER: Good News Church of Central Florida, Inc

PETITIONER: Good News Church

PROJECT: Good News Church Public/Private Partnership

REQUEST: Amendment of Uses in existing SPUD Zoning

CASE NO.: SPUD-23-314

GENERAL LOCATION: The property is generally located east of Executive Boulevard and south of State Road 44.

FUTURE LAND USE DESIGNATION: Industrial.

SURROUNDING FUTURE LAND USE DESIGNATION:

North – City of Leesburg Industrial; Lake County Industrial
South – Lake County Regional Office, Rural
East – City of Leesburg Industrial, Conservation
West – City of Leesburg Industrial; Lake County Rural

PROPOSED FUTURE LAND USE DESIGNATION: N/A.

EXISTING ZONING DESIGNATION: SPUD (Small Planned Unit Development) and R-3 (High Density Residential).

SURROUNDING ZONING DESIGNATIONS:

North – City of Leesburg M-1 (Industrial), SPUD (Small Planned Unit Development), CIP (Commercial/Industrial Planned); Lake County LM (Light Industrial), R-6 (Urban Residential)
South – Lake County A (Agriculture)
East – City of Leesburg M-1 (Industrial); Lake County HM (Heavy Industrial)
West – City of Leesburg M-1 (Industrial); Lake County HM (Heavy Industrial)

PROPOSED ZONING DESIGNATION: SPUD (Small Planned Unit Development)

EXISTING LAND USE: Worship center.

SURROUNDING LAND USE:

North – Light Manufacturing; Warehousing
South – Vacant Commercial
East – Vacant Industrial; Light Manufacturing; Service Shop
West – Light Manufacturing; Pasture Improved; Warehousing

PROPOSED LAND USE: Public-private partnership, including police dog training, and increasing the included property under the SPUD Zoning.

**CITY OF LEESBURG PLANNING & ZONING DIVISION
DEPARTMENTAL REVIEW SUMMARY**

DATE: July 20, 2023
OWNER: Good News Church of Central Florida, Inc
PETITIONER: Good News Church
PROJECT: Good News Church Public/Private Partnership
REQUEST: Amendment of Uses in existing SPUD Zoning; Public-private partnership, including police dog training, and increasing the included property under the SPUD Zoning.
CASE NO.: SPUD-23-314

THE FOLLOWING COMMENTS RECEIVED FROM EACH DEPARTMENT:

POLICE

No comments received as of 7/14/2023.

FIRE

No comments received as of 7/14/2023.

ELECTRIC

Leesburg Electric has no objections. – Steve Davis, 6/29/2023.

GAS

No comments received as of 7/14/2023.

GIS

No comments received as of 7/14/2023.

BUILDING

No comments received as of 7/14/2023.

PUBLIC WORKS

Public Works has no issues with the proposed item. – Cliff Kelsey, 6/29/2023.

ADDRESSING

No comments received as of 7/14/2023.

HOUSING & REDEVELOPMENT

No comments received as of 7/14/2023.

LAKE COUNTY PUBLIC WORKS

No comments received as of 7/14/2023.

LAKE COUNTY SCHOOLS

The school district does not have any comments for the additional uses and acreage. – Helen LaValley, 7/3/2023.

PUBLIC RESPONSES

Approval

Disapproval

No comment

Notice of Appearance filed:

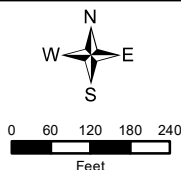
PUBLIC COMMENTS (APPROVAL WITH REQUESTS)

PUBLIC COMMENTS (DISAPPROVAL)

Aerial

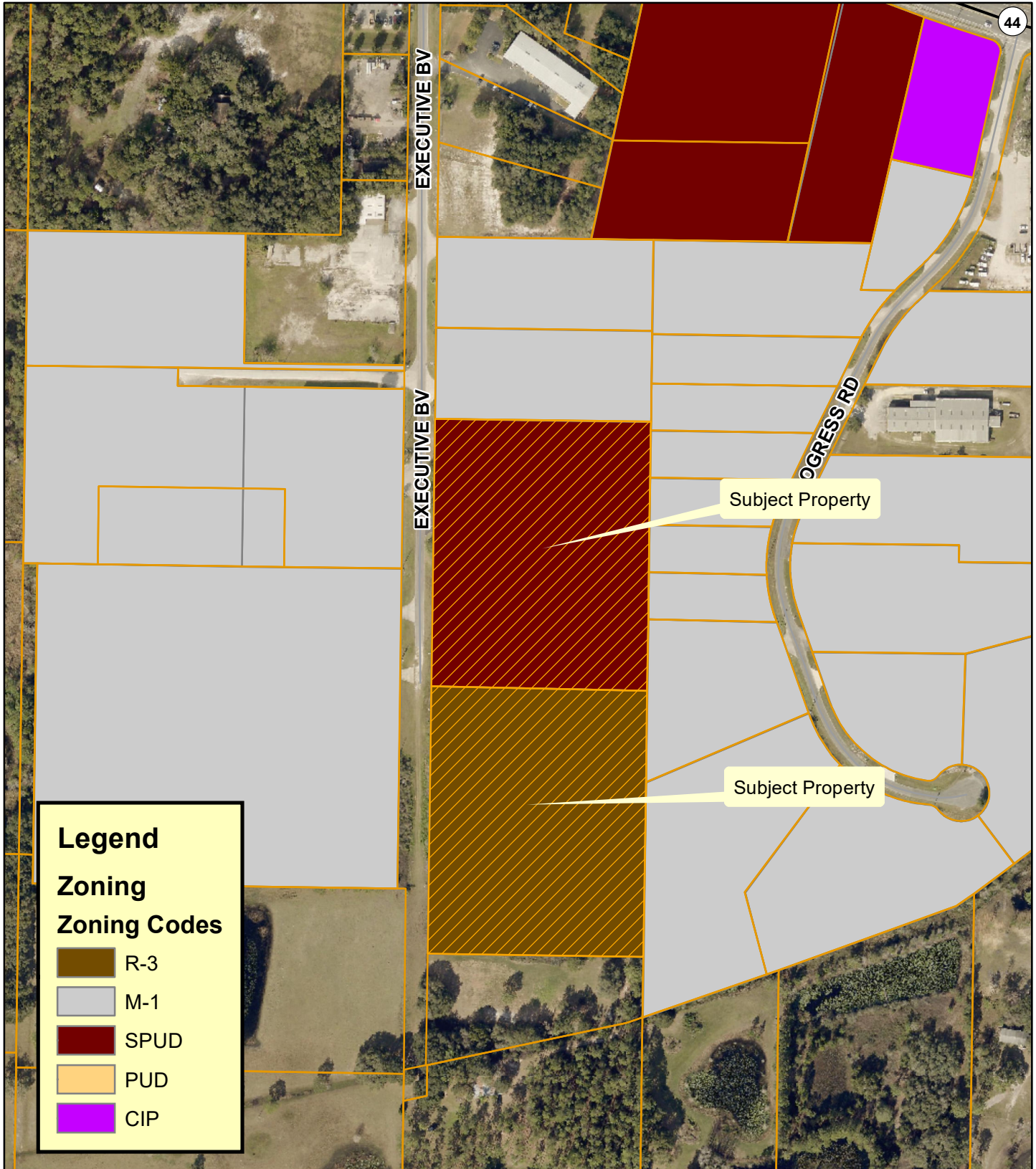


**Planning
& Zoning
Division**

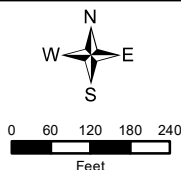


Good News Church Public / Private Partnership
SPUD-23-314
400 Executive Boulevard, Leesburg, FL 34748
AK #: 2908874, 2940760
Section 29, Township 19 South, Range 24 East
June 27, 2023

Zoning

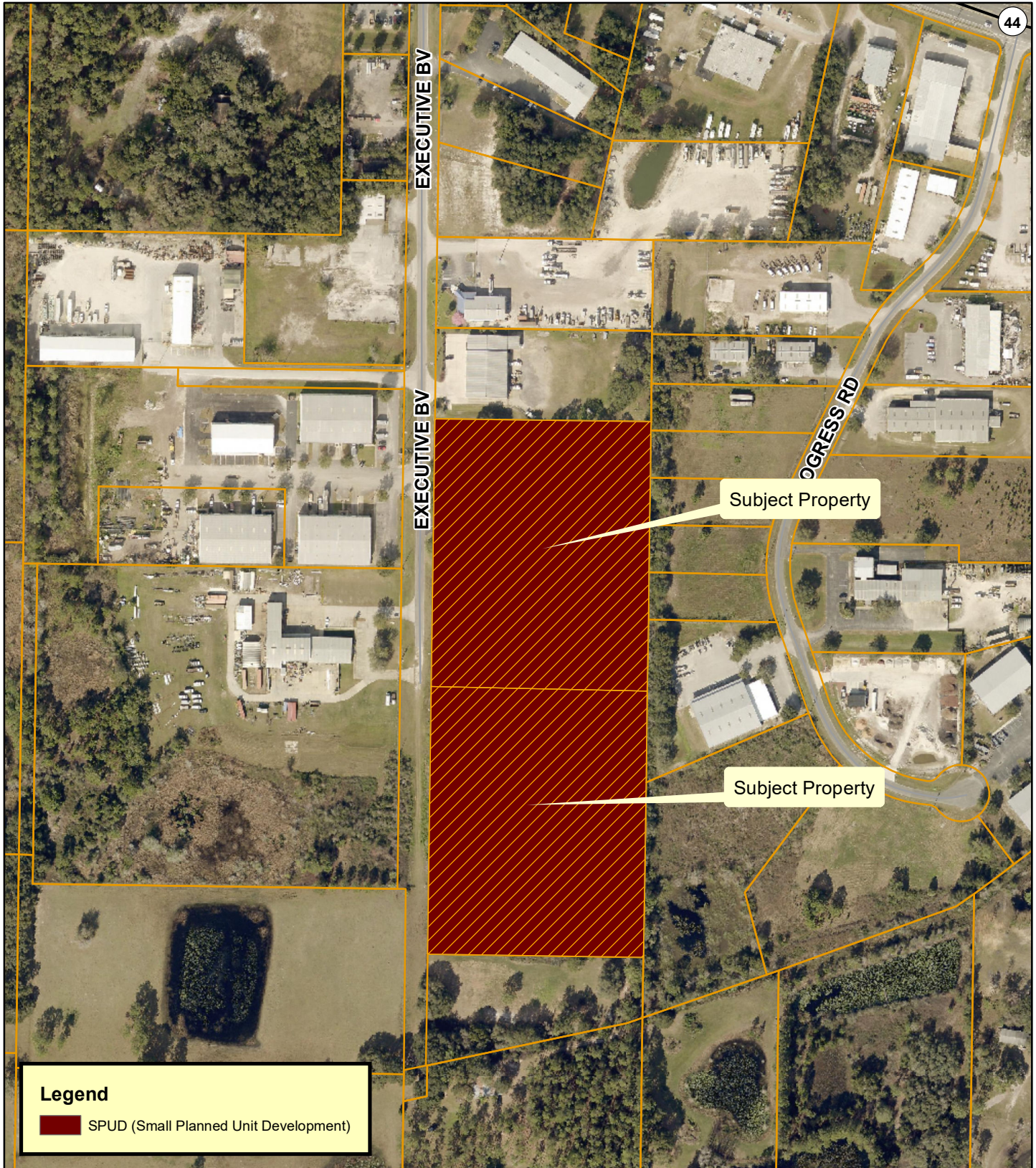


**Planning
& Zoning
Division**

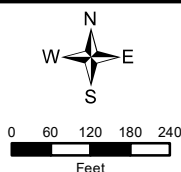


Good News Church Public / Private Partnership
 SPUD-23-314
 400 Executive Boulevard, Leesburg, FL 34748
 AK #: 2908874, 2940760
 Section 29, Township 19 South, Range 24 East
 June 27, 2023

Proposed Zoning

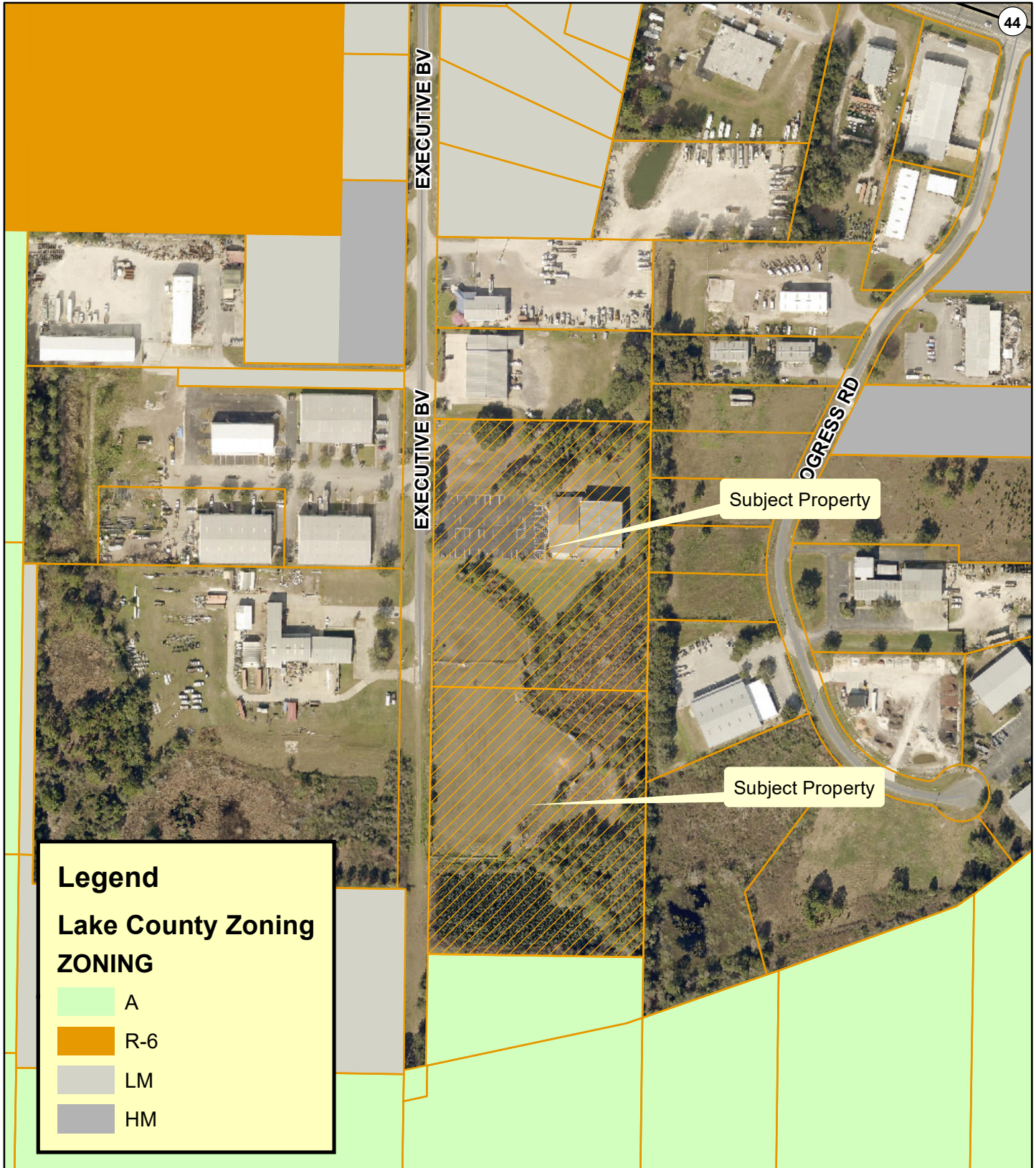


**Planning
& Zoning
Division**

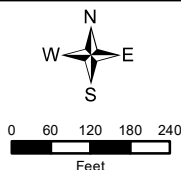


Good News Church Public / Private Partnership
SPUD-23-314
400 Executive Boulevard, Leesburg, FL 34748
AK #: 2908874, 2940760
Section 29, Township 19 South, Range 24 East
June 27, 2023

Lake County Zoning

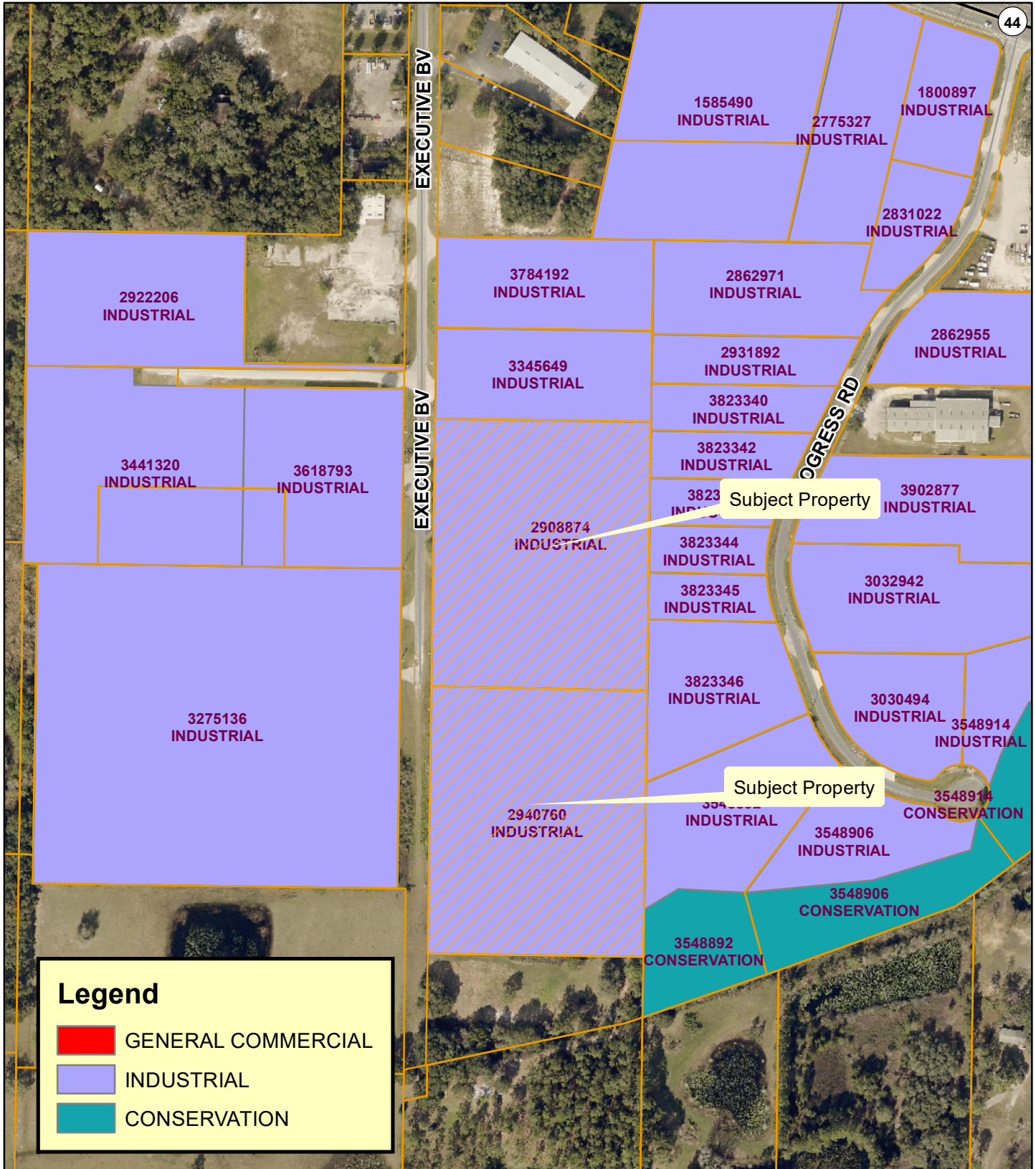


**Planning
& Zoning
Division**

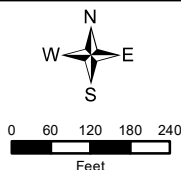


Good News Church Public / Private Partnership
SPUD-23-314
400 Executive Boulevard, Leesburg, FL 34748
AK #: 2908874, 2940760
Section 29, Township 19 South, Range 24 East
June 27, 2023

Future Land Use

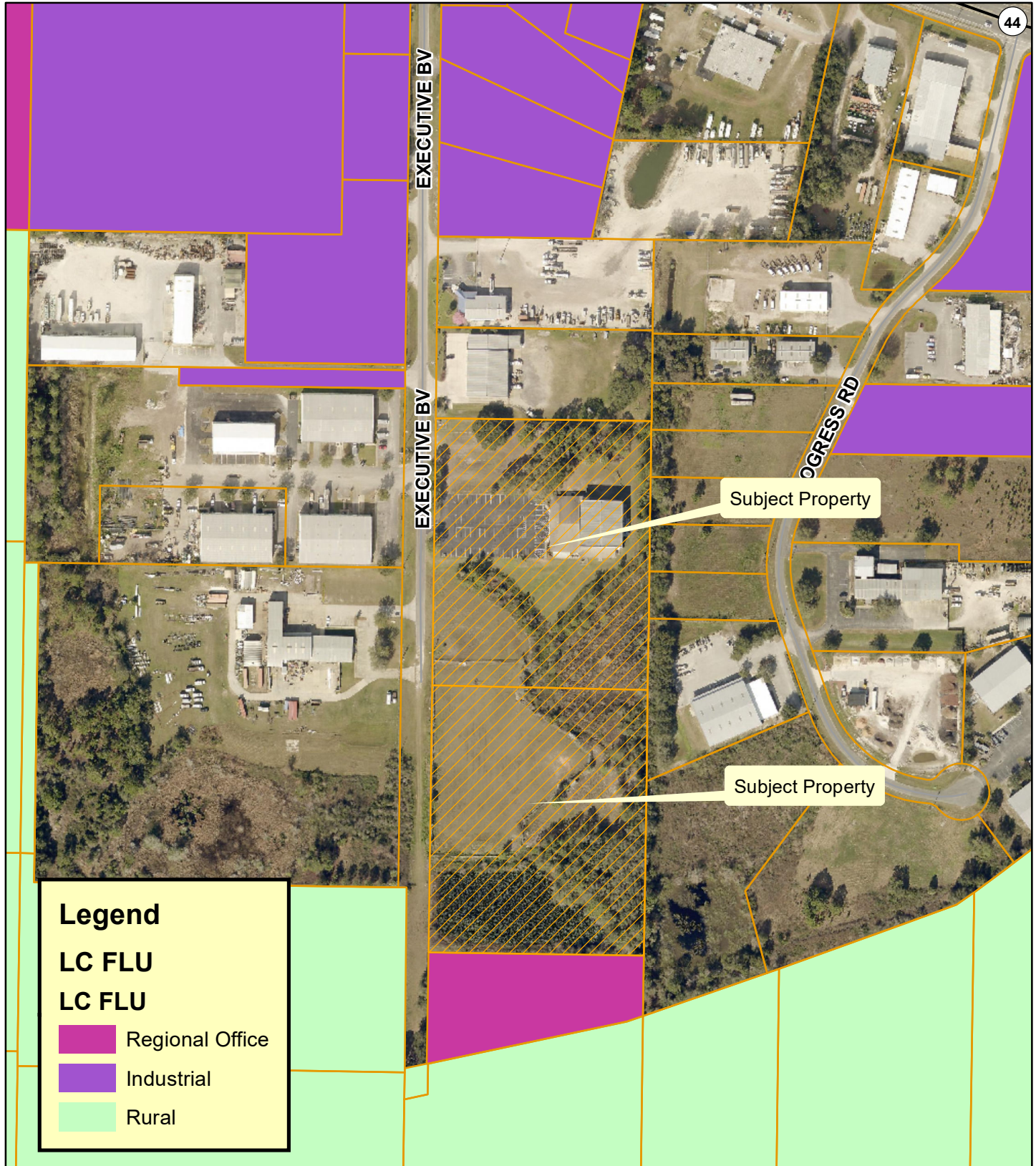


**Planning
& Zoning
Division**

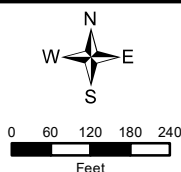


Good News Church Public / Private Partnership
SPUD-23-314
400 Executive Boulevard, Leesburg, FL 34748
AK #: 2908874, 2940760
Section 29, Township 19 South, Range 24 East
June 27, 2023

Lake County Future Land Use



**Planning
& Zoning
Division**

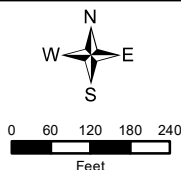


Good News Church Public / Private Partnership
SPUD-23-314
400 Executive Boulevard, Leesburg, FL 34748
AK #: 2908874, 2940760
Section 29, Township 19 South, Range 24 East
June 27, 2023

Surrounding Land Uses

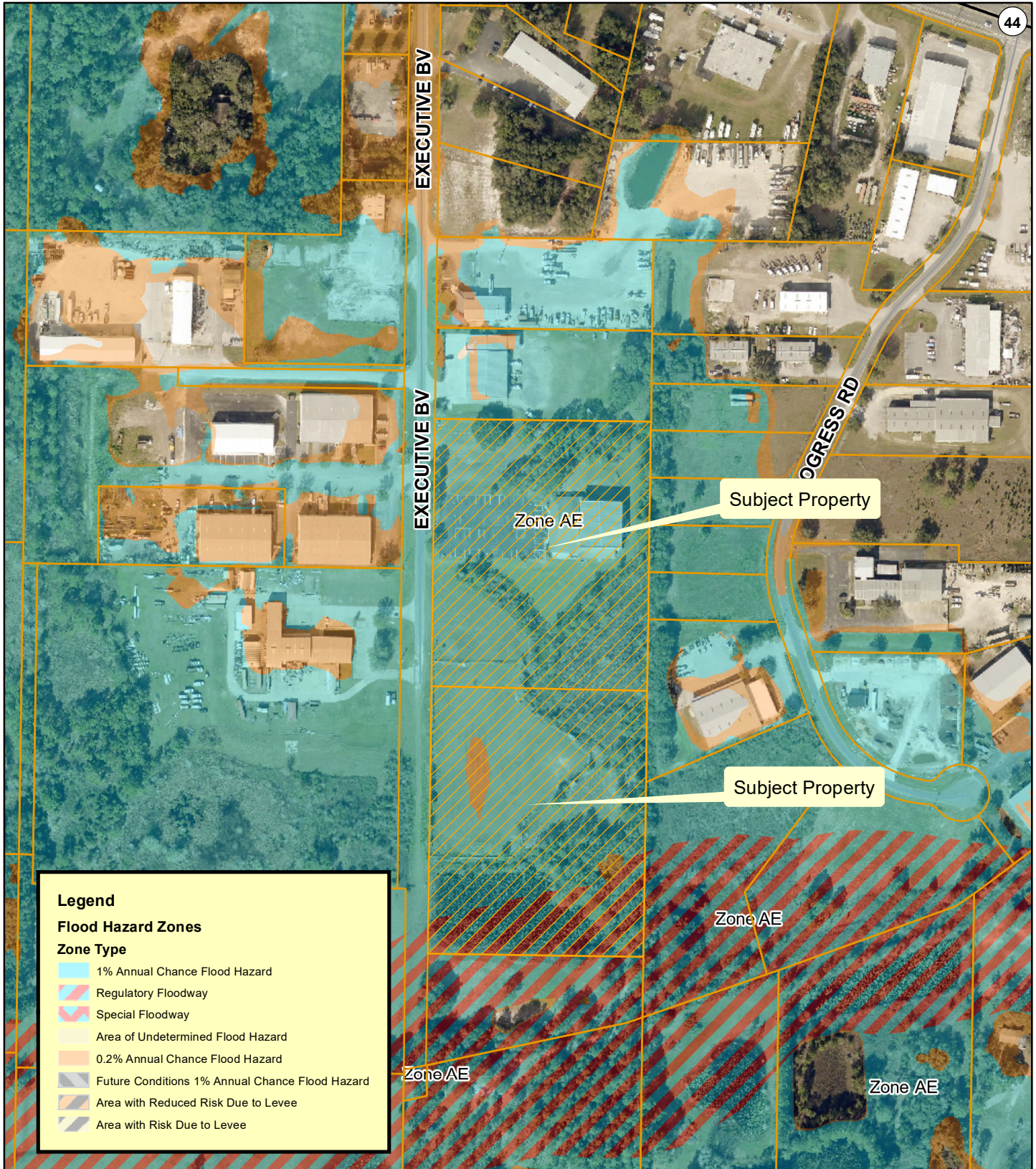


**Planning
& Zoning
Division**

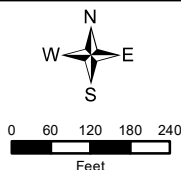


Good News Church Public / Private Partnership
 SPUD-23-314
 400 Executive Boulevard, Leesburg, FL 34748
 AK #: 2908874, 2940760
 Section 29, Township 19 South, Range 24 East
 June 27, 2023

Flood Zone

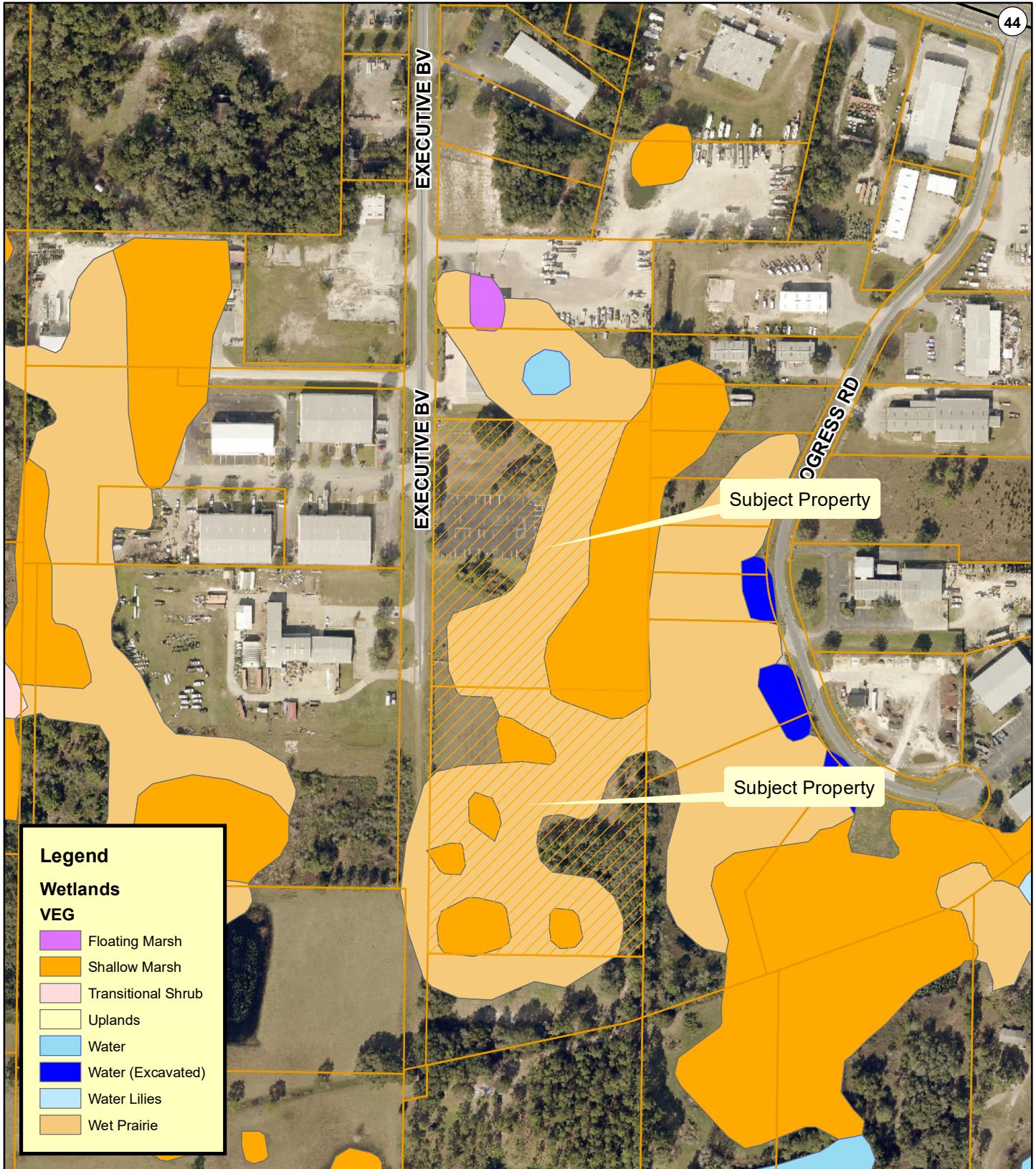


**Planning
& Zoning
Division**

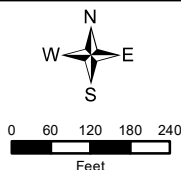


Good News Church Public / Private Partnership
SPUD-23-314
400 Executive Boulevard, Leesburg, FL 34748
AK #: 2908874, 2940760
Section 29, Township 19 South, Range 24 East
June 27, 2023

Wetlands

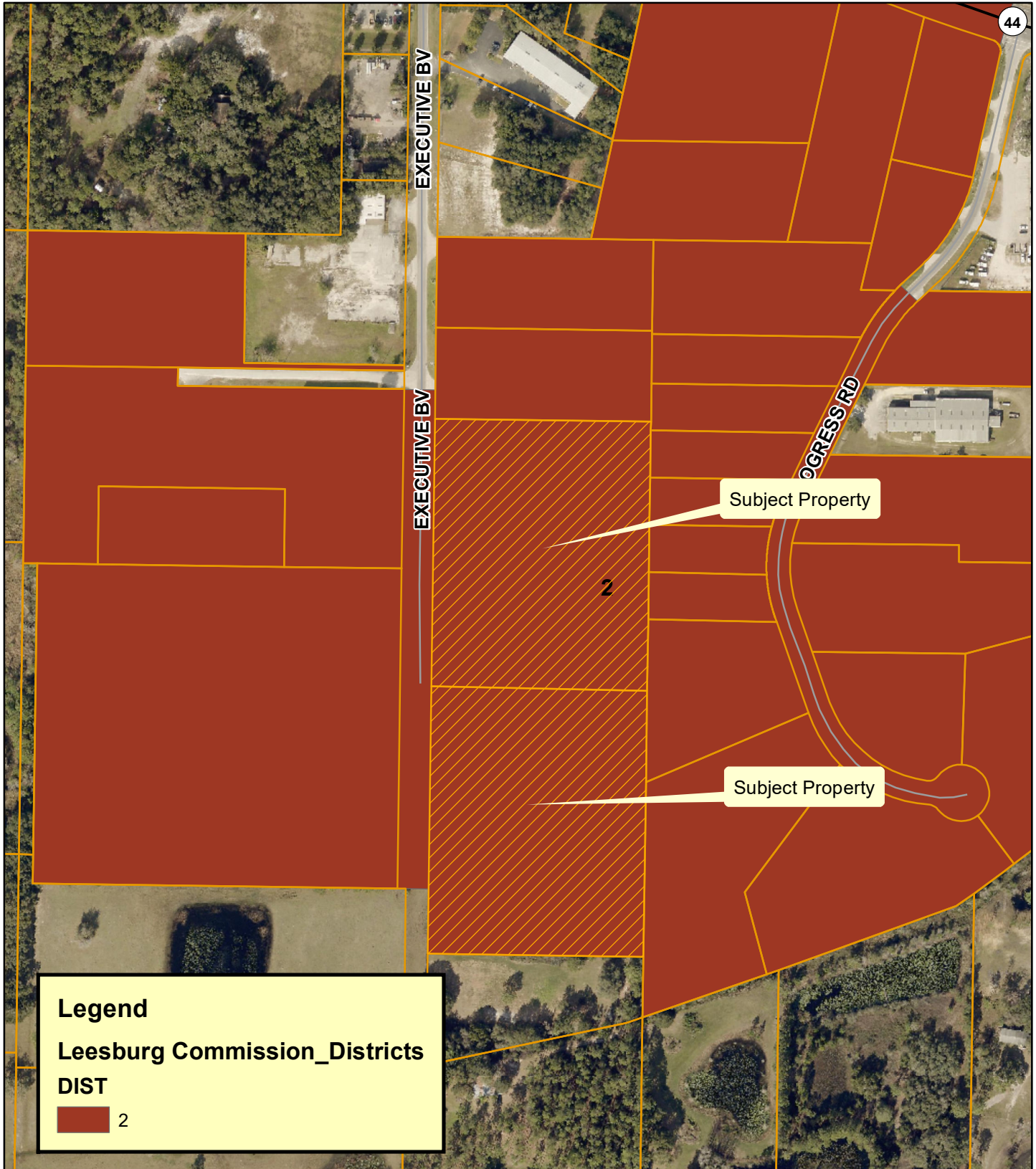


**Planning
& Zoning
Division**

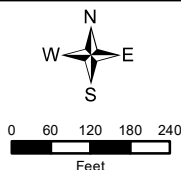


Good News Church Public / Private Partnership
 SPUD-23-314
 400 Executive Boulevard, Leesburg, FL 34748
 AK #: 2908874, 2940760
 Section 29, Township 19 South, Range 24 East
 June 27, 2023

Commission District



**Planning
& Zoning
Division**



Good News Church Public / Private Partnership
SPUD-23-314
400 Executive Boulevard, Leesburg, FL 34748
AK #: 2908874, 2940760
Section 29, Township 19 South, Range 24 East
June 27, 2023

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.9.

Meeting Date: August 28, 2023

From: Al Minner, (City Manager)

Subject: An Ordinance of the City of Leesburg, Florida amending the City Code of Ordinances by amending Chapter 5, Section 5-6, Consumption of and open containers prohibited on public property; exceptions; amending Section 5-6.2 Consumption of or possession of alcohol in open containers near store selling alcoholic beverages; amending Chapter 18, Streets, Sidewalks, and other Public Places; providing for severability; providing for conflicts; providing for inclusion in the Code of Ordinances; and providing for an effective period and effective date.

Staff Recommendation:

Hear the ordinance on first reading and set second reading/public hearing.

Analysis:

The proposed ordinance allows for open containers in the downtown business district. The concept seeks to promote and draw more economic activity in the City's central downtown and is widely supported by the City's merchants and business owners. Commissioner Reisman has requested that the Commission consider such modifications to the Code of Ordinances.

Procurement Analysis:

Options:

1. Approve Ordinance as presented; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

ORDINANCE NO. 2023-_____

**AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA
AMENDING THE CITY CODE OF ORDINANCES BY
AMENDING CHAPTER 5, SECTION 5-6, CONSUMPTION
OF AND OPEN CONTAINERS PROHIBITED ON PUBLIC
PROPERTY; EXCEPTIONS; AMENDING SEC. 5-6.2.
CONSUMPTION OF OR POSSESSION OF ALCOHOL IN
OPEN CONTAINERS NEAR STORE SELLING
ALCOHOLIC BEVERAGES; AMENDING CHAPTER 18,
STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
CONFLICTS; PROVIDING FOR INCLUSION IN THE
CODE OF ORDINANCES; AND PROVIDING FOR AN
EFFECTIVE PERIOD AND AN EFFECTIVE DATE.**

WHEREAS, The City of Leesburg desires to adopt regulations that will encourage and promote entertainment, use and enjoyment of public places, and patronage of businesses within the City; and

WHEREAS, consistent with the foregoing, the City of Leesburg has proposed these changes to Chapter 5, Sections 5-6, and 5-6.2, and Chapter 18 of the City Code and has determined that it is appropriate and in accordance with protecting and promoting the health, safety and welfare of the community.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF LEESBURG, FLORIDA, AS FOLLOWS:**

Section 1. Recitals. The above recitals are adopted and incorporated herein by reference.

Section 2. Text Amendment. Chapter 5, Section 5-6 of the City of Leesburg Code of Ordinances shall be amended as follows:

Sec. 5-6. Consumption of and open containers prohibited on public property; exceptions.

- (a) It shall be unlawful for any person to consume, or to possess an open container of, any alcoholic beverage, including, but not limited to, beer and wine, upon any of the following properties used by the city: parks, beaches, athletic or sports facilities, playgrounds, properties, streets, alleys, or sidewalks; provided, that this section shall not apply to any property leased from the city on a short or long term basis, by private organizations or parties, civic clubs and the like. This provision shall not apply for those businesses with an approved sidewalk café agreement ratified by the city commission, ~~or~~ within the area designated for an approved special event, where any group or individual has obtained a special event permit and has been authorized in the permit to sell or have sold alcoholic beverages, or within the Downtown Entertainment District in conformance with the requirements of Chapter 18, Article V of this Code.

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

- (b) It shall not be a violation of subsection (a) for a person to engage in the activity prohibited by subsection (a) if the activity meets one (1) of the following conditions:
- (1) The activity is a part of, and in an area designated for a special event. The consumption of alcoholic beverages upon a public street or other public area may be permitted as a part of that event, subject to the conditions imposed by this section and the permit.
 - (2) The vendor/permittee of alcoholic beverages is duly licensed as such under the laws of Florida and has been granted a temporary permit, pursuant to this section, permitting such consumption to occur in a specified area as a part of a special event; however, in no event shall any permit be granted for consumption of alcoholic beverages within Rogers Park located on 9th Street.
 - (3) The following conditions shall be met by the vendor/permittee:
 - (i) The area authorized for the sale of alcohol shall be directly adjacent to the main business premises of the vendor/permittee where alcohol is sold in the normal course of business.
 - (ii) A site plan shall be submitted delineating the area where the vendor/permittee proposes to sell or dispense alcohol, and that area shall be enclosed by a perimeter, such as a fence or tent, with a single point of ingress and egress, to control access to and from the area. A second point of ingress and egress may be permitted if the issue of appropriate access is a matter of the protection of the general peace, property, life or limb as determined by the fire marshal or law enforcement. The area shall also be included within the premises described in the beverage license issued to the vendor/permittee by the state as an area within which the vendor/permittee is permitted by the state to serve alcohol. The fire marshal will assign a maximum capacity to the area and the vendor/permittee shall enforce this maximum capacity and shall not allow it to be occupied at any time by more persons than the assigned maximum capacity.
 - (iii) The access point(s) into and out of the serving area shall be marked with signs informing patrons that alcoholic beverages are not to be taken past the perimeter of the area shown on the site plan, and the vendor/permittee shall staff the entrance with such personnel as are necessary to enforce this condition.
 - (iv) Alcohol shall be served only in plastic cups or plastic bottles, not in cans or in glass bottles, glasses or other glass containers.
 - (v) The vendor/permittee shall provide such additional restroom facilities (e.g. portable potties) as are sufficient to comply with the requirements of subsection (c) below. The permittee shall also provide sufficient trash receptacles to serve the patrons of the permittee so as to prevent the littering of cups, napkins and other debris.
 - (vi) The vendor/permittee shall obtain all necessary building permits and other licenses and approvals for any tent or other structure erected to facilitate use of the area covered by the permit. Under no circumstances shall any ground surface on public property or an easement be punctured or otherwise damaged by the placement or removal of any tent or other structure unless the vendor/permittee first has the appropriate qualified party perform an inspection for the purpose of locating, water, wastewater, electrical and gas lines and if such damage occurs the vendor/permittee

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

shall be liable for the full cost of repairs. If a permit is issued and there are breaches to any public asphalt or concrete surface, the vendor/permittee is fully responsible for any expenses associated with repairing the damages. The vendor/permittee shall comply with all applicable laws, rules and regulations in the operation of its business within the permitted area.

- (4) All non-residential areas and uses, recreational areas and uses, areas of mixed use, and town centers within any age restriction development (ARD) zoning district. All special events held in the non-residential areas and uses, recreational areas and uses, and areas of mixed use within any age restricted development shall be exempt from the requirements in subsections 5-6(b)(1)-(3), (c).
- (5) The activity is conducted within the Downtown Entertainment District and in conformance with all requirements relating to the sale and possession of open containers and consumption of alcohol in the Downtown Entertainment District as set forth in Chapter 18, Article V of this Code.
- (c) Any individual or organization may submit a special event application to the city manager or designee requesting a special event permit granting an exception to subsection (a) for a special event or occasion in a specifically defined area on public property. The request must be submitted a minimum of one hundred (120) days prior to the beginning of the proposed event. The special event application must contain a detailed description of the special event proposed to be conducted. The city manager or his/her designee will coordinate review of the request by the police department and such other departments as the city manager shall designate. The city reserves the right to disapprove any such request and in doing so, may take the following into consideration: (1) whether any department determines the event to be inconsistent with the public interest or to have any adverse effect on the public safety, health, or welfare; (2) whether the event is compatible with the adjacent and surrounding land uses; (3) whether the hours of operation of the event would create a nuisance to residential areas nearby; (4) whether inspection by the building official, police chief or designee, fire chief or designee, or other authorized public official, determines that the site is insufficient to accommodate the anticipated number of attendees; (5) whether there is adequate parking available to accommodate the anticipated number of attendees; (6) whether an authorized public safety official determines that the site of the event does not meet requirements established for similar assemblies, established by law. For additional requirements regarding special events on public property, see chapter 26, Special Events, of this Code.

Section 3. Text Amendment. Chapter 5, Section 5-6.2 of the City of Leesburg Code of Ordinances shall be amended as follows:

Sec. 5-6.2. Consumption of or possession of alcohol in open containers near store selling alcoholic beverages.

- (a) *Definitions.* The following definitions shall apply for purposes of this section.
- (1) *Alcoholic beverage* shall, for the purposes of this section only, mean any beverage containing more than one (1) percent of alcohol by volume.

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

- (2) *Food store selling alcoholic beverages* shall mean any food or convenience store which has a license for package sales of alcoholic beverages from the Florida Division of Beverages and Tobacco in the classification of 1-APS, 2-APS, or PS.
 - (3) *Open container* means any bottle, can, cup, glass, or other receptacle containing any alcoholic beverage which is open, which has been opened, which has its seal broken, or which has had its contents partially removed.
 - (4) *Operator* shall mean any person physically present at a store defined in subsection (a)(2), (a)(6) or (a)(8) of this section who is managing said store or is otherwise in charge of its operation.
 - (5) *Owner* shall mean any person holding an occupational license for a store defined in subsection (a)(2), (a)(6) or (a)(8) of this section.
 - (6) *Package store* shall mean any store primarily engaged in the business of selling alcoholic beverages which has a license for package sales from the Florida Division of Beverages and Tobacco in the classification of 1-APS, or 2-APS, or any other PS licenses.
 - (7) *Person* shall mean any individual, firm, partnership, joint venture, syndicate or other group or combination acting as a unit association, corporation, or other legal entity and shall include the plural as well as the singular.
 - (8) *Bar* shall mean any business primarily engaged in the sale of alcoholic beverages for consumption on premises, holding a license for such purpose from the Florida Division of Alcoholic Beverages and Tobacco, in the classification of 1-COP, 2-COP, or any other COP licenses that excludes SRX.
 - (9) *Restaurant* shall, for the purposes of this section only, mean any business holding a license for the sale of alcoholic beverages, issued by the Florida Division of Alcoholic Beverages and Tobacco, in the sub-classification of SRX.
 - (10) *Club* shall mean any private club of other facility or business holding a license from the Florida Division of Alcoholic Beverages and Tobacco, for the sale of alcoholic beverages, as a private club under the provisions of Section 7A-3.019 of the Florida Administrative Code, as amended from time to time, or any successor section of such code.
- (b) *Public nuisance, unlawful acts.*
- (1) It is a public nuisance and shall be unlawful and in violation of this section for any person to consume any alcoholic beverages outside of but within one hundred (100) feet of any club, restaurant, bar, package store, or food store selling alcoholic beverages, except as otherwise authorized by Sec. 5-6(b)(4) above.
 - (2) It is a public nuisance and shall be unlawful and in violation of this section for any person to possess an open container of alcoholic beverages while stopping, standing, or remaining outside of but within one hundred (100) feet of any club, restaurant, bar, package store, or food store selling alcoholic beverages, except as otherwise authorized by Sec. 5-6(b)(4) above
 - (3) The owner or operator of any club, restaurant, bar, package store, or other establishment selling alcoholic beverages shall prominently post, on the outside of each entrance and

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscoring type are additions.

on the inside of the main customer exit of each bar, package store, or other establishment selling alcoholic beverages and duly licensed for on premises consumption, a legible sign with contrasting letters, stating the following:

EXCEPT AS PERMITTED BY CHAPTER 18, ARTICLE V OF THE CITY OF LEESBURG CODE OF ORDINANCES, IT IS UNLAWFUL FOR ANY PERSON TO CONSUME, OR POSSESS, IN ANY OPEN CONTAINER, ANY ALCOHOLIC BEVERAGE OUTSIDE OF BUT WITHIN 100 FEET OF ANY PART OF THIS STORE, INCLUDING PARKING LOTS. VIOLATORS ARE SUBJECT TO ARREST AND PROSECUTION.

- (4) The owner or operator of any package store, or other establishment selling alcoholic beverages shall prominently post, on the outside of each entrance and on the inside of the main customer exit of each package store or other establishment selling alcoholic beverages and not duly licensed for on premises consumption, a legible sign with contrasting letters, stating the following:

EXCEPT AS PERMITTED BY CHAPTER 18, ARTICLE V OF THE CITY OF LEESBURG CODE OF ORDINANCES, IT IS UNLAWFUL FOR ANY PERSON TO CONSUME, OR POSSESS, IN ANY OPEN CONTAINER, ANY ALCOHOLIC BEVERAGE IN THIS STORE OR WITHIN 100 FEET OF ANY PART OF THIS STORE, INCLUDING PARKING LOTS. VIOLATORS ARE SUBJECT TO ARREST AND PROSECUTION.

- (c) *Area of applicability and exceptions.* For the purpose of this section the area within one hundred (100) feet of a club, restaurant, bar, package store, or other establishment selling alcoholic beverages, shall be the area within a one-hundred-foot radius of any part of such business, but shall not include any property lawfully used for a private residence or any area where possession or consumption of alcoholic beverages is specifically permitted by Chapter 18, Article V of this Code, any lawful license or permit.
- (d) *Penalties.* A violation of this section shall constitute a second degree misdemeanor and shall be punishable in accordance with F.S. § 562.45 prescribing punishment for a second degree misdemeanor as of the date of the infraction.

Section 4. Text Amendment. Chapter 18, of the City of Leesburg Code of Ordinances is amended to include the following:

Chapter 18 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE V. – DOWNTOWN ENTERTAINMENT DISTRICT

Sec. 18-123. – Purpose.

The purpose of this article is to encourage the location of entertainment, retail, and restaurant uses in a limited defined area within the City hereafter referred to as the Downtown Entertainment District. The regulations within this article are enacted to foster and create a variety of amenities to be offered to the public in a convenient physical location which will promote pedestrian use with an attendant decrease in vehicular traffic; provide for more efficient and effective public safety enforcement in a defined area; foster a mutual relationship among

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

businesses in the Downtown Entertainment District; promote patronage of businesses within the Downtown Entertainment District; and encourage private development of entertainment facilities which enhance and compliment the use of the public facilities in the Downtown Entertainment District.

Sec. 18-124. – Downtown Entertainment District boundaries.

The Downtown Entertainment District shall mean the area depicted in Exhibit “A” attached to the ordinance from which this article derives and is generally described as follows:

Sec. 18-125. – Outside consumption of alcoholic beverages.

(1) *On-street possession/consumption hours.* Outdoor or open possession and/or consumption of any alcoholic beverage within the Downtown Entertainment District dispensed by an establishment licensed to dispense alcoholic beverages is authorized Monday through Sunday between the hours of 10:00 a.m. and midnight.

(2) *One drink on-street limit.* Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a clear plastic container for removal from the premises, provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.

(3) *Size limited to 16 ounces.* No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined Downtown Entertainment District, any open alcoholic beverage container which exceeds 16 fluid ounces in size

(4) *Drinking from can, bottle or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, except pursuant to an approved sidewalk café agreement.

Sec. 18-126.- Hours for music and entertainment.

Music, singing and other forms of entertainment, whether amplified or not, shall be permitted indoors at any time during business hours of any facility or business enterprise within the Downtown Entertainment District, however, such outdoor music, singing and entertainment shall only be permitted between the hours of 10:00 a.m. and midnight. Entertainment provided in compliance with this section shall not be considered a public nuisance.

Sec. 18-127.- Games, sporting events and entertainment.

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

Games, sporting events, artistic performances and other such forms of organized entertainment are encouraged and allowed within the downtown entertainment district, subject to compliance with all applicable safety regulations and approved through the permitting process.

Secs. 18-128 – 18-150. – Reserved.

Section 5. Severability and Conflicts. The provisions of this ordinance are severable, and it is the intention of the City Commission to confer the whole or any part of the powers herein provided. If any court of competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the decision of such court shall not impair any remaining provisions of this ordinance.

Section 6. Effective Date and Effective Period. This Ordinance shall take effect immediately upon its final adoption by the City Commission and shall expire on August 28, 2024, at which time Section 5.6, Section 5-6.2 and Sections 18.126-150 of the Code of Ordinances shall revert to its text as it existed prior to passage of this Ordinance.

Section 7. Incorporation into Code. The provisions of this ordinance are intended to be incorporated into the City of Leesburg’s Code of Ordinances, and sections of this Ordinance may be renumbered, relettered, and the word “ordinance” may be changed to “section,” “article,” or any other word or phrase in order to accomplish such intention.

PASSED AND ADOPTED this 28th day of August, 2023 by the City Commission of the City of Leesburg, Florida.

James A. Burry, Jr., Mayor

ATTEST:

City Clerk

Approved as to form:

William Grant Watson, City Attorney

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscoring type are additions.

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA AMENDING THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER 5, SECTION 5-6, CONSUMPTION OF AND OPEN CONTAINERS PROHIBITED ON PUBLIC PROPERTY; EXCEPTIONS; AMENDING SEC. 5-6.2. CONSUMPTION OF OR POSSESSION OF ALCOHOL IN OPEN CONTAINERS NEAR STORE SELLING ALCOHOLIC BEVERAGES; AMENDING CHAPTER 18, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE PERIOD AND AN EFFECTIVE DATE.

WHEREAS, The City of Leesburg desires to adopt regulations that will encourage and promote entertainment, use and enjoyment of public places, and patronage of businesses within the City; and

WHEREAS, consistent with the foregoing, the City of Leesburg has proposed these changes to Chapter 5, Sections 5-6, and 5-6.2, and Chapter 18 of the City Code and has determined that it is appropriate and in accordance with protecting and promoting the health, safety and welfare of the community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are adopted and incorporated herein by reference.

Section 2. Text Amendment. Chapter 5, Section 5-6 of the City of Leesburg Code of Ordinances shall be amended as follows:

Sec. 5-6. Consumption of and open containers prohibited on public property; exceptions.

- (a) It shall be unlawful for any person to consume, or to possess an open container of, any alcoholic beverage, including, but not limited to, beer and wine, upon any of the following properties used by the city: parks, beaches, athletic or sports facilities, playgrounds, properties, streets, alleys, or sidewalks; provided, that this section shall not apply to any property leased from the city on a short or long term basis, by private organizations or parties, civic clubs and the like. This provision shall not apply for those businesses with an approved sidewalk café agreement ratified by the city commission, within the area designated for an approved special event, where any group or individual has obtained a special event permit and has been authorized in the permit to sell or have sold alcoholic beverages, or within the Downtown Entertainment District in conformance with the requirements of Chapter 18, Article V of this Code.

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscoring type are additions.

- (b) It shall not be a violation of subsection (a) for a person to engage in the activity prohibited by subsection (a) if the activity meets one (1) of the following conditions:
- (1) The activity is a part of, and in an area designated for a special event. The consumption of alcoholic beverages upon a public street or other public area may be permitted as a part of that event, subject to the conditions imposed by this section and the permit.
 - (2) The vendor/permittee of alcoholic beverages is duly licensed as such under the laws of Florida and has been granted a temporary permit, pursuant to this section, permitting such consumption to occur in a specified area as a part of a special event; however, in no event shall any permit be granted for consumption of alcoholic beverages within Rogers Park located on 9th Street.
 - (3) The following conditions shall be met by the vendor/permittee:
 - (i) The area authorized for the sale of alcohol shall be directly adjacent to the main business premises of the vendor/permittee where alcohol is sold in the normal course of business.
 - (ii) A site plan shall be submitted delineating the area where the vendor/permittee proposes to sell or dispense alcohol, and that area shall be enclosed by a perimeter, such as a fence or tent, with a single point of ingress and egress, to control access to and from the area. A second point of ingress and egress may be permitted if the issue of appropriate access is a matter of the protection of the general peace, property, life or limb as determined by the fire marshal or law enforcement. The area shall also be included within the premises described in the beverage license issued to the vendor/permittee by the state as an area within which the vendor/permittee is permitted by the state to serve alcohol. The fire marshal will assign a maximum capacity to the area and the vendor/permittee shall enforce this maximum capacity and shall not allow it to be occupied at any time by more persons than the assigned maximum capacity.
 - (iii) The access point(s) into and out of the serving area shall be marked with signs informing patrons that alcoholic beverages are not to be taken past the perimeter of the area shown on the site plan, and the vendor/permittee shall staff the entrance with such personnel as are necessary to enforce this condition.
 - (iv) Alcohol shall be served only in plastic cups or plastic bottles, not in cans or in glass bottles, glasses or other glass containers.
 - (v) The vendor/permittee shall provide such additional restroom facilities (e.g. portable potties) as are sufficient to comply with the requirements of subsection (c) below. The permittee shall also provide sufficient trash receptacles to serve the patrons of the permittee so as to prevent the littering of cups, napkins and other debris.
 - (vi) The vendor/permittee shall obtain all necessary building permits and other licenses and approvals for any tent or other structure erected to facilitate use of the area covered by the permit. Under no circumstances shall any ground surface on public property or an easement be punctured or otherwise damaged by the placement or removal of any tent or other structure unless the vendor/permittee first has the appropriate qualified party perform an inspection for the purpose of locating, water, wastewater, electrical and gas lines and if such damage occurs the vendor/permittee

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscoring type are additions.

shall be liable for the full cost of repairs. If a permit is issued and there are breaches to any public asphalt or concrete surface, the vendor/permittee is fully responsible for any expenses associated with repairing the damages. The vendor/permittee shall comply with all applicable laws, rules and regulations in the operation of its business within the permitted area.

- (4) All non-residential areas and uses, recreational areas and uses, areas of mixed use, and town centers within any age restriction development (ARD) zoning district. All special events held in the non-residential areas and uses, recreational areas and uses, and areas of mixed use within any age restricted development shall be exempt from the requirements in subsections 5-6(b)(1)-(3), (c).
- (5) The activity is conducted within the Downtown Entertainment District and in conformance with all requirements relating to the sale and possession of open containers and consumption of alcohol in the Downtown Entertainment District as set forth in Chapter 18, Article V of this Code.
- (c) Any individual or organization may submit a special event application to the city manager or designee requesting a special event permit granting an exception to subsection (a) for a special event or occasion in a specifically defined area on public property. The request must be submitted a minimum of one hundred (120) days prior to the beginning of the proposed event. The special event application must contain a detailed description of the special event proposed to be conducted. The city manager or his/her designee will coordinate review of the request by the police department and such other departments as the city manager shall designate. The city reserves the right to disapprove any such request and in doing so, may take the following into consideration: (1) whether any department determines the event to be inconsistent with the public interest or to have any adverse effect on the public safety, health, or welfare; (2) whether the event is compatible with the adjacent and surrounding land uses; (3) whether the hours of operation of the event would create a nuisance to residential areas nearby; (4) whether inspection by the building official, police chief or designee, fire chief or designee, or other authorized public official, determines that the site is insufficient to accommodate the anticipated number of attendees; (5) whether there is adequate parking available to accommodate the anticipated number of attendees; (6) whether an authorized public safety official determines that the site of the event does not meet requirements established for similar assemblies, established by law. For additional requirements regarding special events on public property, see chapter 26, Special Events, of this Code.

Section 3. Text Amendment. Chapter 5, Section 5-6.2 of the City of Leesburg Code of Ordinances shall be amended as follows:

Sec. 5-6.2. Consumption of or possession of alcohol in open containers near store selling alcoholic beverages.

- (a) *Definitions.* The following definitions shall apply for purposes of this section.
 - (1) *Alcoholic beverage* shall, for the purposes of this section only, mean any beverage containing more than one (1) percent of alcohol by volume.

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscoring type are additions.

- (2) *Food store selling alcoholic beverages* shall mean any food or convenience store which has a license for package sales of alcoholic beverages from the Florida Division of Beverages and Tobacco in the classification of 1-APS, 2-APS, or PS.
- (3) *Open container* means any bottle, can, cup, glass, or other receptacle containing any alcoholic beverage which is open, which has been opened, which has its seal broken, or which has had its contents partially removed.
- (4) *Operator* shall mean any person physically present at a store defined in subsection (a)(2), (a)(6) or (a)(8) of this section who is managing said store or is otherwise in charge of its operation.
- (5) *Owner* shall mean any person holding an occupational license for a store defined in subsection (a)(2), (a)(6) or (a)(8) of this section.
- (6) *Package store* shall mean any store primarily engaged in the business of selling alcoholic beverages which has a license for package sales from the Florida Division of Beverages and Tobacco in the classification of 1-APS, or 2-APS, or any other PS licenses.
- (7) *Person* shall mean any individual, firm, partnership, joint venture, syndicate or other group or combination acting as a unit association, corporation, or other legal entity and shall include the plural as well as the singular.
- (8) *Bar* shall mean any business primarily engaged in the sale of alcoholic beverages for consumption on premises, holding a license for such purpose from the Florida Division of Alcoholic Beverages and Tobacco, in the classification of 1-COP, 2-COP, or any other COP licenses that excludes SRX.
- (9) *Restaurant* shall, for the purposes of this section only, mean any business holding a license for the sale of alcoholic beverages, issued by the Florida Division of Alcoholic Beverages and Tobacco, in the sub-classification of SRX.
- (10) *Club* shall mean any private club of other facility or business holding a license from the Florida Division of Alcoholic Beverages and Tobacco, for the sale of alcoholic beverages, as a private club under the provisions of Section 7A-3.019 of the Florida Administrative Code, as amended from time to time, or any successor section of such code.

(b) *Public nuisance, unlawful acts.*

- (1) It is a public nuisance and shall be unlawful and in violation of this section for any person to consume any alcoholic beverages outside of but within one hundred (100) feet of any club, restaurant, bar, package store, or food store selling alcoholic beverages, except as otherwise authorized by Sec. 5-6(b)(4) above.
- (2) It is a public nuisance and shall be unlawful and in violation of this section for any person to possess an open container of alcoholic beverages while stopping, standing, or remaining outside of but within one hundred (100) feet of any club, restaurant, bar, package store, or food store selling alcoholic beverages, except as otherwise authorized by Sec. 5-6(b)(4) above
- (3) The owner or operator of any club, restaurant, bar, package store, or other establishment selling alcoholic beverages shall prominently post, on the outside of each entrance and

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscoring type are additions.

on the inside of the main customer exit of each bar, package store, or other establishment selling alcoholic beverages and duly licensed for on premises consumption, a legible sign with contrasting letters, stating the following:

EXCEPT AS PERMITTED BY CHAPTER 18, ARTICLE V OF THE CITY OF LEESBURG CODE OF ORDINANCES, IT IS UNLAWFUL FOR ANY PERSON TO CONSUME, OR POSSESS, IN ANY OPEN CONTAINER, ANY ALCOHOLIC BEVERAGE OUTSIDE OF BUT WITHIN 100 FEET OF ANY PART OF THIS STORE, INCLUDING PARKING LOTS. VIOLATORS ARE SUBJECT TO ARREST AND PROSECUTION.

- (4) The owner or operator of any package store, or other establishment selling alcoholic beverages shall prominently post, on the outside of each entrance and on the inside of the main customer exit of each package store or other establishment selling alcoholic beverages and not duly licensed for on premises consumption, a legible sign with contrasting letters, stating the following:

EXCEPT AS PERMITTED BY CHAPTER 18, ARTICLE V OF THE CITY OF LEESBURG CODE OF ORDINANCES, IT IS UNLAWFUL FOR ANY PERSON TO CONSUME, OR POSSESS, IN ANY OPEN CONTAINER, ANY ALCOHOLIC BEVERAGE IN THIS STORE OR WITHIN 100 FEET OF ANY PART OF THIS STORE, INCLUDING PARKING LOTS. VIOLATORS ARE SUBJECT TO ARREST AND PROSECUTION.

- (c) *Area of applicability and exceptions.* For the purpose of this section the area within one hundred (100) feet of a club, restaurant, bar, package store, or other establishment selling alcoholic beverages, shall be the area within a one-hundred-foot radius of any part of such business, but shall not include any property lawfully used for a private residence or any area where possession or consumption of alcoholic beverages is specifically permitted by Chapter 18, Article V of this Code, any lawful license or permit.
- (d) *Penalties.* A violation of this section shall constitute a second degree misdemeanor and shall be punishable in accordance with F.S. § 562.45 prescribing punishment for a second degree misdemeanor as of the date of the infraction.

Section 4. Text Amendment. Chapter 18, of the City of Leesburg Code of Ordinances is amended to include the following:

Chapter 18 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE V. – DOWNTOWN ENTERTAINMENT DISTRICT

Sec. 18-123. – Purpose.

The purpose of this article is to encourage the location of entertainment, retail, and restaurant uses in a limited defined area within the City hereafter referred to as the Downtown Entertainment District. The regulations within this article are enacted to foster and create a variety of amenities to be offered to the public in a convenient physical location which will promote pedestrian use with an attendant decrease in vehicular traffic; provide for more efficient and effective public safety enforcement in a defined area; foster a mutual relationship among

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscoring type are additions.

businesses in the Downtown Entertainment District; promote patronage of businesses within the Downtown Entertainment District; and encourage private development of entertainment facilities which enhance and compliment the use of the public facilities in the Downtown Entertainment District.

Sec. 18-124. – Downtown Entertainment District boundaries.

The Downtown Entertainment District shall mean the area depicted in Exhibit “A” attached to the ordinance from which this article derives and is generally described as follows:

Sec. 18-125. – Outside consumption of alcoholic beverages.

(1) *On-street possession/consumption hours.* Outdoor or open possession and/or consumption of any alcoholic beverage within the Downtown Entertainment District dispensed by an establishment licensed to dispense alcoholic beverages is authorized Monday through Sunday between the hours of 10:00 a.m. and midnight.

(2) *One drink on-street limit.* Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a clear plastic container for removal from the premises, provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.

(3) *Size limited to 16 ounces.* No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined Downtown Entertainment District, any open alcoholic beverage container which exceeds 16 fluid ounces in size

(4) *Drinking from can, bottle or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, except pursuant to an approved sidewalk café agreement.

Sec. 18-126.- Hours for music and entertainment.

Music, singing and other forms of entertainment, whether amplified or not, shall be permitted indoors at any time during business hours of any facility or business enterprise within the Downtown Entertainment District, however, such outdoor music, singing and entertainment shall only be permitted between the hours of 10:00 a.m. and midnight. Entertainment provided in compliance with this section shall not be considered a public nuisance.

Sec. 18-127.- Games, sporting events and entertainment.

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

Games, sporting events, artistic performances and other such forms of organized entertainment are encouraged and allowed within the downtown entertainment district, subject to compliance with all applicable safety regulations and approved through the permitting process.

Secs. 18-128 – 18-150. – Reserved.

Section 5. Severability and Conflicts. The provisions of this ordinance are severable, and it is the intention of the City Commission to confer the whole or any part of the powers herein provided. If any court of competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the decision of such court shall not impair any remaining provisions of this ordinance.

Section 6. Effective Date and Effective Period. This Ordinance shall take effect immediately upon its final adoption by the City Commission and shall expire on August 28, 2024, at which time Section 5.6, Section 5-6.2 and Sections 18.126-150 of the Code of Ordinances shall revert to its text as it existed prior to passage of this Ordinance.

Section 7. Incorporation into Code. The provisions of this ordinance are intended to be incorporated into the City of Leesburg’s Code of Ordinances, and sections of this Ordinance may be renumbered, relettered, and the word “ordinance” may be changed to “section,” “article,” or any other word or phrase in order to accomplish such intention.

PASSED AND ADOPTED this 28th day of August, 2023 by the City Commission of the City of Leesburg, Florida.

James A. Burry, Jr., Mayor

ATTEST:

City Clerk

Approved as to form:

William Grant Watson, City Attorney

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscoring type are additions.

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.B.1.

Meeting Date: August 28, 2023

From: Dan Miller, (Planning and Zoning Director), Kandi Harper, (Planner)

Subject: An Ordinance of the City of Leesburg, Florida, ratifying and readopting Ordinance 17-07, pertaining to a change in the Future Land Use Element of the City of Leesburg Comprehensive Plan, to establish the Orange Bend Future Land Use Designation and creating applicable Goals, Objectives and Policies, and ratifying and readopting Ordinance 17-08 pertaining to a change in the Future Land Use Map to Orange Bend, for property generally situated in Section 33, Township 18 South, Range 25 East, Lake County, Florida, to ensure compliance with the procedures of Chapter 163, Florida Statutes for adopting Large Scale Comprehensive Plan Amendments relating to said property, directing transmittal to the reviewing agencies; providing for severability; and providing an effective date. (Orange Bend)

Staff Recommendation:

Staff recommends approval of the request to amend the City's Comprehensive Plan to ensure compliance with Chapter 163, Florida Statutes.

Analysis:

In 2017, Planning and Zoning staff prepared and forwarded to the City Commission, in compliance with Florida Statutes, Ordinances 17-07 and 17-08, for the purpose of creating and adopting the Orange Bend Future Land Use category for an area generally located north and west of County Road 44 and South of Haines Creek. At that time, the City Commission did approve these ordinances, after receiving written comments and affirmative recommendations from the City of Leesburg Planning Commission. Although the Ordinances 17-07 and 17-08 were properly adopted in accordance with the procedures of Section 166.041, Florida Statutes, it's unclear whether the ordinances were correctly transmitted to the reviewing agencies in accordance with the specific requirements for large-scale comprehensive plan amendments as set forth in Section 163.3184(3), Florida Statutes. In an abundance of caution, Staff respectfully requests that the Commission ratify and readopt as shown herein. This action will ensure full compliance with all procedures for adopting large-scale amendments to the City's Comprehensive Plan as outlined in Section 163.3184 (3).

Procurement Analysis:

N/A

Options:

1. Approve the request to adopt the large-scale comprehensive plan amendments as presented; or
2. Other action as the Commission may choose.

Fiscal Impact:

No fiscal impact is anticipated as a result of this request.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, RATIFYING AND READOPTING ORDINANCE 17-07, PERTAINING TO A CHANGE IN THE FUTURE LAND USE ELEMENT OF THE CITY OF LEESBURG COMPREHENSIVE PLAN, TO ESTABLISH THE ORANGE BEND FUTURE LAND USE DESIGNATION AND CREATING APPLICABLE GOALS, OBJECTIVES AND POLICIES, AND RATIFYING AND READOPTING ORDINANCE 17-08 PERTAINING TO A CHANGE IN THE FUTURE LAND USE MAP TO ORANGE BEND, FOR PROPERTY GENERALLY SITUATED IN SECTION 33, TOWNSHIP 18 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, TO ENSURE COMPLIANCE WITH THE PROCEDURES OF CHAPTER 163, FLORIDA STATUTES FOR ADOPTING LARGE SCALE COMPREHENSIVE PLAN AMENDMENTS RELATING TO SAID PROPERTY, DIRECTING TRANSMITTAL TO THE REVIEWING AGENCIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (ORANGE BEND)

WHEREAS, on February 27, 2017, and after compliance with the procedures of ordinance adoption as set forth in Section 166.041, Florida Statutes, the City Commission of the City of Leesburg adopted Ordinance 17-07 pertaining to a change in the future land use element of the Comprehensive Plan to establish the Orange Bend Future Land Use designation, and creating applicable Goals, Objectives, and Policies;

WHEREAS, on February 27, 2017, and after compliance with the procedures of ordinance adoption as set forth in Section 166.041, Florida Statutes, the City Commission of the City of Leesburg adopted Ordinance 17-08 pertaining to a change in future land use from Lake County Rural and Lake County Rural Transition to Orange Bend on certain real property generally situated in Section 33, Township 18 South, Range 25 East, Lake County, Florida;

WHEREAS, Ordinances 17-07 and 17-08 were adopted by the City Commission after receiving written comments and affirmative recommendations to amend the City's Comprehensive Plan from the City of Leesburg Planning Commission, acting as the Local Planning Agency;

WHEREAS, Ordinances 17-07 and 17-08 were adopted by the City Commission after receiving written objections, recommendations, and comments from the general public at public hearings held in accordance with law;

WHEREAS, although Ordinances 17-07 and 17-08 were properly adopted in accordance with the procedures of Section 166.041, Florida Statutes, it is unclear whether the ordinances were transmitted to the Reviewing Agencies in accordance with the requirements for large-scale comprehensive plan amendments as set forth in Section 163.3184(3), Florida Statutes;

WHEREAS, in an abundance of caution, the City Commission wishes to ratify and readopt Ordinances 17-07 and 17-08 consistent with the procedures of Section 163.3184(3), Florida Statutes, to ensure full compliance with all procedures of adopting large-scale amendments to the City's Comprehensive Plan;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
LEESBURG, FLORIDA:**

Section 1. Recitals. The above recitals are hereby restated and are incorporated herein for all purposes.

Section 2. Ratification and Readoption of Ordinances. Ordinances 17-07 and 17-08 are hereby ratified and readopted.

Section 3. Transmittal to Reviewing Agencies. City staff is directed to transmit Ordinances 17-07 and 17-08, this Ordinance, and any other required or requested documents and information to the Reviewing Agencies in accordance with the procedures of Section 163.3184, Florida Statutes, regarding large-scale amendments to the City's Comprehensive Plan.

Section 4. Comprehensive Plan Amendment. The Growth Management Plan of the City of Leesburg, adopted by the City of Leesburg on December 10, 2012, pursuant to the Community Planning Act of 2011, Chapter 163, Part II, Florida Statutes, after public hearing by the City of Leesburg Planning Commission, is hereby amended in the following manner:

The Future Land Use Map is amended by changing the future land use designations on various properties in the city, legally described as:

SEE EXHIBIT "A" ATTACHED HERETO

Section 5. The provisions of this ordinance are severable, and it is the intention of the City Commission of the City of Leesburg, Florida, to confer the whole or any part of the powers herein provided. If any court of competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the decision of such court shall not impair any remaining provisions of this ordinance.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City of Leesburg Commission.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the _____ day of _____, 2023.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

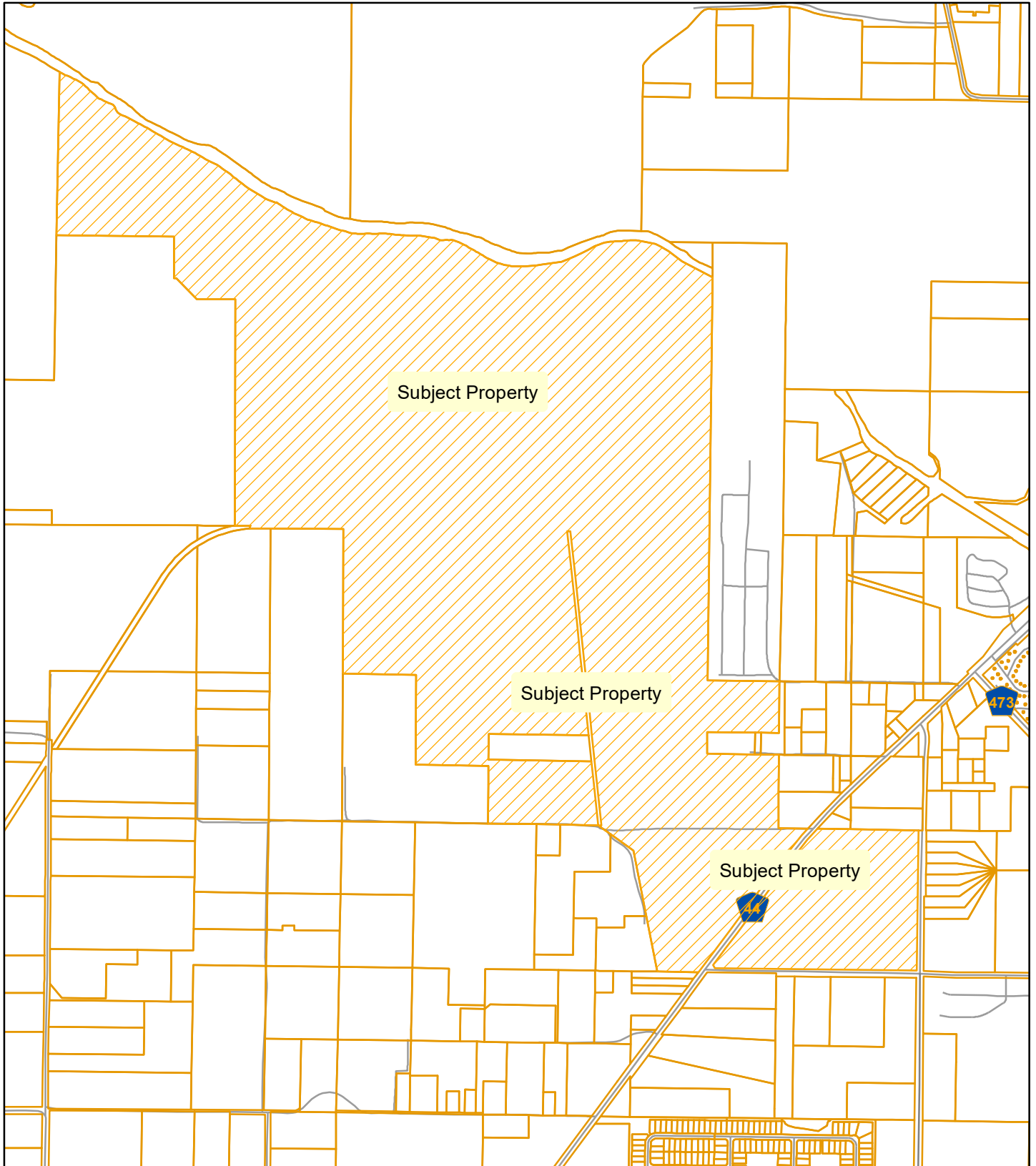
EXHIBIT A
LOWRIE BROWN/ORANGE BEND

LEGAL DESCRIPTION

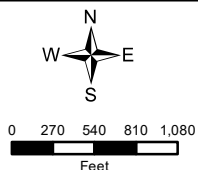
LEGAL DESCRIPTION:

BEGIN AT THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 25, EAST, LAKE COUNTY, FLORIDA, AND RUN THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 TO A POINT ON THE EASTERLY LINE OF LANDS DESCRIBED IN O.R. BOOK 1121, PAGE 272, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE OF LANDS DESCRIBED IN O.R. BOOK 1121, PAGE 272 AND NORTHWESTERLY ALONG THE EASTERLY LINE OF LANDS DESCRIBED IN O.R. BOOK 3572, PAGE 1805, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 25, EAST, LAKE COUNTY, FLORIDA; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3, TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 3; THENCE NORTHERLY ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 TO A POINT ON THE SOUTH LINE OF THE NORTH 815 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 3; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTH 815 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 TO THE SOUTHWEST CORNER OF THE NORTH 815 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 3; THENCE NORTHERLY ALONG THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 TO THE NORTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 3; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 3, TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 3; THENCE NORTHERLY ALONG THE WEST LINE OF THE NORTHWEST 1/4 TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE ABANDONED RAILROAD; THENCE WESTERLY ALONG THE SOUTHERLY RIGHT OF WAY LINE OF THE ABANDONED RAILROAD TO A POINT ON THE WEST LINE OF THE EAST 850 FEET OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 25, EAST, LAKE COUNTY, FLORIDA; THENCE NORTHERLY ALONG THE WEST LINE OF THE EAST 850 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 4, TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 18 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; THENCE WESTERLY ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 33 TO A POINT ON THE EAST LINE OF THE LANDS DESCRIBED IN O.R. BOOK 1639, PAGE 1032, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE NORTHERLY, WESTERLY, NORTHWESTERLY, WESTERLY AND NORTHERLY ALONG THE EASTERLY LINE OF SAID LANDS DESCRIBED IN O.R. BOOK 1639, PAGE 1032 TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 33; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 33; THENCE NORTHERLY ALONG THE WEST LINE OF THE NORTHEAST 1/4 TO THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 33; THENCE EASTERLY ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 TO A POINT ON THE SOUTHERLY BANKS OF THE OKLAWAHA RIVER (ALSO KNOWN AS HAINES CREEK); THENCE SOUTHEASTERLY AND EASTERLY ALONG AND WITH THE SOUTHERLY BANKS OF THE OKLAWAHA RIVER (ALSO KNOWN AS HAINES CREEK) TO A POINT ON THE EAST LINE OF THE WEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 18 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; THENCE SOUTHERLY ALONG THE EAST LINE OF THE WEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 34, TO THE SOUTHEAST CORNER OF THE WEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 34, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; THENCE SOUTHERLY ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 3, TO THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 3; THENCE EASTERLY ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 3; THENCE SOUTHERLY ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 TO THE NORTHEAST CORNER OF THE SOUTH 188 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 3; THENCE WESTERLY ALONG THE NORTH LINE OF THE SOUTH 188 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 3; THENCE SOUTHERLY ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 3; THENCE EASTERLY ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 TO A POINT ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 3; THENCE SOUTHERLY ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 3, SAID POINT ALSO BEING ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 3; THENCE EASTERLY ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4; THENCE SOUTHERLY ALONG THE EAST LINE OF THE SOUTHEAST 1/4 TO THE POINT OF BEGINNING.
LESS ROAD RIGHT OF WAYS.

Locator

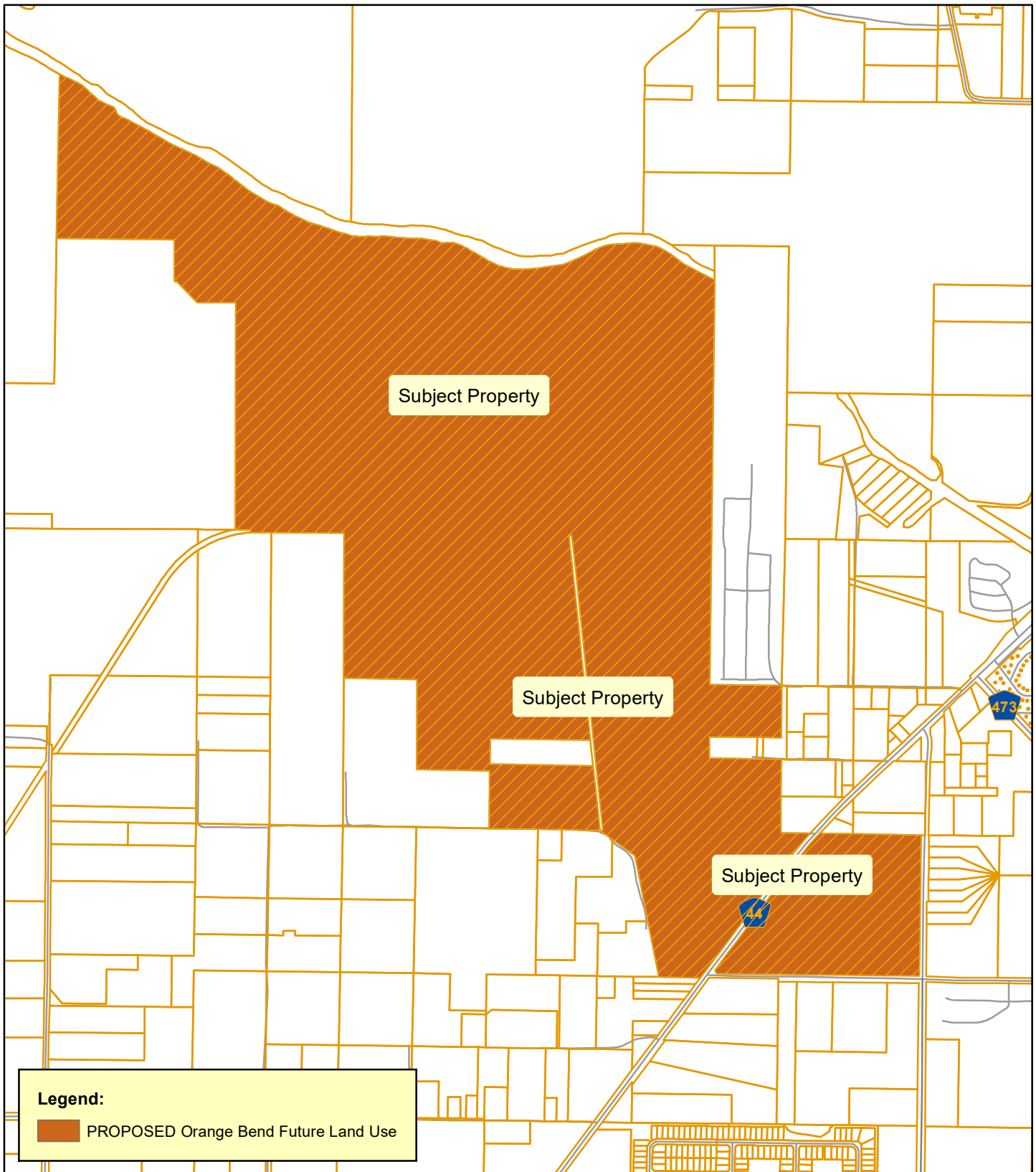


**Planning
& Zoning
Division**

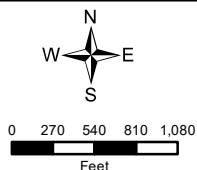


Ratify and Readopt
Ordinance 17-07 and Ordinance 17-08
Section 33, Township 18 South, Range 25 East
August 28, 2023

PROPOSED Orange Bend Future Land Use



**Planning
& Zoning
Division**



Ratify and Readopt
Ordinance 17-07 and Ordinance 17-08
Section 33, Township 18 South, Range 25 East
October 23, 2023

Objective 1.15 Orange Bend Mixed-Use. The City shall apply the Orange Bend Mixed-Use Future Land Use designation where appropriate. The Orange Bend Mixed-Use land use designation requires a mixture of compatible uses, which reinforces an efficient pattern of development, reduces excessive travel demands, promotes multi-modal transportation opportunities, is bicycle and pedestrian friendly, seeks a jobs-housing balance, provides varied housing opportunities, protects and enhances sensitive environmental areas, and provides sites for parks, and other community services. The Orange Bend Mixed-Use designation is intended for a newly developing area which is suitable for urban development and under unified control for master planning. The purpose of the Orange Bend Mixed-Use designation is to encourage flexible and creative site design.

Policy 1.15.1 The Orange Bend Mixed-Use Land Use designation shall permit a mix of uses to include: a mix of residential structures, commercial, professional offices, personal services uses, light industrial (personal and business storage, distribution and assembly), hotel, institutional, medical uses to include ALFs, ILFs, activity and recreational land uses which shall include passive recreational opportunities. All development designated Orange Bend Mixed-Use shall be rezoned to a Planned Unit Development (PUD). The Orange Bend Mixed-Use designation may only apply to developments that are a minimum of 640 MOL gross acres.

The maximum floor area ratios and residential units for the Orange Bend Mixed-Use designation shall be as provided in *Policy 1.1.1 Future Land Use Map*. The Orange Bend Mixed-Use designation shall permit the following mix and range of uses, as enumerated in the chart below or calculated as a percentage of gross acreage:

<u>Land Use</u>	<u>Minimum</u>	<u>Maximum</u>
<u>Residential (total units):</u>		995
<u>Single Family Units:</u>		800
<u>Townhome/Multi-Family Units:</u>		195
<u>Commercial</u>		283,700 SF Floor Area
<u>Community Services (Institutional) site</u>		One (1) acre
<u>Open Space</u>	30%	
<u>Wetlands/Recreation/Conservation</u>	28% MOL	

Residential uses located over retail or office uses shall be permitted in mixed-use areas, but the residential component shall be excluded from the percentage calculation of gross acreage listed above.

Gross density shall not exceed 1.60 dwellings units per acre.

Policy 1.15.2 Residential uses shall be located so as to facilitate bicycle / pedestrian access to retail, office, and other non-residential uses, and to future transit links with the specific intent of reducing automobile dependence and promoting sustainable lifestyle habits. Residential uses may be vertically integrated with office and retail uses.

Policy 1.15.3 The Orange Bend Mixed-Use PUD ordinance shall include design guidelines that emphasize the pedestrian experience and promote a sense of place. Design guidelines shall include: building mass and form; pedestrian, bicycle, and vehicular circulation;

vehicular access; sidewalks; setbacks; open space; parking; service areas; architectural standards; materials; lighting; signage; and streetscapes.

Policy 1.15.4 Office / light industrial uses shall be positioned to attract high-tech/high-value employment. Design of office uses may include corporate campus style development.

Policy 1.15.5 The City of Leesburg shall adopt site-specific sub-policies for any property designated Orange Bend Mixed-Use on the Future Land Use Map. The site-specific sub-policies shall address the following items at a minimum:

1. Development program, including the maximum number of residential units and non-residential square footage allowed on the property;
2. Development phasing plan;
3. Public facilities analysis and mitigation, including strategies to address the supply of the following, at a minimum:
 - a. Transportation facilities,
 - b. Stormwater facilities,
 - c. Water and wastewater facilities,
 - d. Water supply, and
 - e. Public school facilities.

All development designated Orange Bend Mixed-Use shall be rezoned to a Planned Unit Development (PUD). The Orange Bend Mixed-Use PUD ordinance shall establish the permitted development program and may include a land use conversion matrix that will allow the developer to modify the approved acreages and/or square feet permitted for each land use, within certain defined thresholds. These conversions may be made to accommodate changes in market conditions etc., provided they do not exceed twenty-percent (20%) of the approved residential units, non-residential floor area ratio, and acreage of the corresponding land use and as long as there is no net increase in impacts as a result of the land use conversion (including transportation, potable water, water supply, wastewater, stormwater supply and public school impacts). These conversions must also remain within the range of minimum and maximum mixture of uses permitted for the Orange Bend Mixed-Use category (consistent with the *Future Land Use Element Policy 1.15.1*).

Policy 1.15.6 Fire Station Site Institutional. The developer and city shall negotiate the location of an institutional land use on the plat of the subdivision which may be used by the city and/or county for the purposes of housing a fire station, police substation, emergency medical services and other municipal services (i.e.: library, tag office, driver's license office, etc.). The institutional land use shall be located such that it shall service, not only the proposed development, but also the surrounding community. The city shall have the right to take title to the institutional site at any time after the plat of the subdivision is approved. The community center site shall not exceed one (1) acre.

Policy 1.15.7 The PUD shall make provisions to allow for agricultural use of the property to continue, in whole or in part until the Orange Bend development has reached substantial completion of seventy-five percent (75%) of the gross acreage. The agricultural uses shall include, but not be limited to; beef cattle and horse ranch, timber, sod, hay and row crops. Uses which shall be specifically prohibited are hog farms, dairy farms, and chicken farms. In as much as the City of Leesburg does not have an agricultural zoning classification, the rules and privileges which apply to agricultural property under the jurisdiction of Lake County shall apply.

Lowrie Brown Ranch / *Orange Bend Land Use*
Large Scale Comprehensive Plan Text Amendment
CPTA 16-124 Creating Orange Bend Development Standards

Agricultural uses within the Orange Bend Land Use designation shall operate pursuant to best management practices and procedures under the provisions of Florida Statutes, *Title XI, Chapter 163, §163.3162 Agricultural Lands and Practices* for the duration of such uses. Agricultural uses shall cease and desist upon completion of seventy-five percent (75%) of the gross area proposed as the Orange Bend (Lowrie Ranch) PUD (Planned Unit Development).

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.B.2.

Meeting Date: August 28, 2023

From: Dan Miller, (Planning and Zoning Director), Kandi Harper, (Planner)

Subject: An Ordinance of the City of Leesburg, Florida, ratifying and readopting Ordinance 15-46, pertaining to a change in Future Land Use to Medium Density Residential, for property generally situated in Section 16, Township 19 South, Range 24 East, Lake County, Florida, to ensure compliance with the procedures of Chapter 163, Florida Statutes, for adopting Large Scale Comprehensive Plan Amendment relating to said property; directing transmittal to the reviewing agencies; providing for severability; and providing an effective date. (Leesburg Fruit Co.)

Staff Recommendation:

Staff recommends approval of the request to amend the City's Comprehensive Plan to ensure compliance with Chapter 163, Florida Statutes.

Analysis:

In 2015, Planning and Zoning staff prepared and forwarded to the City Commission, in compliance with Florida Statutes, ordinance 15-46, for the purpose of changing the Future Land Use for an area generally located north of Griffin Road and west of Thomas Avenue. At that time, the City Commission did approve this ordinance, after receiving written comments and affirmative recommendations from the City of Leesburg Planning Commission. Although Ordinance 15-46 was properly adopted in accordance with the procedures of Section 166.041, Florida Statutes, it's unclear whether the ordinances were correctly transmitted to the reviewing agencies in accordance with the specific requirements for large-scale comprehensive plan amendments as set forth in Section 163.3184(3), Florida Statutes. In an abundance of caution, Staff respectfully requests that the Commission ratify and readopt as shown herein. This action will ensure full compliance with all procedures for adopting large-scale amendments to the City's Comprehensive Plan as outlined in Section 163.3184 (3).

Procurement Analysis:

N/A

Options:

1. Approve the request to adopt the large-scale comprehensive plan amendment; or
2. Other action as the Commission may choose.

Fiscal Impact:

No fiscal impact is anticipated due to this request.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, RATIFYING AND READOPTING ORDINANCE 15-46, PERTAINING TO A CHANGE IN FUTURE LAND USE TO MEDIUM DENSITY RESIDENTIAL, FOR PROPERTY GENERALLY SITUATED IN SECTION 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, TO ENSURE COMPLIANCE WITH THE PROCEDURES OF CHAPTER 163, FLORIDA STATUTES, FOR ADOPTING LARGE SCALE COMPREHENSIVE PLAN AMENDMENT RELATING TO SAID PROPERTY; DIRECTING TRANSMITTAL TO THE REVIEWING AGENCIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (LEESBURG FRUIT CO.)

WHEREAS, on November 23, 2015, and after compliance with the procedures of ordinance adoption as set forth in Section 166.041, Florida Statutes, the City Commission of the City of Leesburg adopted Ordinance 15-46 pertaining to a change in future land use from City of Leesburg Urban High Density to City of Leesburg Medium Density Residential on certain real property generally situated in Section 16, Township 19 South, Range 24 East, Lake County, Florida;

WHEREAS, Ordinance 15-46 was adopted by the City Commission after receiving written comments and affirmative recommendations to amend the City's Comprehensive Plan from the City of Leesburg Planning Commission, acting as the Local Planning Agency;

WHEREAS, Ordinance 15-46 was adopted by the City Commission after receiving written objections, recommendations, and comments from the general public at public hearings held in accordance with law;

WHEREAS, although Ordinance 15-46 was properly adopted in accordance with the procedures of Section 166.041, Florida Statutes, it's unclear whether the ordinance was transmitted to the Reviewing Agencies in accordance with the requirements for large-scale comprehensive plan amendments as set forth in Section 163.3184(3), Florida Statutes;

WHEREAS, in an abundance of caution, the City Commission wishes to ratify and readopt Ordinance 15-46 consistent with the procedures of Section 163.3184(3), Florida Statutes, to ensure full compliance with all procedures of adopting large-scale amendments to the City's Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEESBURG, FLORIDA:

Section 1. Recitals. The above recitals are hereby restated and are incorporated herein for all purposes.

Section 2. Ratification and Readoption of Ordinances. Ordinance 15-46 is hereby ratified and readopted.

Section 3. Transmittal to Reviewing Agencies. City staff is directed to transmit Ordinance 15-46,

this Ordinance, and any other required or requested documents and information to the Reviewing Agencies in accordance with the procedures of Section 163.3184, Florida Statutes, regarding large-scale amendments to the City's Comprehensive Plan.

Section 4. Comprehensive Plan Amendment. The Growth Management Plan of the City of Leesburg, adopted by the City of Leesburg on December 10, 2012, pursuant to the Community Planning Act of 2011, Chapter 163, Part II, Florida Statutes, after public hearing by the City of Leesburg Planning Commission, is hereby amended in the following manner:

The Future Land Use Map is amended by changing the future land use designations on various properties in the city, legally described as:

SEE EXHIBIT "A" ATTACHED HERETO

Section 5. The provisions of this ordinance are severable, and it is the intention of the City Commission of the City of Leesburg, Florida, to confer the whole or any part of the powers herein provided. If any court of competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the decision of such court shall not impair any remaining provisions of this ordinance.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City of Leesburg Commission.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the _____ day of _____ 2023.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

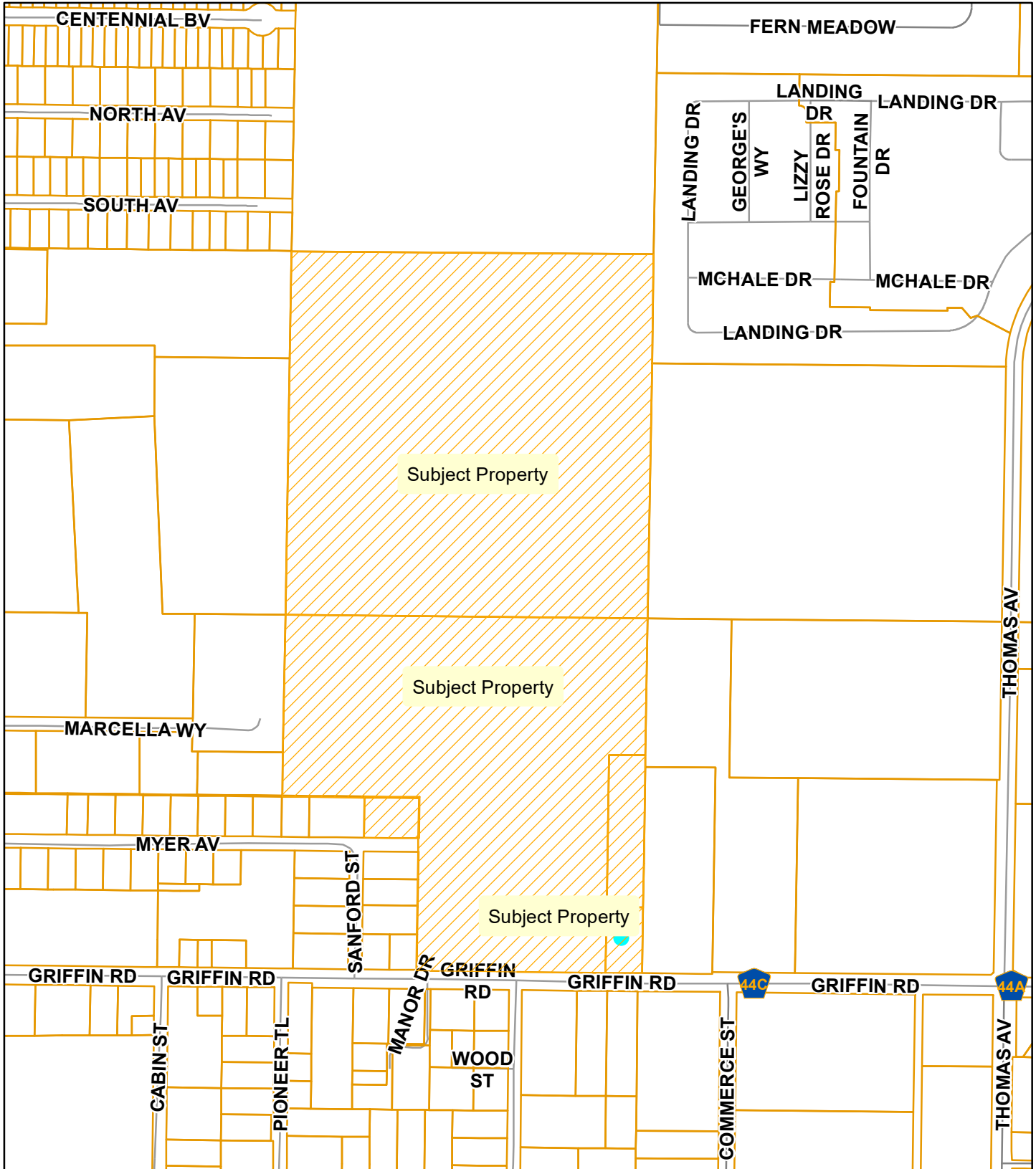
City Clerk

EXHIBIT "A"
(legal description)

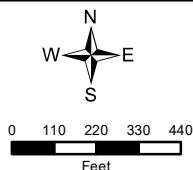
PARCEL OF LAND LYING IN A PORTION OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 16, TO THE NORTHEAST CORNER OF THE NORTH 495.00 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 16; THENCE CONTINUE SOUTH ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 16 TO THE SOUTHEAST CORNER OF THE NORTH 495.00 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 16; THENCE CONTINUE SOUTH ALONG SAID EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 TO THE NORTHEAST CORNER OF THE SOUTH 272.50 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 16; THENCE SOUTH ALONG SAID EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16 A DISTANCE OF 272.50 FEET TO THE NORTH RIGHT-OF-WAY LINE OF GRIFFIN ROAD; THENCE WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF GRIFFIN ROAD TO THE EAST LINE OF SAID EDGEWOOD PARK, ADDITION NO. 2, AS RECORDED IN PLAT BOOK 12, PAGE 61, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE NORTH ALONG THE EAST LINE OF SAID EDGEWOOD PARK, ADDITION NO. 2 TO THE SOUTHEAST CORNER OF LOT 17, OF SAID EDGEWOOD PARK, ADDITION NO. 2; THENCE WEST ALONG THE SOUTH LINE OF LOTS 17 AND 16, OF SAID EDGEWOOD PARK, ADDITION NO. 2 TO THE SOUTHWEST CORNER OF LOT 16 OF EDGEWOOD PARK, ADDITION NO. 2; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 16 TO THE NORTHWEST CORNER OF SAID LOT 16, SAID POINT BEING ON THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 16; THENCE WEST ALONG SAID SOUTH LINE TO THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 1594.20 FEET MORE OR LESS TO A POINT THAT IS WEST OF THE POINT OF BEGINNING; THENCE EAST 1320 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 16 AND THE POINT OF TERMINUS OF THIS DESCRIPTION.

Locator

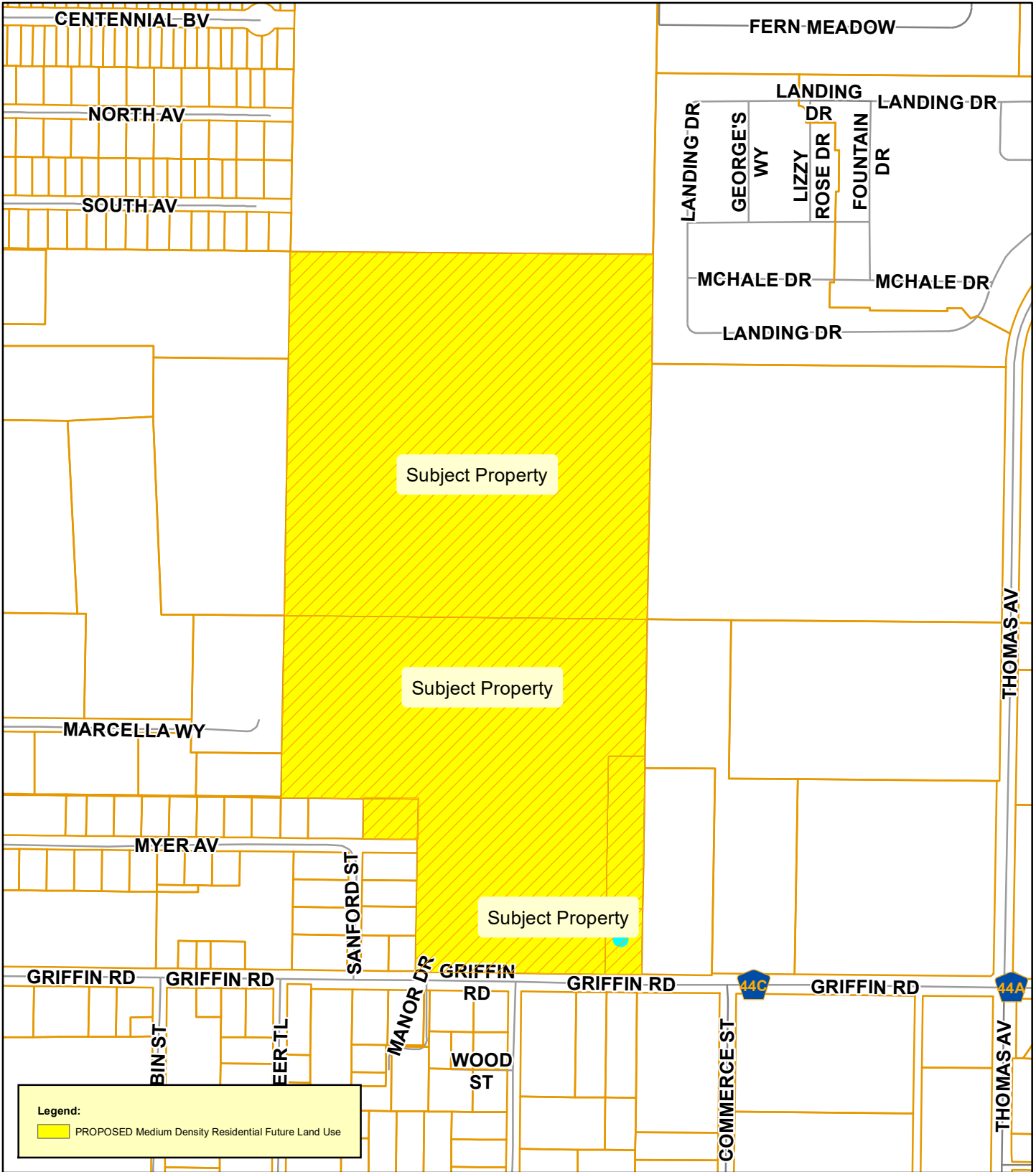


Planning
& Zoning
Division

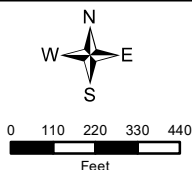


Ratify and Readopt
Ordinance 15-46
Section 16, Township 19 South, Range 24 East
August 28, 2023

PROPOSED Future Land Use



**Planning
& Zoning
Division**



Ratify and Readopt
Ordinance 15-46
Section 16, Township 19 South, Range 24 East
August 28, 2023

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.B.3.

Meeting Date: August 28, 2023

From: Dan Miller, (Planning and Zoning Director), Kandi Harper, (Planner)

Subject: An Ordinance of the City of Leesburg, Florida, ratifying and readopting Ordinance 15-51, pertaining to a change in Future Land Use to Estate Residential for property generally situated in Section 1, Township 19 South, Range 25 East, Lake County, Florida, to ensure compliance with the procedures of Chapter 163, Florida Statutes for adopting Large Scale Comprehensive Plan amendments relating to said property, directing transmittal to the reviewing agencies; providing for severability; and providing an effective date. (15-51 Silver Lake Estates)

Staff Recommendation:

Staff recommends approval of the request to amend the City's Comprehensive Plan to ensure compliance with Chapter 163, Florida Statutes.

Analysis:

In 2015, Planning and Zoning staff prepared and forwarded to the City Commission, in compliance with Florida Statutes, ordinance 15-51, for the purpose of changing the Future Land Use for an area generally located east of Silver Lake and north of Morningside Drive. At that time, the City Commission did approve this ordinance, after receiving written comments and affirmative recommendations from the City of Leesburg Planning Commission. Although Ordinance 15-51 was properly adopted in accordance with the procedures of Section 166.041, Florida Statutes, it's unclear whether the ordinances were correctly transmitted to the reviewing agencies in accordance with the specific requirements for large-scale comprehensive plan amendments as set forth in Section 163.3184(3), Florida Statutes. In an abundance of caution, Staff respectfully requests that the Commission ratify and readopt as shown herein. This action will ensure full compliance with all procedures for adopting large-scale amendments to the City's Comprehensive Plan as outlined in Section 163.3184 (3).

Procurement Analysis:

N/A

Options:

1. Approve the request to adopt the large-scale comprehensive plan amendment; or
2. Other action as the Commission may choose.

Fiscal Impact:

No fiscal impact is anticipated as a result of this request.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, RATIFYING AND READOPTING ORDINANCE 15-51, PERTAINING TO A CHANGE IN FUTURE LAND USE TO ESTATE RESIDENTIAL FOR PROPERTY GENERALLY SITUATED IN SECTION 1, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, TO ENSURE COMPLIANCE WITH THE PROCEDURES OF CHAPTER 163, FLORIDA STATUTES FOR ADOPTING LARGE SCALE COMPREHENSIVE PLAN AMENDMENTS RELATING TO SAID PROPERTY, DIRECTING TRANSMITTAL TO THE REVIEWING AGENCIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (15-51 SILVER LAKE ESTATES)

WHEREAS, on December 14, 2015, and after compliance with the procedures of ordinance adoption as set forth in Section 166.041, Florida Statutes, the City Commission of the City of Leesburg adopted Ordinance 15-51 pertaining to a change in future land use from Lake County Urban Low Density to City of Leesburg Estate Residential on certain real property generally situated in Section 1, Township 19 South, Range 25 East, Lake County, Florida;

WHEREAS, Ordinance 15-51 was adopted by the City Commission after receiving written comments and affirmative recommendations to amend the City's Comprehensive Plan from the City of Leesburg Planning Commission, acting as the Local Planning Agency;

WHEREAS, Ordinance 15-51 was adopted by the City Commission after receiving written objections, recommendations, and comments from the general public at public hearings held in accordance with law;

WHEREAS, although Ordinance 15-51 was properly adopted in accordance with the procedures of Section 166.041, Florida Statutes, it's unclear whether the ordinance was transmitted to the Reviewing Agencies in accordance with the requirements for large-scale comprehensive plan amendments as set forth in Section 163.3184(3), Florida Statutes;

WHEREAS, in an abundance of caution, the City Commission wishes to ratify and readopt Ordinance 15-51 consistent with the procedures of Section 163.3184(3), Florida Statutes, to ensure full compliance with all procedures of adopting large-scale amendments to the City's Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEESBURG, FLORIDA:

Section 1. Recitals. The above recitals are hereby restated and are incorporated herein for all purposes.

Section 2. Ratification and Readoption of Ordinances. Ordinance 15-51 is hereby ratified and readopted.

Section 3. Transmittal to Reviewing Agencies. City staff is directed to transmit Ordinance 15-51, this Ordinance, and any other required or requested documents and information to the Reviewing Agencies in accordance with the procedures of Section 163.3184, Florida Statutes, regarding large-scale

amendments to the City's Comprehensive Plan.

Section 4. Comprehensive Plan Amendment. The Growth Management Plan of the City of Leesburg, adopted by the City of Leesburg on December 10, 2012, pursuant to the Community Planning Act of 2011, Chapter 163, Part II, Florida Statutes, after public hearing by the City of Leesburg Planning Commission, is hereby amended in the following manner:

The Future Land Use Map is amended by changing the future land use designations on various properties in the city, legally described as:

SEE EXHIBIT "A" ATTACHED HERETO

Section 5. The provisions of this ordinance are severable, and it is the intention of the City Commission of the City of Leesburg, Florida, to confer the whole or any part of the powers herein provided. If any court of competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the decision of such court shall not impair any remaining provisions of this ordinance.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City of Leesburg Commission.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the _____ day of _____ 2023.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

EXHIBIT "A"

(legal description)

PARCEL "A":

THAT PART OF SECTIONS 10, 11, 14 AND 15, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 15, SAME BEING THE NORTHWEST CORNER OF SAID SECTION 14; RUN THENCE S.00°05'20"E. ALONG A LINE DIVIDING SAID SECTIONS 14 AND 15, A DISTANCE OF 162.64 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING, CONTINUE S.00°05'20"E. ALONG THE AFOREMENTIONED LINE DIVIDING SECTIONS 14 AND 15, A DISTANCE 2,472.19 FEET A POINT THAT IS N.00°05'20"W. AND 30.00 FEET FROM THE EAST 1/4 CORNER OF SAID SECTION 15; THENCE N.89°54'47"W., 654.04 FEET; THENCE N.26°12'00"W., 153.32 FEET; THENCE S.89°38'13"W., 309.36 FEET; THENCE N.01°54'03"E., 183.76 FEET; THENCE N.03°41'20"W., 321.50 FEET; THENCE N.22°20'50"W., 23.50 FEET; THENCE N.55°30'40"W., 546.04 FEET; THENCE S.64°20'50"W., 114.00 FEET TO A CONCRETE MONUMENT; THENCE CONTINUE S.64°20'50"W., 180.00 FEET, MORE OR LESS, TO THE WATERS OF SILVER LAKE AND A POINT HEREBY DESIGNATED AS POINT "A"; RETURN TO POINT OF BEGINNING, RUN THENCE N.89°48'40"E. ALONG THE NORTH LINE OF LOTS 1 THROUGH 4, INCLUSIVE, GOLFPVIEW, A SUBDIVISION IN LAKE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16 PAGE 49, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, 297.91 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE RUN N.00°10'10"W. ALONG THE WEST LINE OF LOTS 5 THROUGH 14, INCLUSIVE, OF SAID GOLFPVIEW FOR 869.92 FEET; THENCE RUN N.45°07'55"W. ALONG THE SOUTHWESTERLY LINE OF LOTS 14 THROUGH 21, INCLUSIVE, IN THE SAID GOLFPVIEW, FOR 553.82 FEET TO THE SOUTHWEST CORNER OF SAID LOT 21; THENCE RUN S.89°56'40"W. ALONG THE SOUTH LINE OF LOTS 22 THROUGH 29, INCLUSIVE, IN SAID GOLFPVIEW FOR 803.59 FEET TO THE SOUTHWEST CORNER OF SAID LOT 29, THENCE N.00°03'47"W. ALONG THE WEST LINE OF SAID LOT 29 A DISTANCE OF 25 FEET TO THE SOUTHEAST CORNER OF LOT 30 OF SAID GOLFPVIEW; THENCE RUN S.89°56'40"W ALONG THE SOUTH LINE OF SAID LOT 30 A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 30, THENCE S.00°03'47"E. ALONG THE EAST LINE OF LOT 31 OF SAID GOLFPVIEW 25 FEET TO THE SOUTHEAST CORNER OF SAID LOT 31; THENCE S.89°56'40"W. ALONG THE SOUTH LINE OF SAID LOT 31 A DISTANCE OF 87.37 FEET TO THE NORTHEAST CORNER OF LOT 34 OF SAID GOLFPVIEW; THENCE RUN S.21°00'06"W. ALONG THE EASTERLY LINE OF SAID LOT 34 AND AN EXTENSION THEREOF 591.55 FEET TO A POINT 25.00 FEET EAST OF THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 10; THENCE RUN S.00°03'47"E. AND PARALLEL TO SAID WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 590.76 FEET TO A POINT ON THE NORTH LINE OF GREENVIEW, A SUBDIVISION IN LAKE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 43, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, RUN THENCE N.89°48'00"E. ALONG THE NORTH LINE OF SAID GREENVIEW A DISTANCE OF 632.28 FEET; THENCE S.00°02'40"E. ALONG THE EAST LINE OF SAID GREENVIEW A DISTANCE OF 574.00 FEET; THENCE S.26°13'10"W. ALONG A SOUTHEASTERLY LINE OF SAID GREENVIEW SUBDIVISION FOR 51.76 FEET; THENCE S.68°11'50"W. ALONG A SOUTHEASTERLY LINE OF SAID GREENVIEW SUBDIVISION FOR 81.07 FEET, THENCE S.89°55'00"W. ALONG THE SOUTH LINE OF SAID GREENVIEW SUBDIVISION 470.00 FEET TO THE SOUTHWEST CORNER OF LOT 16 OF SAID GREENVIEW SUBDIVISION; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 16 A DISTANCE OF 30.00 FEET; THENCE CONTINUE ALONG SAID WEST LINE OF LOT 16 N.00°05'45"W., 162.16 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHWESTERLY AND HAVING A RADIUS OF 50.00 FEET (SAID POINT BEING ON A RADIAL BEARING OF N.36°40'47"E.); THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 36°51'54" AND A DISTANCE OF 32.17 FEET TO THE END OF SAID CURVE, THENCE

S.89°48'53"W., 169.70 FEET TO THE NORTHEAST CORNER OF LOT 17 OF SAID GREENVIEW SUBDIVISION; THENCE S.00°01'00"E ALONG THE EAST LINE OF SAID LOT 17 A DISTANCE OF 172.04 FEET, THENCE S.00°28'16"E., 474.10 FEET; THENCE S.58°44'00"W., 527.00 FEET, MORE OR LESS, TO THE WATERS OF SILVER LAKE; THENCE RUN SOUTHERLY ALONG AND WITH THE WATERS OF SAID SILVER LAKE TO THE AFOREMENTIONED POINT "A", AND THE END OF THIS DESCRIPTION;

AND

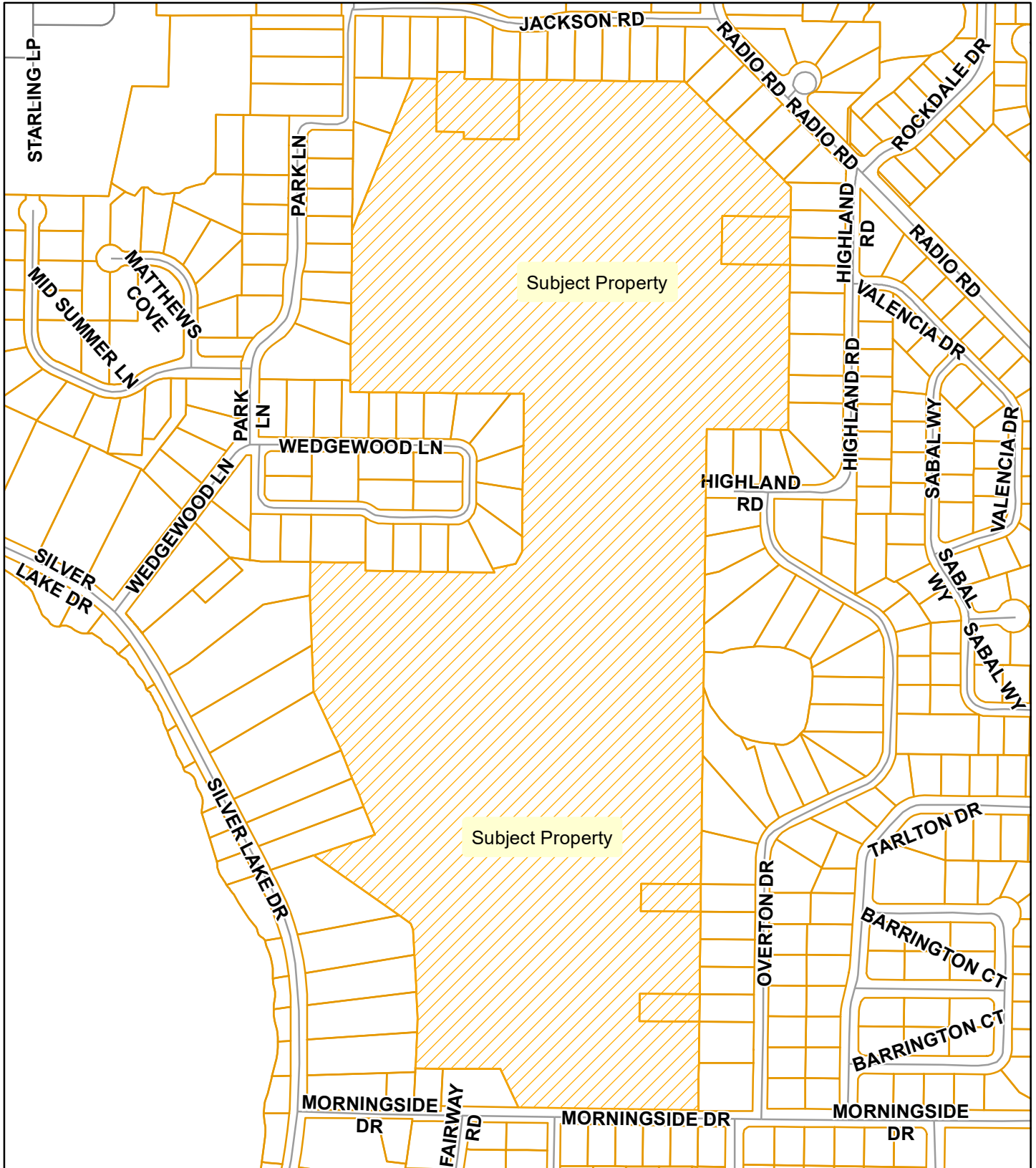
BEGIN AT THE MOST SOUTHERLY CORNER OF LOT 12 OF GREENVIEW SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 43, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE N.28°00'00"W. ALONG THE WESTERLY LINE OF SAID LOT 12 A DISTANCE OF 14.05 FEET; THENCE N.76°47'34"E., 84.95 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 12; THENCE RUN S.26°13'10"W, ALONG THE SOUTHEASTERLY LINE OF LOT 12 A DISTANCE OF 1.90 FEET; THENCE S.68°11'50"W. ALONG SAID LINE OF LOT 12 A DISTANCE OF 81.07 FEET TO THE POINT OF BEGINNING.

PARCEL "B":

THAT PART OF LOTS 23 AND 24 IN BLOCK "24" IN RESUBDIVISION OF SUBDIVISION OF SILVER LAKE ESTATES, IN LAKE COUNTY, FLORIDA, ACCORDING TO THE REVISED AND CORRECTED PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGES 66 TO 69, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 19 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA, RUN N.89°54'47"W. ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 1,036.62 FEET; THENCE N.01°54'03"E., 349.02 FEET; THENCE N.03°41'20"W., 321.50 FEET; THENCE N.22°20'50"W., 23.50 FEET; THENCE N.55°30'40"W., 410.04 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION FROM SAID POINT OF BEGINNING CONTINUE N.55°30'40"W., 136.00 FEET; THENCE S.64°20'50"W., 275.00 FEET, MORE OR LESS, TO THE WATERS OF SILVER LAKE; THENCE SOUTHEASTERLY ALONG AND WITH THE WATERS OF SILVER LAKE TO A POINT THAT IS S.71°39'17"W. OF THE POINT OF BEGINNING; THENCE N.71°39'17"E., 335.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

LESS AND EXCEPT RIGHT-OF-WAY FOR STATE ROAD 449.

Locator



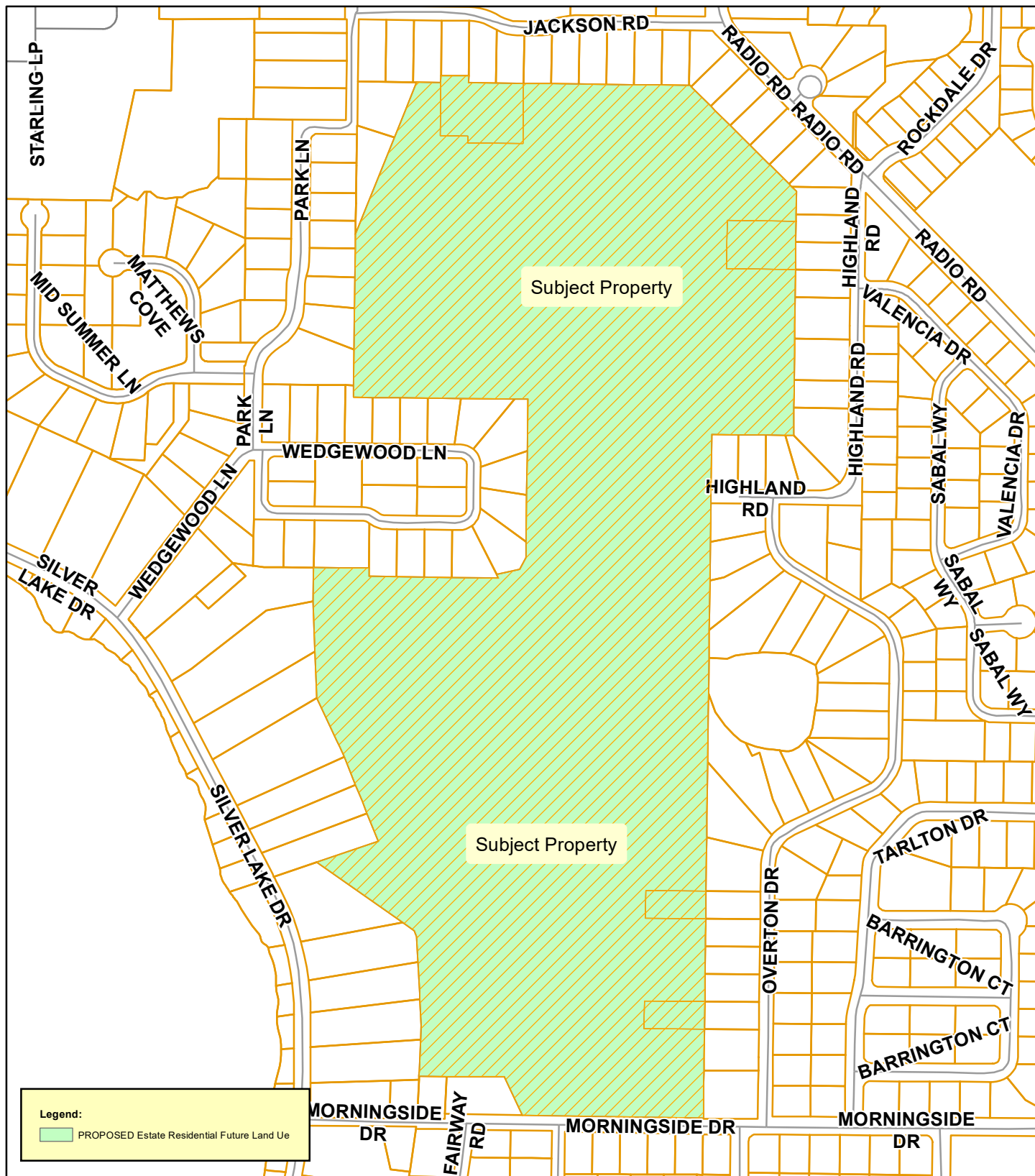
**Planning
& Zoning
Division**



0 110 220 330 440
Feet

Ratify and Readopt
Ordinance 15-51
Section 01, Township 19 South, Range 25 East
August 28, 2023

PROPOSED Estate Residential Future Land Use



**Planning
& Zoning
Division**



0 110 220 330 440
Feet

Ratify and Readopt
Ordinance 15-51
Section 01, Township 19 South, Range 25 East
August 28, 2023

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.B.4.

Meeting Date: August 28, 2023

From: Dan Miller, (Planning and Zoning Director), Kandi Harper, (Planner)

Subject: An Ordinance of the City of Leesburg, Florida, ratifying and readopting Ordinance 15-43 pertaining to a change in the Future Land Use to Estate Residential for property generally located in Section 27, Township 20 South, Range 24 East, Lake County, Florida, to ensure compliance with the procedures of Chapter 163, Florida Statutes for adopting Large Scale Comprehensive Plan amendments relating to said property; directing transmittal to the reviewing agencies; providing for severability; and providing an effective date. (Ranches of Orlando)

Staff Recommendation:

Staff recommends approval of the request to amend the City's Comprehensive Plan to ensure compliance with Chapter 163, Florida Statutes.

Analysis:

In 2015, Planning and Zoning staff prepared and forwarded to the City Commission, in compliance with Florida Statutes, ordinance 15-43, for the purpose of changing the Future Land Use for an area generally located west of County Road 33 and south of the Florida Turnpike. At that time, the City Commission did approve this ordinance, after receiving written comments and affirmative recommendations from the City of Leesburg Planning Commission. Although Ordinance 15-43 was properly adopted in accordance with the procedures of Section 166.041, Florida Statutes, it is unclear whether the ordinances were correctly transmitted to the reviewing agencies in accordance with the specific requirements for large-scale comprehensive plan amendments as set forth in Section 163.3184(3), Florida Statutes. In an abundance of caution, Staff respectfully requests that the Commission ratify and readopt as shown herein. This action will ensure full compliance with all procedures for adopting large-scale amendments to the City's Comprehensive Plan as outlined in Section 163.3184 (3).

Procurement Analysis:

N/A

Options:

1. Approve the request to adopt the large-scale comprehensive plan amendment; or
2. Other action as the Commission may choose.

Fiscal Impact:

No fiscal impact is anticipated as a result of this request.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, RATIFYING AND READOPTING ORDINANCE 15-43 PERTAINING TO A CHANGE IN THE FUTURE LAND USE TO ESTATE RESIDENTIAL FOR PROPERTY GENERALLY LOCATED IN SECTION 27, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, TO ENSURE COMPLIANCE WITH THE PROCEDURES OF CHAPTER 163, FLORIDA STATUTES FOR ADOPTING LARGE SCALE COMPREHENSIVE PLAN AMENDMENTS RELATING TO SAID PROPERTY; DIRECTING TRANSMITTAL TO THE REVIEWING AGENCIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (RANCHES OF ORLANDO)

WHEREAS, on November 23, 2015, and after compliance with the procedures of ordinance adoption as set forth in Section 166.041, Florida Statutes, the City Commission of the City of Leesburg adopted Ordinance 15-43 pertaining to a change in future land use from Lake County Rural to City of Leesburg Estate Residential on certain real property generally situated in Section 27, Township 20 South, Range 24 East, Lake County, Florida;

WHEREAS, Ordinance 15-43 was adopted by the City Commission after receiving written comments and affirmative recommendations to amend the City's Comprehensive Plan from the City of Leesburg Planning Commission, acting as the Local Planning Agency;

WHEREAS, Ordinance 15-43 was adopted by the City Commission after receiving written objections, recommendations, and comments from the general public at public hearings held in accordance with law;

WHEREAS, although Ordinance 15-43 was properly adopted in accordance with the procedures of Section 166.041, Florida Statutes, it is unclear whether the ordinance was transmitted to the reviewing agencies in accordance with the requirements for large-scale comprehensive plan amendments as set forth in Section 163.3184(3), Florida Statutes;

WHEREAS, in an abundance of caution, the City Commission wishes to ratify and readopt Ordinance 15-43 consistent with the procedures of Section 163.3184(3), Florida Statutes, to ensure full compliance with all procedures of adopting large-scale amendments to the City's Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEESBURG, FLORIDA:

Section 1. Recitals. The above recitals are hereby restated and are incorporated herein for all purposes.

Section 2. Ratification and Readoption of Ordinances. Ordinance 15-43 is hereby ratified and readopted.

Section 3. Transmittal to Reviewing Agencies. City staff is directed to transmit Ordinance 15-43, this Ordinance, and any other required or requested documents and information to the Reviewing

Agencies in accordance with the procedures of Section 163.3184, Florida Statutes, regarding large-scale amendments to the City's Comprehensive Plan.

Section 4. Comprehensive Plan Amendment. The Growth Management Plan of the City of Leesburg, adopted by the City of Leesburg on December 10, 2012, pursuant to the Community Planning Act of 2011, Chapter 163, Part II, Florida Statutes, after public hearing by the City of Leesburg Planning Commission, is hereby amended in the following manner:

The Future Land Use Map is amended by changing the future land use designations on various properties in the city, legally described as:

SEE EXHIBIT "A" ATTACHED HERETO

Section 5. The provisions of this ordinance are severable, and it is the intention of the City Commission of the City of Leesburg, Florida, to confer the whole or any part of the powers herein provided. If any court of competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the decision of such court shall not impair any remaining provisions of this ordinance.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City of Leesburg Commission.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the _____ day of _____ 2023.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

EXHIBIT "A"

(legal description)

THAT PART OF SECTIONS 21, 27, AND 28 OF TOWNSHIP 20 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE NW 1/4 OF THE NW 1/4 OF SAID SECTION 28, TOWNSHIP 20 SOUTH, RANGE 24 EAST, AND RUN NORTH 00°12'05" EAST ALONG THE WEST LINE OF THE NW 1/4 A DISTANCE OF 1,029.78 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. C-48, SAID POINT BEING ON A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 8,878.88 FEET AND A RADIAL BEARING OF NORTH 48°31'02" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHEASTERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 03°31'31" AN ARC LENGTH OF 548.29 FEET TO THE END OF SAID CURVE; THENCE NORTH 45°00'28" EAST ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. C-48 A DISTANCE OF 2,589.23 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF FLORIDA'S TURNPIKE; THENCE SOUTH 43°02'13" EAST ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE A DISTANCE OF 804.75 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING, CONTINUE SOUTH 43°02'13" EAST ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE OF FLORIDA'S TURNPIKE A DISTANCE OF 1,862.41 FEET TO A POINT ON THE NORTH LINE OF THE NE 1/4 OF THE AFOREMENTIONED SECTION 28; THENCE NORTH 89°43'55" WEST ALONG THE NORTH LINE OF THE NE 1/4 A DISTANCE OF 219.06 FEET; THENCE SOUTH 00°14'06" WEST, 1,325.25 FEET TO A POINT ON THE NORTH LINE OF THE SW 1/4 OF THE NE 1/4 OF SAID SECTION 28; THENCE SOUTH 89°48'11" EAST ALONG THE NORTH LINE OF THE SW 1/4 OF THE NE 1/4 A DISTANCE OF 165.40 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 28; THENCE NORTH 00°14'13" EAST ALONG THE WEST LINE OF THE NE 1/4 OF THE NE 1/4 A DISTANCE OF 331.29 FEET; THENCE SOUTH 89°45'37" EAST, 330.83 FEET; THENCE NORTH 00°14'27" EAST, 232.23 FEET THENCE NORTH 48°57'47" EAST, 320.23 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF FLORIDA'S TURNPIKE; THENCE SOUTH 43°02'13" EAST ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF FLORIDA'S TURNPIKE, 4,704.66 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF THE SW 1/4 OF THE AFOREMENTIONED SECTION 27, TOWNSHIP 20 SOUTH, RANGE 24 EAST; THENCE NORTH 89°53'48" WEST ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SW 1/4 OF SAID SECTION 27 A DISTANCE OF 2,466.14 FEET TO THE SOUTHEAST CORNER OF THE NE 1/4 OF THE SE 1/4 OF THE AFOREMENTIONED SECTION 28; THENCE NORTH 89°50'40" WEST ALONG THE SOUTH LINE OF THE NE 1/4 OF THE SE 1/4 A DISTANCE OF 1,322.68 FEET; THENCE NORTH 00°13'48" EAST

ALONG THE WEST LINE OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 28 A DISTANCE OF 662.43 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 28; THENCE NORTH 69°49'34" WEST ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE NW 1/4 OF THE SE 1/4 A DISTANCE OF 935.89 FEET; THENCE NORTH 00°12'41" EAST, 662.73 FEET; THENCE NORTH 11°55'18" WEST, 1356.70 FEET; THENCE NORTH 00°12'41" EAST, 2880.71 FEET TO THE POINT OF BEGINNING.

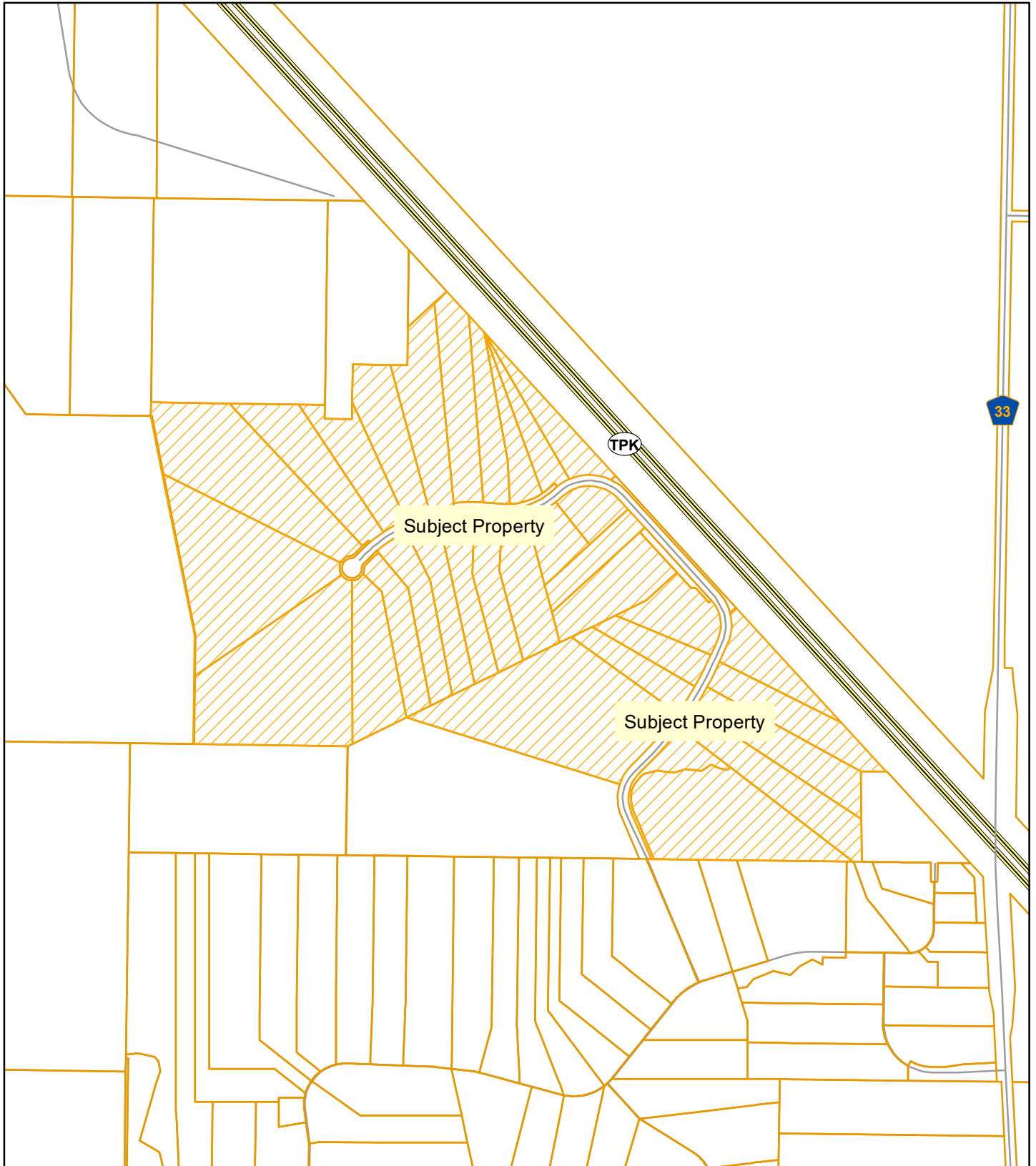
LESS THAT PART OF CLEARWATER RESERVE PHASE 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 57, PAGES 89 THROUGH 94, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 27, SOUTH OF THE FLORIDA TURNPIKE SUNSHINE STATE PARKWAY.

LESS:

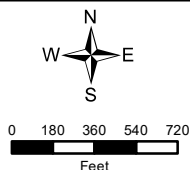
That part of Sections 21, and 26 of Township 20 South, Range 24 East, in Lake County, Florida, bounded and described as follows: Commence at the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of said Section 26, Township 20 South, Range 24 East, and run North 00°12'05" East along the West line of the Northwest 1/4 a distance of 1,029.78 feet to a point on the Southeasterly right of way line of County Road No. C-48, said point being on a curve concave Southeasterly and having a radius of 8,878.68 feet and a radial bearing of North 48°31'02" West; thence Northeasterly along the arc of said curve and said Southeasterly right of way line through a central angle of 03°31'31" an arc length of 546.29 feet to the end of said curve; thence North 45°00'29" East along said Southeasterly right of way line of County Road No. C-48 a distance of 2,589.23 feet to a point on the Southwesterly right of way line for Florida's Turnpike; thence South 43°02'13" East along said Southwesterly right of way line a distance of 804.75 feet to the Point of Beginning of this description; from said Point of Beginning, continue South 43°02'13" East along said Southwesterly right of way line of Florida's Turnpike a distance of 1,862.41 feet to a point on the North line of the Northeast 1/4 of the aforementioned Section 28; thence North 89°43'55" West along the North line of the Northeast 1/4 a distance of 219.06 feet; thence South 00°14'06" West, 1,242.70 feet; thence North 89°44'26" West a distance of 1,056.48 feet; thence North 00°12'41" East, 2,589.16 feet to the Point of Beginning.

TOGETHER WITH AND SUBJECT TO EASEMENT "A" DESCRIBED AS FOLLOWS, TO WIT: A 50- foot wide easement for ingress and egress lying over, upon and through the following described parcel of land: Commence at the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 28, Township 20 South, Range 24 East, in Lake County, Florida, and run North 00°12'05" East along the West line of the Northwest 1/4 of said Section 28 a distance of 1029.78 feet to a point on the Southeasterly right-of-way line of County Road No. C-48, said point being on a curve concave Southeasterly and having a radius of 8,878.68 feet and a radial bearing of North 48°31'02" West; thence Northeasterly along the arc of said curve and said Southeasterly right-of-way line through a central angle of 03°31'31" an arc length of 546.29 feet to the end of said curve; thence North 45°00'29" East, along said Southeasterly right-of-way line of County Road No. C-48 a distance of 2138.98 feet to the Point of Beginning of this easement description; from said Point of Beginning, continue North 45°00'29" East along said Southeasterly right-of-way line a distance of 50.12 feet; thence South 49°02'16" East, 37.18 feet; thence South 87°03'19" East, 569.89 feet to a point on the Southwesterly right-of-way line of Florida's Turnpike; thence South 43°02'13" East along said Southwesterly right-of-way line of Florida's Turnpike a distance of 2,206.72 feet to a point on the North line of the Northeast 1/4 of the aforementioned Section 28; thence North 89°43'55" West along the North line of the Northeast 1/4 of said Section 28 a distance of 68.71 feet; thence North 43°02'13" West parallel with the Southwesterly right-of-way line of Florida's Turnpike a distance of 2,139.39 feet; thence North 87°03'19" West 568.90 feet; thence North 49°02'16" West, 57.94 feet to the Point of Beginning.

Locator

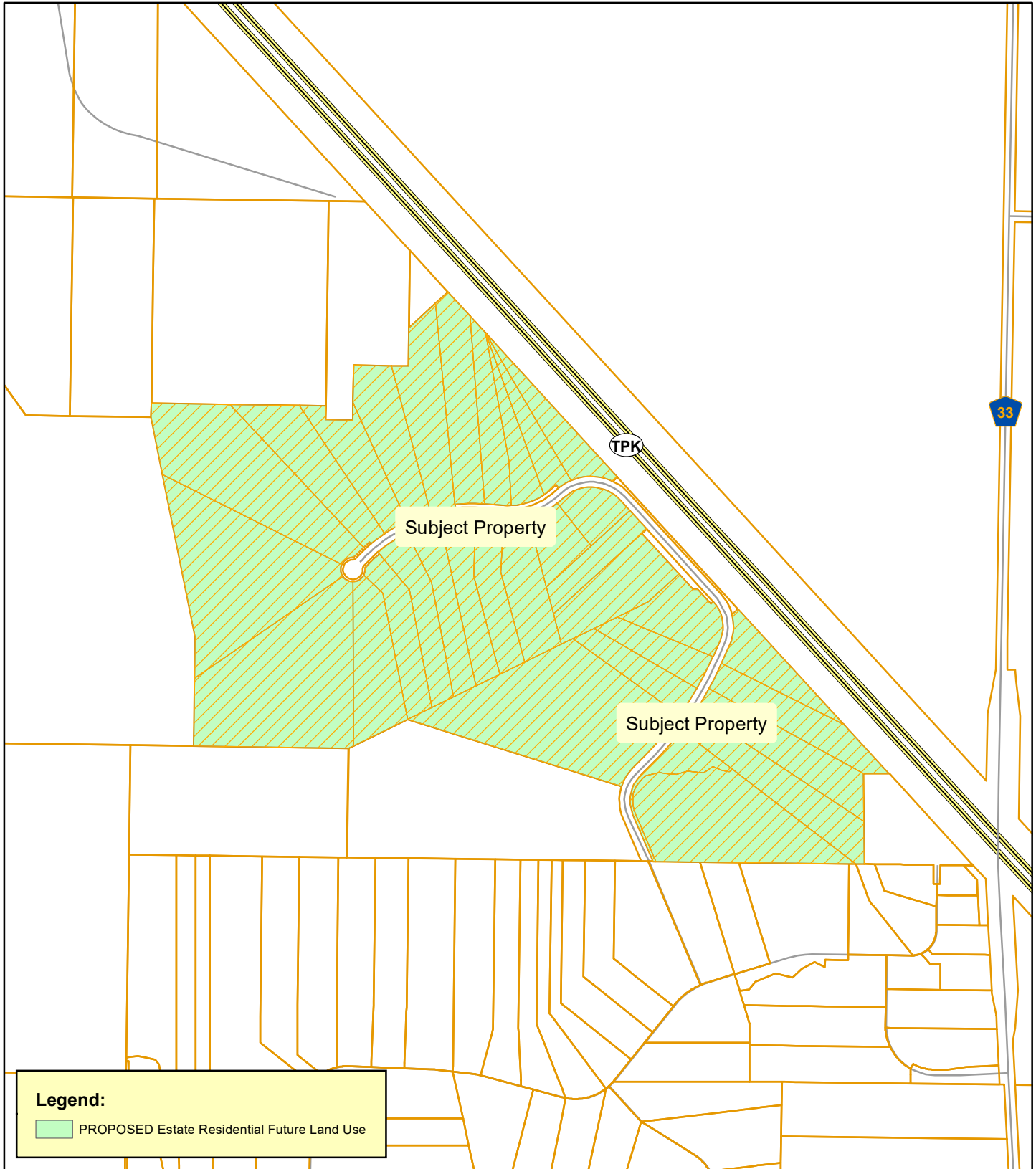


**Planning
& Zoning
Division**

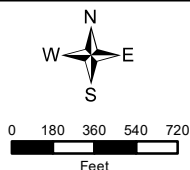


Ratify and Readopt
Ordinance 15-43
Section 27, 28, Township 20 South, Range 24 East
August 28, 2023

Proposed Future Land Use



**Planning
& Zoning
Division**



Ratify and Readopt
Ordinance 15-43
Section 27, 28, Township 20 South, Range 24 East
August 28, 2023

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.B.5.

Meeting Date: August 28, 2023

From: Dan Miller, (Planning and Zoning Director)

Subject: An Ordinance of the City of Leesburg, Florida, establishing the County Road 33 Community Development District pursuant to Chapter 190, Florida Statutes; providing for authority and power of the district; establishing the district; providing for the Board of Supervisors of the district; providing for the district budget; providing for functions of the district; providing for miscellaneous provisions; and providing an effective date. (CR 33 CDD)

Staff Recommendation:

Staff recommends approval of the request by Whitemarsh, LLC, to create the Community Development District (CDD) known as County Road 33 CDD.

Analysis:

This is a request from Whitemarsh, LLC, to create a Community Development District known as County Road 33 CDD, to consist of 441 plus or minus acres, being generally located east and west of County Road 33, and south of the Florida Turnpike, as shown on the attached maps.

Community Development Districts are permitted under Chapter 190, Florida Statutes, and are a form of special purpose district which can be created to manage, finance and deliver basic community development services. These services can include, but are not limited to, the financing, funding, construction and operation of water and wastewater systems, roads, bridges, transit shelters, environmental, conservation mitigation areas and parks, plus schools and security measures. These services may vary from district to district. Each CDD is specific to a described area, with no zoning, development permitting or police power, and has no authority to encumber debt to a local government. Each district must remain in compliance with the local governments' comprehensive plan.

Procurement Analysis:

N/A

Options:

1. Approve the request to establish a Community Development District CR 33; or
2. Other action as the Commission may choose.

Fiscal Impact:

Property owners within a Community Development District area are solely responsible for the funding, financing, performance and maintenance of the district; therefore no direct fiscal impact on the city is anticipated.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, ESTABLISHING
THE COUNTY ROAD 33 COMMUNITY DEVELOPMENT DISTRICT
PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR
AUTHORITY AND POWER OF THE DISTRICT; ESTABLISHING THE
DISTRICT; PROVIDING FOR THE BOARD OF SUPERVISORS OF THE
DISTRICT; PROVIDING FOR THE DISTRICT BUDGET; PROVIDING FOR
FUNCTIONS OF THE DISTRICT; PROVIDING FOR MISCELLANEOUS
PROVISIONS; AND PROVIDING AN EFFECTIVE DATE. (CR 33 CDD)**

WHEREAS, Whitemarsh, LLC, (“Petitioner”), having obtained written consent to the establishment of the District (hereinafter defined) by the owner of one hundred percent (100%) of the real property to be included in the District, has filed a Petition to Establish the County Road 33 Community Development District (“Petition”) with the City Commission of the City of Leesburg, Florida (“City Commission”) pursuant to Section 190.005(2)(e), Florida Statutes, as amended, to adopt an ordinance establishing the County Road 33 Community Development District (“District”) pursuant to Chapter 190, Florida Statutes, as amended; and

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the City of Leesburg, Florida (“City”), pursuant to Section 190.005(2)(b) and 190.005(1)(d), Florida Statutes, as amended; and

WHEREAS, upon consideration of the record established at that hearing, the City Commission has considered the record of the public hearing and the statutory factors set forth in section 190.005(2)(c) and 190.005(1)(e), Florida Statutes, as amended, in making its determination to grant or deny the Petition; and

WHEREAS, the City, in determining whether to establish the District, has considered and finds that all statements contained in the Petition are true and correct; and

WHEREAS, the City has considered and finds that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the City Comprehensive Plan; and

WHEREAS, the City has considered and finds that the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as one functional interrelated community; and

WHEREAS, the City has considered and finds that the District is the best alternative available for delivering the community development services and facilities to the area that will be served by the District; and

WHEREAS, the City has considered and finds that the community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

WHEREAS, the City has considered and finds that the area that will be served by the District is amenable to separate special-district governments; and

WHEREAS, pursuant to the information as stated above, the City Commission has decided to grant the District's Petition to establish the Lake Harris Community Development District.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are adopted as Findings of Fact in support of this Ordinance.

SECTION 2. AUTHORITY. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development Act of 1980, Chapter 190, Florida Statutes, as amended.

SECTION 3. DISTRICT NAME. There is hereby established a Community Development District situated entirely within the incorporated limits of the City of Leesburg, Florida, which District shall be known as the "CR 33 Community Development District."

SECTION 4. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in the "Petition to Establish County Road 33 Community Development District," attached hereto and incorporated herein by reference, the overall boundaries encompassing 441 acres, more or less as described therein.

SECTION 5. FUNCTIONS AND POWERS. The powers and functions of the District are described in Chapter 190, Florida Statutes, as may be amended from time to time. The Charter of the District shall be as set forth in Chapter 190, Florida Statutes, as amended, as created by general law. The City further consents to the District's exercise of special powers described in 190.012(2)(a) and 190.012(2)(d), Florida Statutes, as may be amended from time to time.

SECTION 6. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Anthony Iorio; Jason Lomas; Doug Beasley; Duane "Rocky" Owen; and Thomas Franklin, Sr. All of the persons in the preceding sentence are residents of the State of Florida and citizens of the United States of America.

SECTION 7. SEVERABILITY. If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed to be severable and the remaining provisions shall continue in full force and effect provided that the invalid, illegal or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

SECTION 8. EFFECTIVE DATE. This ordinance shall take effect upon its passage and adoption pursuant to general law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the ____ day of _____ 2023.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

June 12, 2023

Via E-Mail

Dan Miller, Planning & Zoning Director
City of Leesburg
204 North Fifth Street
Leesburg, Florida 34748
Dan.Miller@leesburgflorida.gov

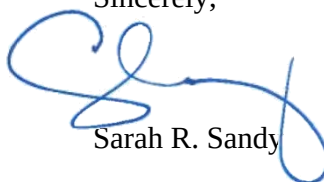
RE: *Petition to Establish the County Road 33 Community Development District*

Dear Mr. Miller:

Attached hereto, please find a petition to establish the County Road 33 Community Development District in the City of Leesburg, filed on behalf of TLC Whitmarsh, LLC ("Petitioner"). By separate correspondence, Petitioner will provide a check in the amount of \$8,000 to cover the filing and development review fees associated with the petition.

Should you have any questions or require any additional information, please do not hesitate to contact me at (850) 692-7307 or Sarah.Sandy@kutakrock.com.

Sincerely,



Sarah R. Sandy

Attachments

cc: Tony Iorio
 Douglas Beasley

PETITION TO ESTABLISH COUNTY ROAD 33 COMMUNITY DEVELOPMENT DISTRICT

Submitted by: Sarah R. Sandy

Florida Bar No. 107064

Sarah.Sandy@kutakrock.com

Michelle K. Rigoni

Florida Bar No. 124758

Michelle.Rigoni@kutakrock.com

KUTAK ROCK, LLP

107 West College Avenue

Tallahassee, Florida 32301

(850) 692-7300 (telephone)

(850) 692-7319 (facsimile)

Attorneys for Petitioner

**BEFORE THE CITY COMMISSION OF
THE CITY OF LEESBURG, FLORIDA**

PETITION TO ESTABLISH A COMMUNITY DEVELOPMENT DISTRICT

Petitioner, TLC Whitemarsh, LLC (hereafter “**Petitioner**”), hereby petitions the City Commission of the City of Leesburg pursuant to the “Uniform Community Development District Act of 1980,” Chapter 190, *Florida Statutes*, to establish a Community Development District (hereafter “**District**”) with respect to the land described herein. In support of this petition (“**Petition**”), Petitioner states:

1. Location and Size. The proposed District is located entirely within the City of Leesburg, Florida (“**City**”). **Exhibit 1** depicts the general location of the proposed District. The proposed District covers approximately 441.153 acres of land, generally located north of Thomas Cove Drive and Bridges Road, south and west of the Florida Turnpike, east of County Road 48, and bisected by County Road 33. The metes and bounds description of the external boundaries of the proposed District is set forth in **Exhibit 2**.

2. Excluded Parcels. There are no parcels within the external boundary of the proposed District that are to be excluded from the proposed District.

3. Landowner Consent. Petitioner has obtained written consent to establish the proposed District from the owner(s) of one hundred percent (100%) of the real property located within the proposed District in accordance with Section 190.005, *Florida Statutes*. Documentation of ownership and consent to the establishment of a community development district is contained in **Composite Exhibit 3**.

4. Initial Board Members. The five persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

Name: Anthony Iorio
Address: 605 Commonwealth Avenue
Orlando, Florida 32803

Name: Jason Lonas
Address: 605 Commonwealth Avenue
Orlando, Florida 32803

Name: Doug Beasley
Address: 605 Commonwealth Avenue
Orlando, Florida 32803

Name: Duane "Rocky" Owen
Address: 5585 Alligator Lake Road
St. Cloud, Florida 34772

Name: Thomas Franklin, Sr.
Address: 1818 Admiral Court
Kissimmee, Florida 34744

All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

5. Name. The proposed name of the District is County Road 33 Community Development District.

6. Future Land Uses. The existing and future general distribution, location, and extent of the public and private land uses proposed within the District are generally depicted on **Composite Exhibit 4.**

7. Major Water and Wastewater Facilities and Outfalls. There are no existing major trunk water mains and wastewater interceptors within the currently undeveloped lands to be included within the proposed District. **Exhibit 5A** demonstrates the pre-development drainage

patterns and basins for the lands within the proposed District. A map illustrating the post-development drainage conditions for the lands to be included within the proposed District is provided in **Exhibit 5B**. **Exhibit 5C** demonstrates the existing and proposed major trunk water mains and wastewater interceptors within the currently undeveloped lands located within and near the proposed District.

8. District Facilities. **Exhibit 6** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and/or install, as well as the anticipated entities responsible for ownership and maintenance. The estimated costs of constructing the infrastructure serving land within the proposed District are identified in **Exhibit 7**. At present, these improvements are estimated to be made, constructed, and installed in three (3) phases for development portion known as Preservation Place¹ over the time period from 2024 through 2027 and two (2) phases for development portion known as Banning Ranch over the time period from 2024 through 2027. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

9. Statement of Estimated Regulatory Costs. **Exhibit 8** is the statement of estimated regulatory costs (“**SERC**”) prepared in accordance with the requirements of Section 120.541, *Florida Statutes*. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

¹ Preservation Place was formerly known as “Battaglia.” For purposes of this Petition of its exhibits, Battaglia and Preservation Place will be used interchangeably.

10. Authorized Agent. The Petitioner is authorized to do business in the State of Florida. The authorized agents for the Petitioner are Sarah R. Sandy and Michelle K. Rigoni. **See Exhibit 9.** Copies of all correspondence and official notices should also be sent to:

Sarah R. Sandy, Esq. (sarah.sandy@kutakrock.com)
Michelle K. Rigoni, Esq. (michelle.rigoni@kutakrock.com)
Kutak Rock, LLP
107 West College Avenue
Tallahassee, Florida 32301

11. Landowner Deed. A copy of the warranty deeds, pursuant to which the consenting landowner took title to the lands to be included within the District, is included as **Exhibit 10.**

12. Filing Fee. The Petitioner submitted a copy of this Petition, including Exhibits 1 through 10, and paid the filing fee of \$8,000 to the City, as required.

13. This petition to establish County Road 33 Community Development District should be granted because it meets the six (6) factors set forth in Section 190.005(1)(e), *Florida Statutes*, as follows:

a. The statements contained within this Petition have been found to be true and correct.

b. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the local Comprehensive Plan.

c. The area of land within the proposed District is part of a planned community. It is of a sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community.

d. The establishment of the District will prevent the general body of taxpayers in the City from bearing the burden for installation of the infrastructure and the maintenance of the above-described facilities within the development encompassed by the District. The District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

e. The community development services and facilities of the District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities.

f. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the City Commission of the City of Leesburg to:

- a. hold a public hearing in accordance with the requirements of Section 190.005(2)(b), *Florida Statutes*;
- b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, *Florida Statutes*;
- c. consent to the District's exercise of certain additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate,

and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses, and for security, all as authorized and described by Sections 190.012(2)(a) and 190.012(2)(d), *Florida Statutes*; and

- d. grant such other relief as appropriate.

[Remainder of this page intentionally left blank]

RESPECTFULLY SUBMITTED, this 12th day of June 2023.

KUTAK ROCK, LLP

A handwritten signature in blue ink, appearing to be 'Sandy', written over a horizontal line.

By:

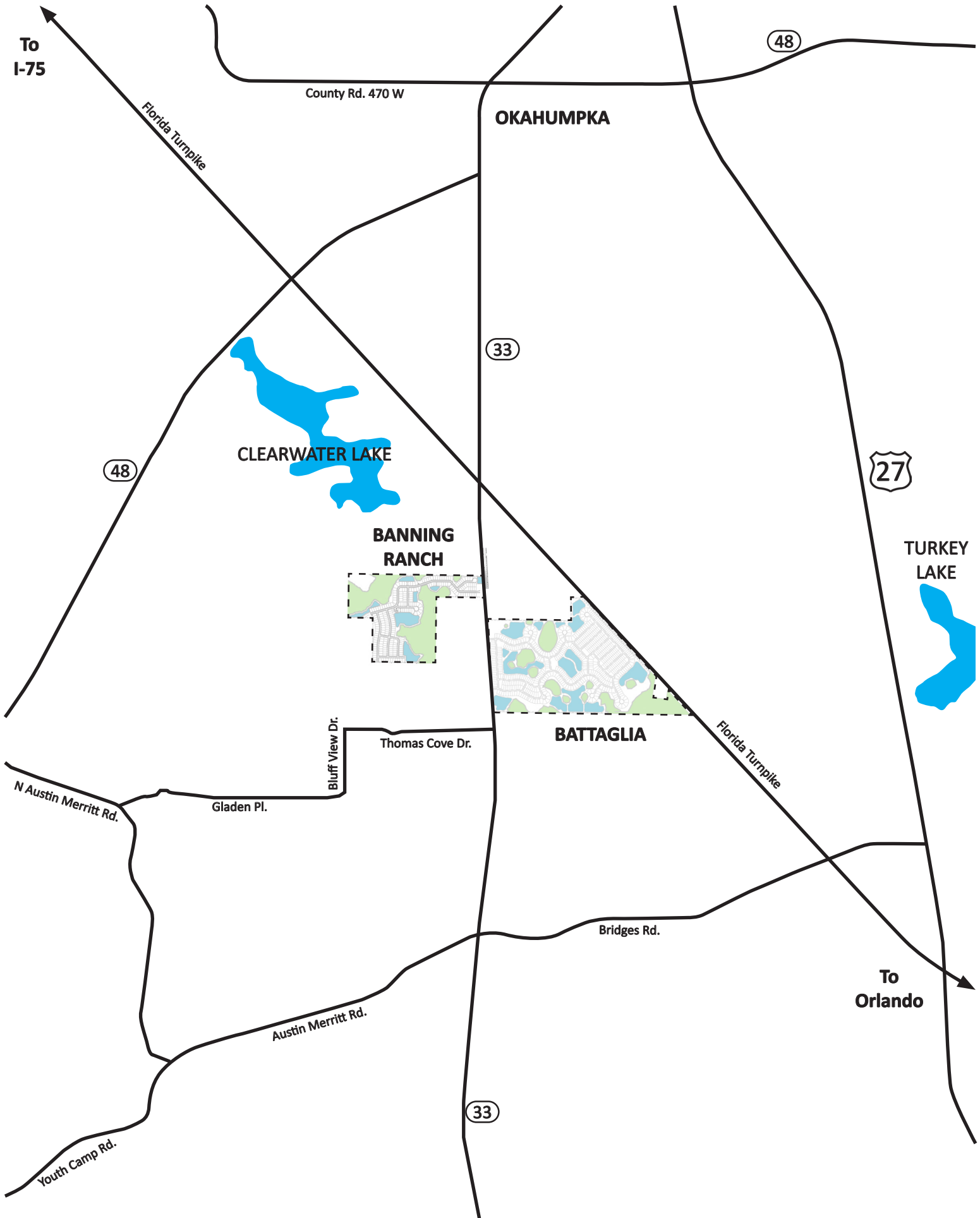
Sarah R. Sandy
Florida Bar No. 107064
sarah.sandy@kutakrock.com
Michelle K. Rigoni
Florida Bar No. 124758
michelle.rigoni@kutakrock.com
KUTAK ROCK, LLP
107 West College Avenue
Tallahassee, Florida 32301
(850) 692-7300 (telephone)
(850) 692-7319 (facsimile)

Attorneys for Petitioner

EXHIBIT LIST

EXHIBIT 1	GENERAL LOCATION MAP
EXHIBIT 2	METES AND BOUNDS LEGAL DESCRIPTION
COMPOSITE EXHIBIT 3	CONSENTS AND JOINDERS OF LANDOWNERS
COMPOSITE EXHIBIT 4	EXISTING AND FUTURE LAND USE MAPS
EXHIBIT 5A	PRE-DEVELOPMENT DRAINAGE PATTERNS AND BASINS
EXHIBIT 5B	POST-DEVELOPMENT DRAINAGE PATTERNS AND BASINS
EXHIBIT 5C	WATER AND WASTEWATER MAPS
EXHIBIT 6	LIST OF PROPOSED FACILITIES AND OWNERSHIP & MAINTENANCE RESPONSIBILITIES
EXHIBIT 7	ESTIMATED COSTS AND CONSTRUCTION TIMETABLE FOR PROPOSED IMPROVEMENTS
EXHIBIT 8	STATEMENT OF ESTIMATED REGULATORY COSTS (SERC)
EXHIBIT 9	AUTHORIZATION OF AGENT
EXHIBIT 10	LANDOWNERS WARRANTY DEEDS

1



2

**BANNON RANCH
LEGAL DESCRIPTION**

A TRACT OF LAND, BEING ALL THE LAND, DESCRIBED IN THAT CERTAIN WARRANTY DEED, AS RECORDED IN OFFICIAL RECORDS BOOK 5771, PAGE 619 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING SECTIONS 33 AND 34, TOWNSHIP 20 SOUTH, RANGE 24 EAST, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 33, FOR A POINT OF REFERENCED; THENCE RUN NORTH 00°44'31" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 1324.63 FEET TO THE POINT OF BEGINNING; SAID POINT LIES ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, SAID POINT ALSO LIES ON THE NORTH LINE OF THE PLAT OF HAMMOCK GROVE ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 30 THROUGH 33 OF SAID PUBLIC RECORDS; THENCE RUN NORTH 89°14'25" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 585.00 FEET TO A POINT LYING ON THE WEST LINE OF THE EAST 585.00 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 00°44'31" EAST, ALONG SAID WEST LINE OF THE EAST 585.00 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 1324.55 FEET TO A POINT LYING ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE RUN NORTH 89°14'54" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 736.10 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE RUN NORTH 00°43'40" EAST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 1318.51 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33 SAID POINT ALSO LIES ON THE SOUTH LINE OF THE PLAT OF CLEARWATER RESERVE PHASE I, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 57, PAGES 89 THROUGH 94 OF SAID PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 89°18'37" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33 AND ALONG THE SOUTH LINE OF SAID PLAT OF CLEARWATER RESERVE PHASE I, A DISTANCE OF 1322.17 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF AFORESAID SECTION 34; THENCE RUN SOUTH 89°12'27" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 2651.75 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF; THENCE RUN SOUTH 89°14'54" EAST, 105.76 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 33 (66' WIDE RIGHT-OF-WAY); THENCE RUN SOUTH 03°00'00"

EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 662.02 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, RUN NORTH 89°12'55" WEST, 149.28 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 89°13'54" WEST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1325.84 FEET TO THE NORTH WEST CORNER OF SAID SOUTH HALF; THENCE RUN SOUTH 00°46'39" WEST, ALONG THE WEST LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 659.41 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE RUN SOUTH 00°45'19" WEST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1324.23 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 89°12'03" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1325.63 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND LIES IN **THE CITY OF LEESBURG**, LAKE COUNTY, FLORIDA, AND CONTAINS 160.358 ACRES MORE OR LESS.

AND

**BATTAGLIA
LEGAL DESCRIPTION**

A TRACT OF LAND, BEING A PORTION OF SECTIONS 34 AND 35, TOWNSHIP 20 SOUTH, RANGE 24 EAST, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 34, FOR A POINT OF BEGINNING; THENCE RUN NORTH 89°06'19" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 2217.33 FEET TO A POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 33; THENCE RUN NORTH 03°00'00" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 2654.12 FEET TO A POINT LYING ON THE ORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, RUN SOUTH 89°11'01" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 2381.52 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF AFORESAID SECTION 35; THENCE RUN NORTH 00°32'58" EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 661.79 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE RUN SOUTH 89°09'01" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 353.31 FEET TO A POINT LYING ON THE WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF

SUNSHINE STATE PARKWAY (FLORIDA TURNPIKE); THENCE RUN SOUTH 42°27'02" EAST, ALONG SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, 3065.67 FEET TO A POINT LYING ON THE WESTERLY LINE OF THE LESS OUT PARCEL OF THAT CERTAIN SPECIAL WARRANTY DEED, AS RECORDED IN OFFICIAL RECORDS BOOK 3608, PAGE 2310 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, RUN ALONG THE WESTERLY, SOUTHERLY AND EASTERLY LINES OF SAID LESS OUT PARCEL, THE FOLLOWING THREE (3) COURSES; SOUTH 08°04'44" WEST, 600.52 FEET; THENCE RUN SOUTH 81°55'16" EAST, 399.97 FEET; THENCE RUN NORTH 08°04'44" EAST, 271.15 FEET; TO A POINT LYING ON AFORESAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY (FLORIDA TURNPIKE); THENCE RUN SOUTH 42°27'02" EAST, ALONG SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, 968.19 FEET TO A POINT LYING ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE DEPARTING SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, RUN NORTH 89°09'16" WEST, ALONG SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 35, A DISTANCE OF 805.52 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 35; THENCE RUN NORTH 89°09'16" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 2652.27 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND LIES IN **THE CITY OF LEESBURG**, LAKE COUNTY, FLORIDA, AND CONTAINS 280.795 ACRES MORE OR LESS.

FOR A TOTAL OF 441.153 ACRES, MORE OR LESS.

3

Consent and Joinder of Landowner
to the Establishment of a Community Development District

The undersigned is the owner of certain lands more fully described in Exhibit A attached hereto and made a part hereof ("**Property**").

As an owner of lands that are intended to constitute all or a part of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the establishment of a Community Development District that will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the Community Development District is established or three years from the date hereof, whichever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by Petitioner, a consent to the establishment of the Community Development District in substantially this form.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the officer executing this instrument.

[signatures on following page]

KUTAKROCK

Executed this 3 day of April, 2023.

Witnessed:

Print Name: _____

Print Name: _____

TLC BANNING RANCH, LLC,
a Florida limited liability company

By: _____

Name: _____

Title: _____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3 day of April, 2023, by Andrew Brosz, as _____, of TLC Banning Ranch, LLC, who appeared before me this day in person, and who is either personally known to me, or produced _____ as identification.



PAUL DANIEL
Notary Public
State of Florida
Comm# HH243140
Expires 4/4/2026

NOTARY PUBLIC, STATE OF FLORIDA

Name: _____

(Name of Notary Public, Printed, Stamped or Typed as Commissioned)

Exhibit A: Property

**BANNON RANCH
LEGAL DESCRIPTION**

A TRACT OF LAND, BEING ALL THE LAND, DESCRIBED IN THAT CERTAIN WARRANTY DEED, AS RECORDED IN OFFICIAL RECORDS BOOK 5771, PAGE 619 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING SECTIONS 33 AND 34, TOWNSHIP 20 SOUTH, RANGE 24 EAST, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 33, FOR A POINT OF REFERENCED; THENCE RUN NORTH 00°44'31" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 1324.63 FEET TO THE POINT OF BEGINNING; SAID POINT LIES ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, SAID POINT ALSO LIES ON THE NORTH LINE OF THE PLAT OF HAMMOCK GROVE ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 30 THROUGH 33 OF SAID PUBLIC RECORDS; THENCE RUN NORTH 89°14'25" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 585.00 FEET TO A POINT LYING ON THE WEST LINE OF THE EAST 585.00 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 00°44'31" EAST, ALONG SAID WEST LINE OF THE EAST 585.00 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 1324.55 FEET TO A POINT LYING ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE RUN NORTH 89°14'54" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 736.10 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE RUN NORTH 00°43'40" EAST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 1318.51 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33 SAID POINT ALSO LIES ON THE SOUTH LINE OF THE PLAT OF CLEARWATER RESERVE PHASE I, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 57, PAGES 89 THROUGH 94 OF SAID PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 89°18'37" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33 AND ALONG THE SOUTH LINE OF SAID PLAT OF CLEARWATER RESERVE PHASE I, A DISTANCE OF 1322.17 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF AFORESAID SECTION 34; THENCE RUN SOUTH 89°12'27" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 2651.75 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF; THENCE RUN SOUTH 89°14'54" EAST, 105.76 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 33 (66' WIDE RIGHT-OF-WAY); THENCE RUN SOUTH 03°00'00" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 662.02 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, RUN NORTH 89°12'55" WEST,

149.28 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 89°13'54" WEST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1325.84 FEET TO THE NORTH WEST CORNER OF SAID SOUTH HALF; THENCE RUN SOUTH 00°46'39" WEST, ALONG THE WEST LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 659.41 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE RUN SOUTH 00°45'19" WEST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1324.23 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 89°12'03" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1325.63 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND LIES IN **THE CITY OF LEESBURG**, LAKE COUNTY, FLORIDA, AND CONTAINS 160.358 ACRES MORE OR LESS.

Consent and Joinder of Landowner
to the Establishment of a Community Development District

The undersigned is the owner of certain lands more fully described in Exhibit A attached hereto and made a part hereof ("**Property**").

As an owner of lands that are intended to constitute all or a part of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the establishment of a Community Development District that will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the Community Development District is established or three years from the date hereof, whichever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by Petitioner, a consent to the establishment of the Community Development District in substantially this form.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the officer executing this instrument.

[signatures on following page]

KUTAKROCK

Executed this 3 day of April, 2023.

Witnessed:

Print Name: J. Jason Leans

Print Name: TAN TRAN

TLC WHITEMARSH, LLC,
a Florida limited liability company

By: [Signature]

Name: Andrew Oross

Title: VP

STATE OF FLORIDA

COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3 day of April, 2023, by Andrew Oross, as _____, of TLC Whitemarsh, LLC, who appeared before me this day in person, and who is either personally known to me, or produced _____ as identification.



PAUL DANIEL
Notary Public
State of Florida
Comm# HH243140
Expires 4/4/2026

[Signature]

NOTARY PUBLIC, STATE OF FLORIDA

Name: Paul Daniel

(Name of Notary Public, Printed, Stamped or Typed as Commissioned)

Exhibit A: Property

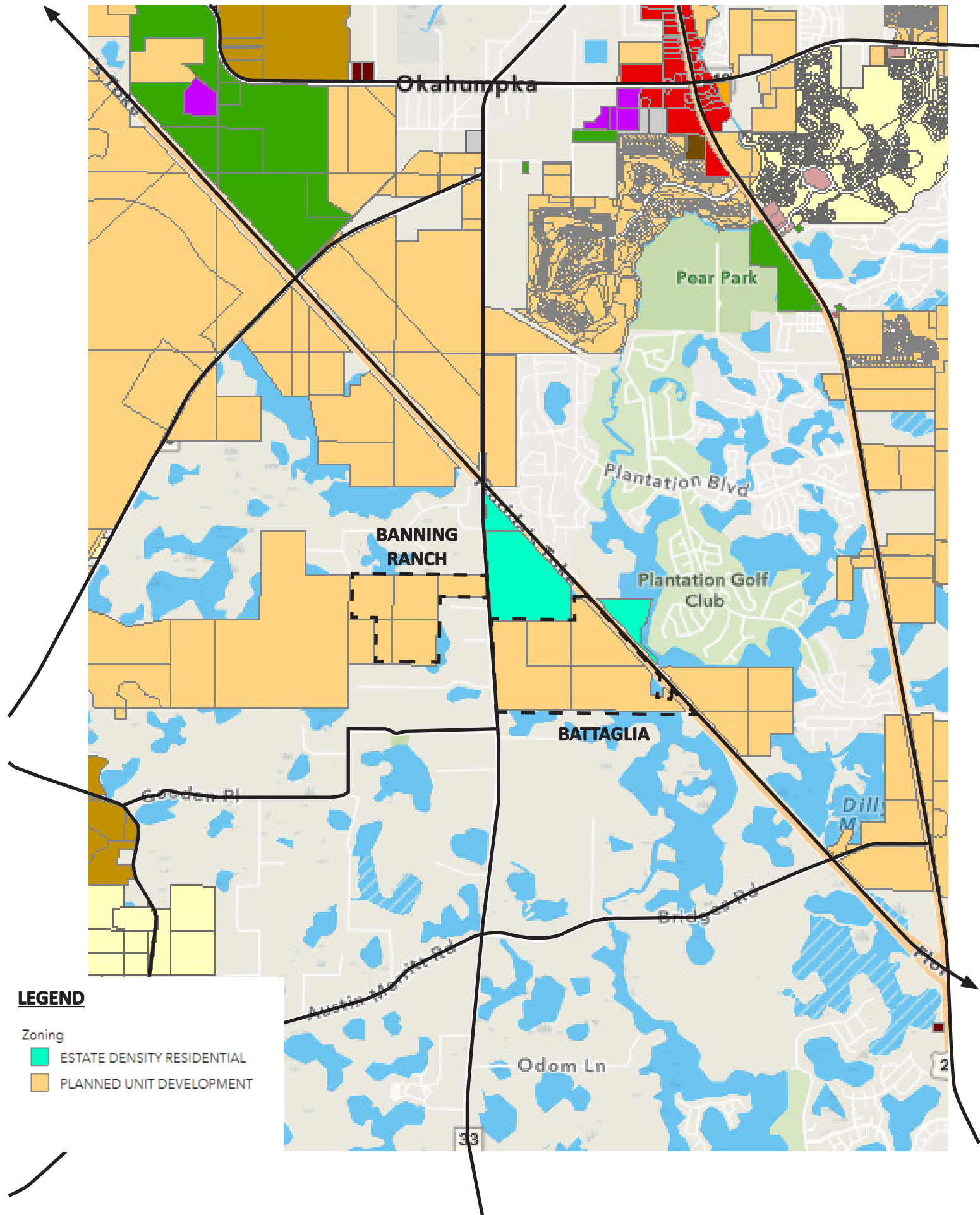
**BATTAGLIA
LEGAL DESCRIPTION**

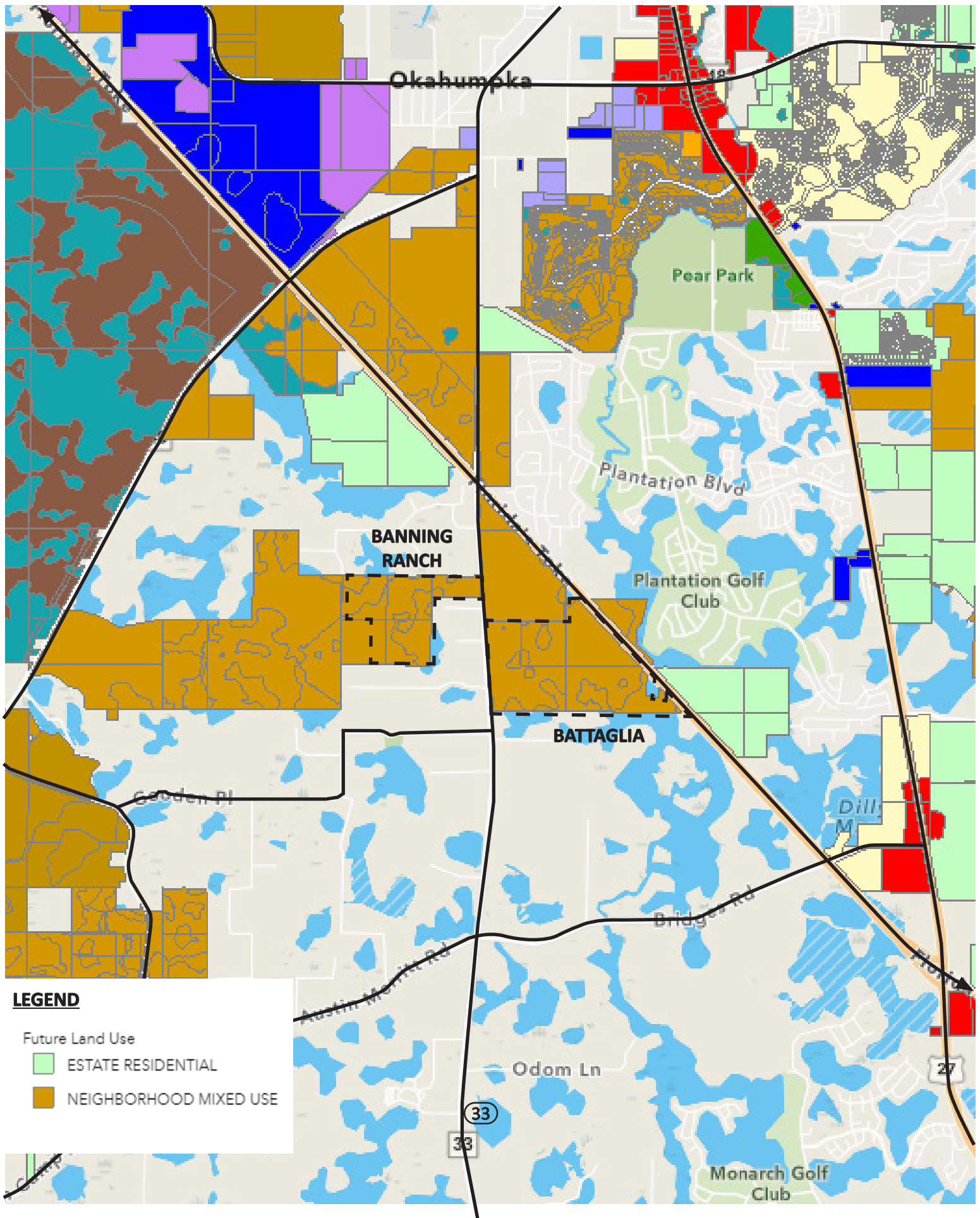
A TRACT OF LAND, BEING A PORTION OF SECTIONS 34 AND 35, TOWNSHIP 20 SOUTH, RANGE 24 EAST, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 34, FOR A POINT OF BEGINNING; THENCE RUN NORTH 89°06'19" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 2217.33 FEET TO A POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 33; THENCE RUN NORTH 03°00'00" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 2654.12 FEET TO A POINT LYING ON THE ORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, RUN SOUTH 89°11'01" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 2381.52 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF AFORESAID SECTION 35; THENCE RUN NORTH 00°32'58" EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 661.79 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE RUN SOUTH 89°09'01" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 353.31 FEET TO A POINT LYING ON THE WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY (FLORIDA TURNPIKE); THENCE RUN SOUTH 42°27'02" EAST, ALONG SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, 3065.67 FEET TO A POINT LYING ON THE WESTERLY LINE OF THE LESS OUT PARCEL OF THAT CERTAIN SPECIAL WARRANTY DEED, AS RECORDED IN OFFICIAL RECORDS BOOK 3608, PAGE 2310 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, RUN ALONG THE WESTERLY, SOUTHERLY AND EASTERLY LINES OF SAID LESS OUT PARCEL, THE FOLLOWING THREE (3) COURSES; SOUTH 08°04'44" WEST, 600.52 FEET; THENCE RUN SOUTH 81°55'16" EAST, 399.97 FEET; THENCE RUN NORTH 08°04'44" EAST, 271.15 FEET; TO A POINT LYING ON AFORESAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY (FLORIDA TURNPIKE); THENCE RUN SOUTH 42°27'02" EAST, ALONG SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, 968.19 FEET TO A POINT LYING ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE DEPARTING SAIS WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, RUN NORTH 89°09'16" WEST, ALONG SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 35, A DISTANCE OF 805.52 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 35; THENCE RUN NORTH 89°09'16" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 2652.27 FEET TO THE POINT OF BEGINNING.

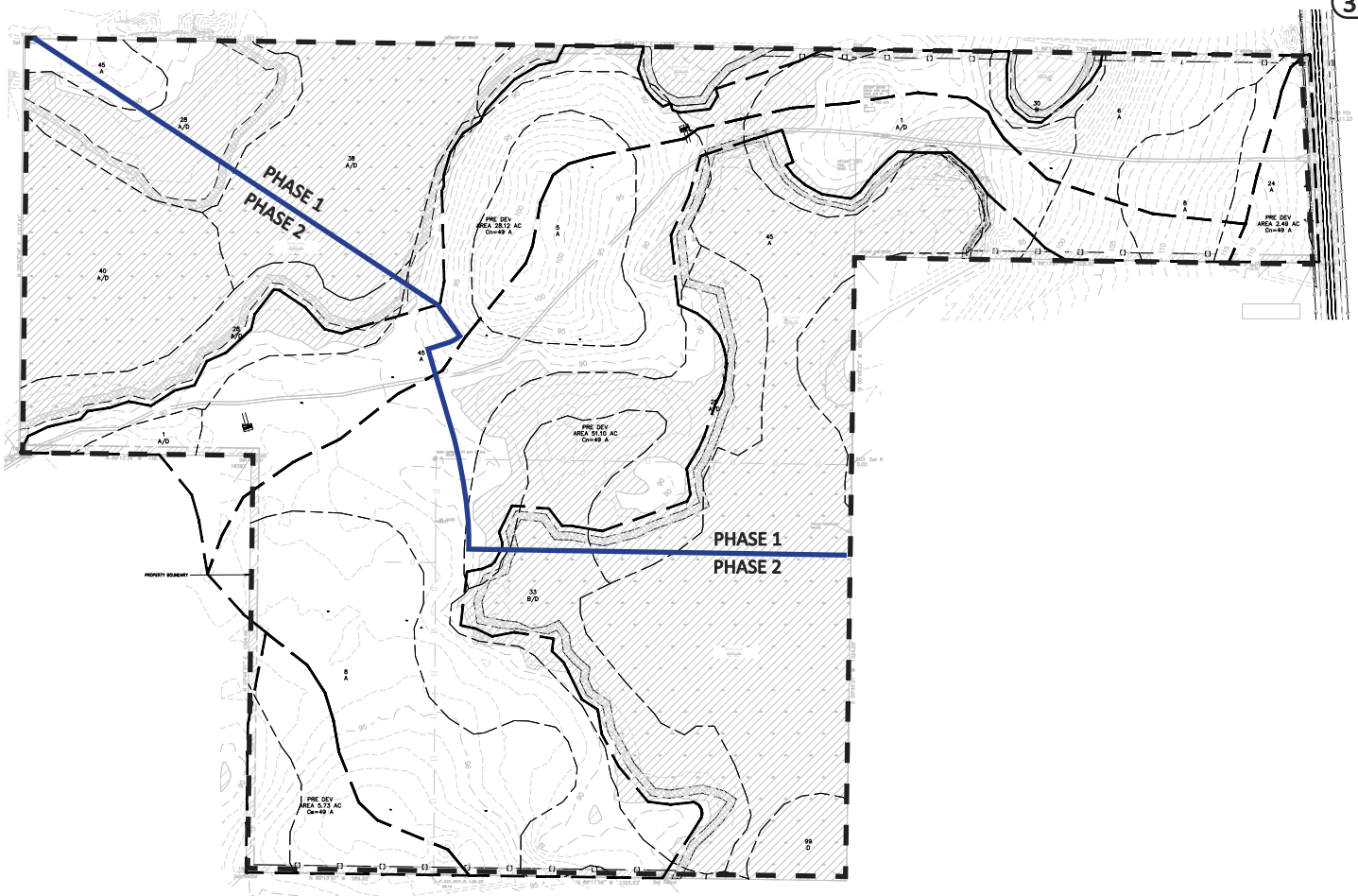
THE ABOVE DESCRIBED TRACT OF LAND LIES IN **THE CITY OF LEESBURG**, LAKE COUNTY, FLORIDA, AND CONTAINS 280.795 ACRES MORE OR LESS.

4



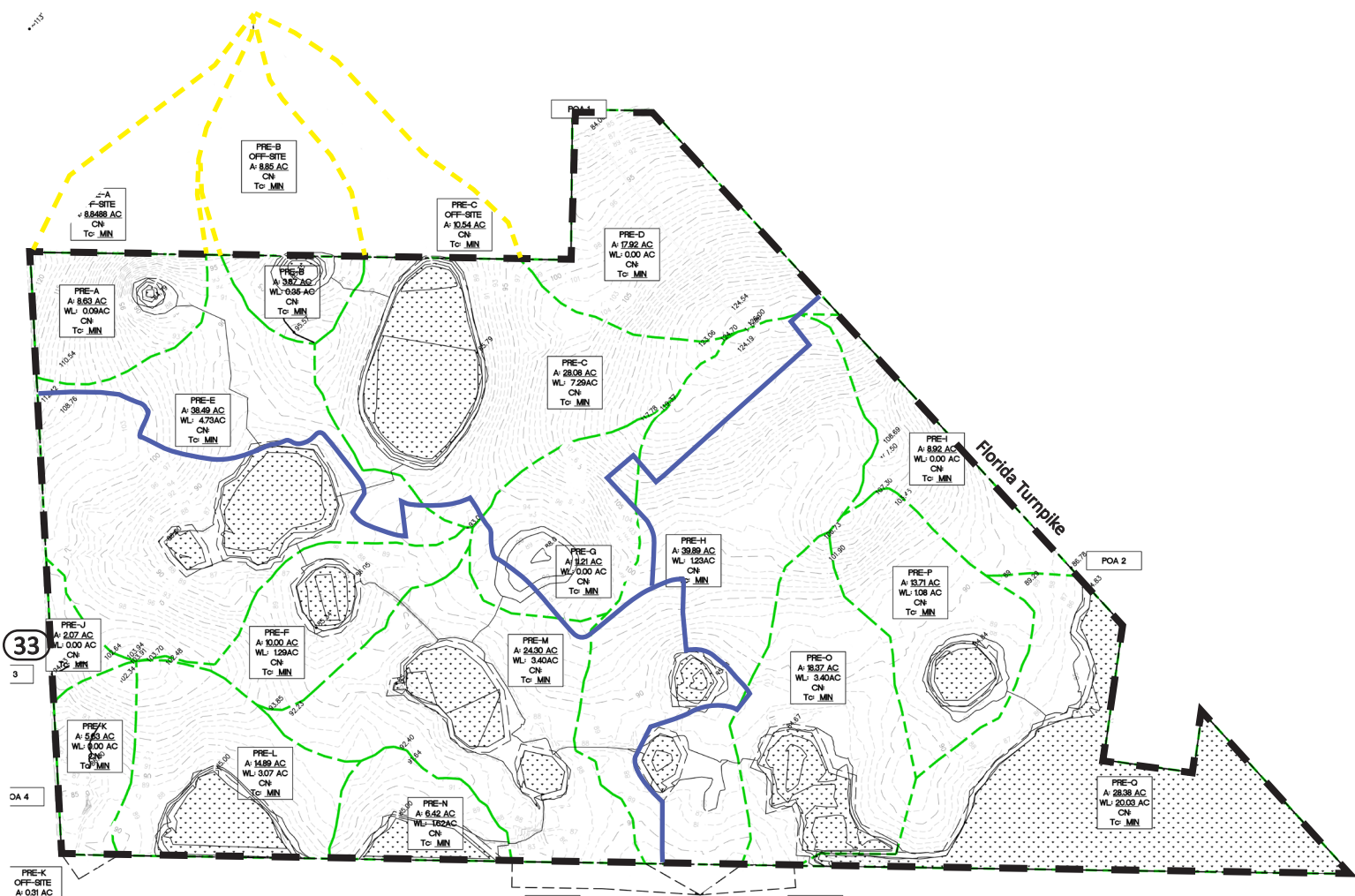


5A



LEGEND

- CDD BOUNDARY
- PHASE LINE

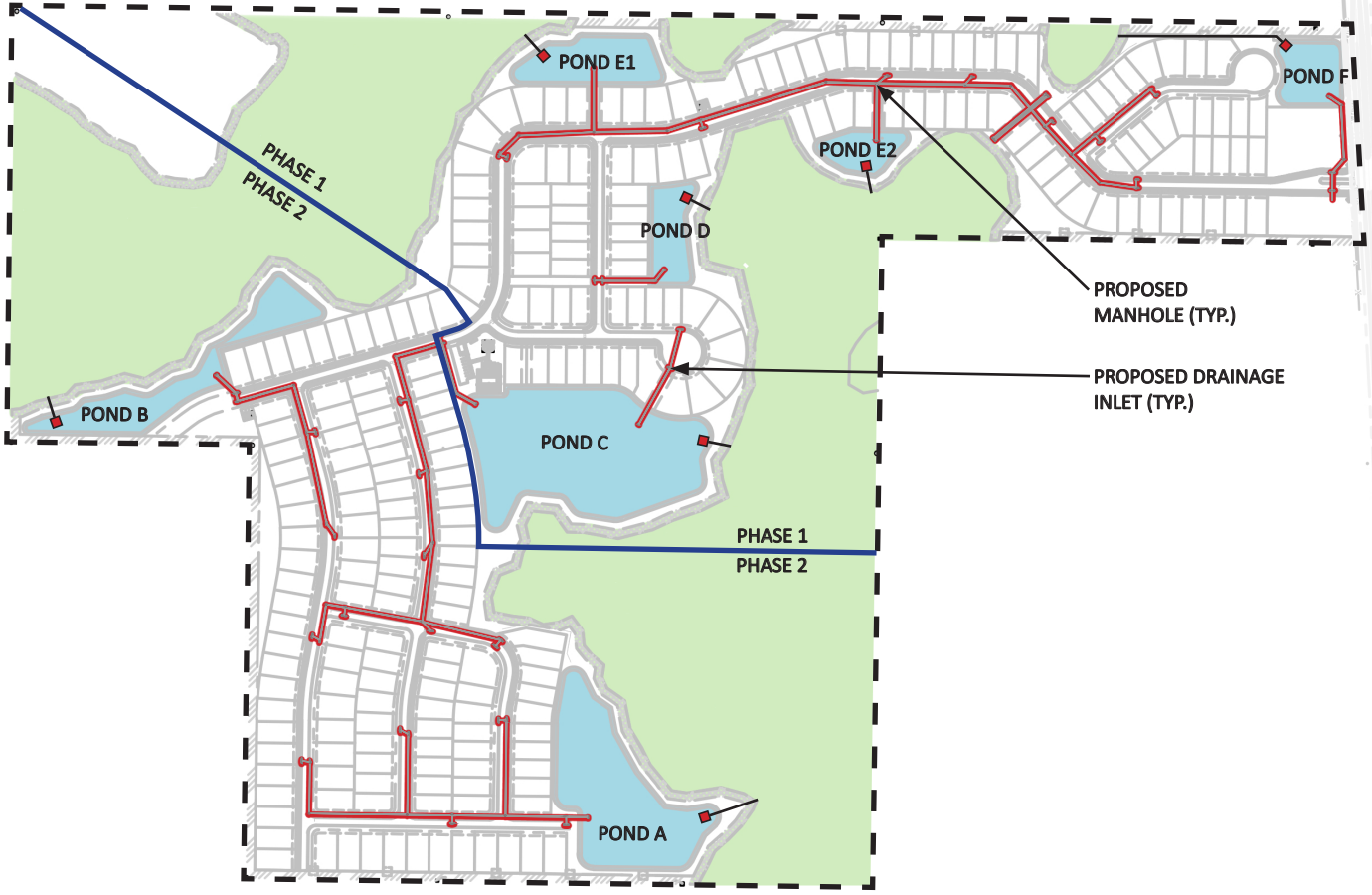


LEGEND

- CDD BOUNDARY
- PHASE LINE
- PRE ON SITE BASIN
- PRE OFF SITE BASIN

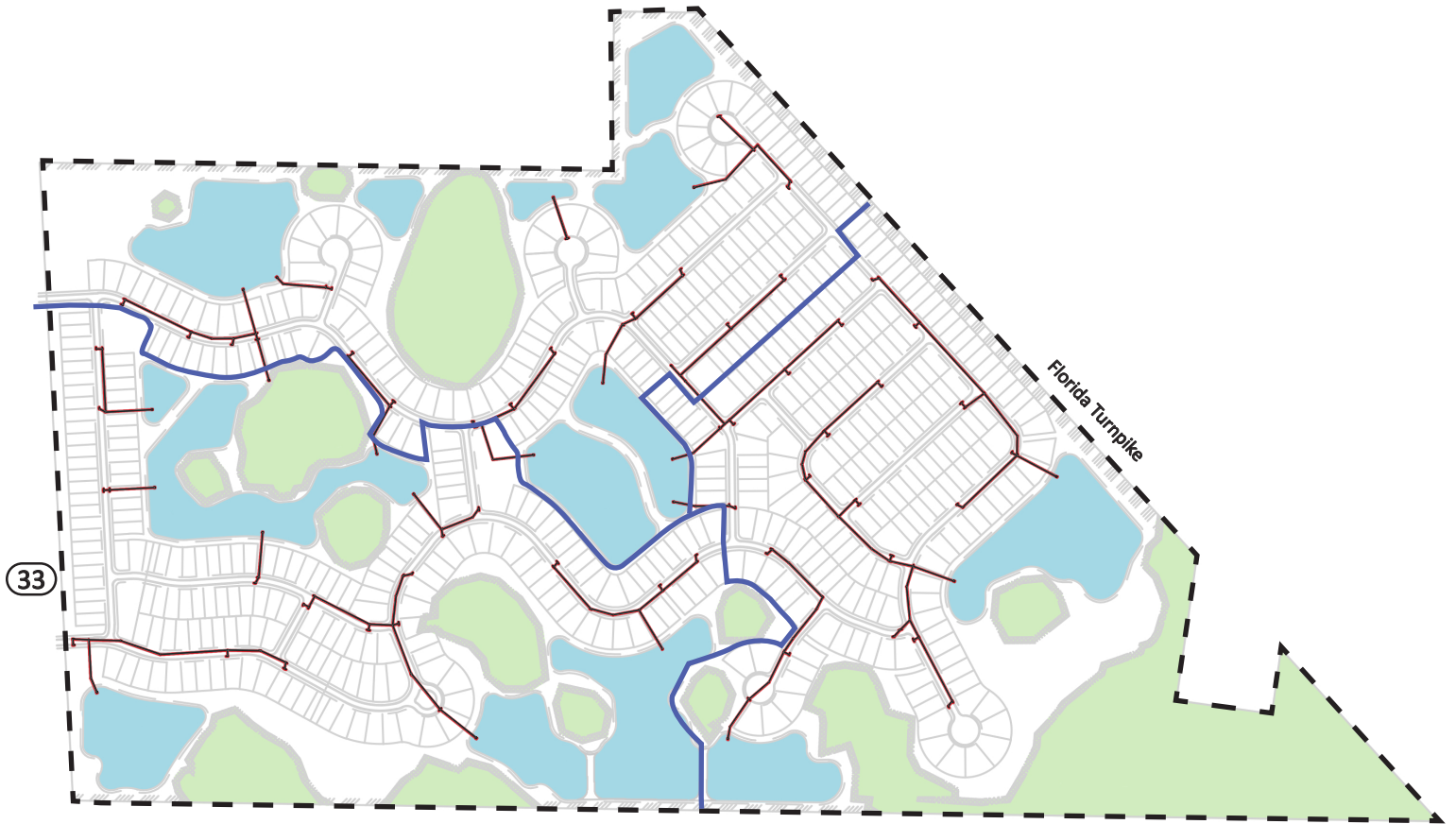


5B



LEGEND

- WETLAND
- PROPOSED STORMWATER POND
- PROPOSED OUTFALL STRUCTURE (TYP.)
- CDD BOUNDARY
- PHASE LINE



LEGEND

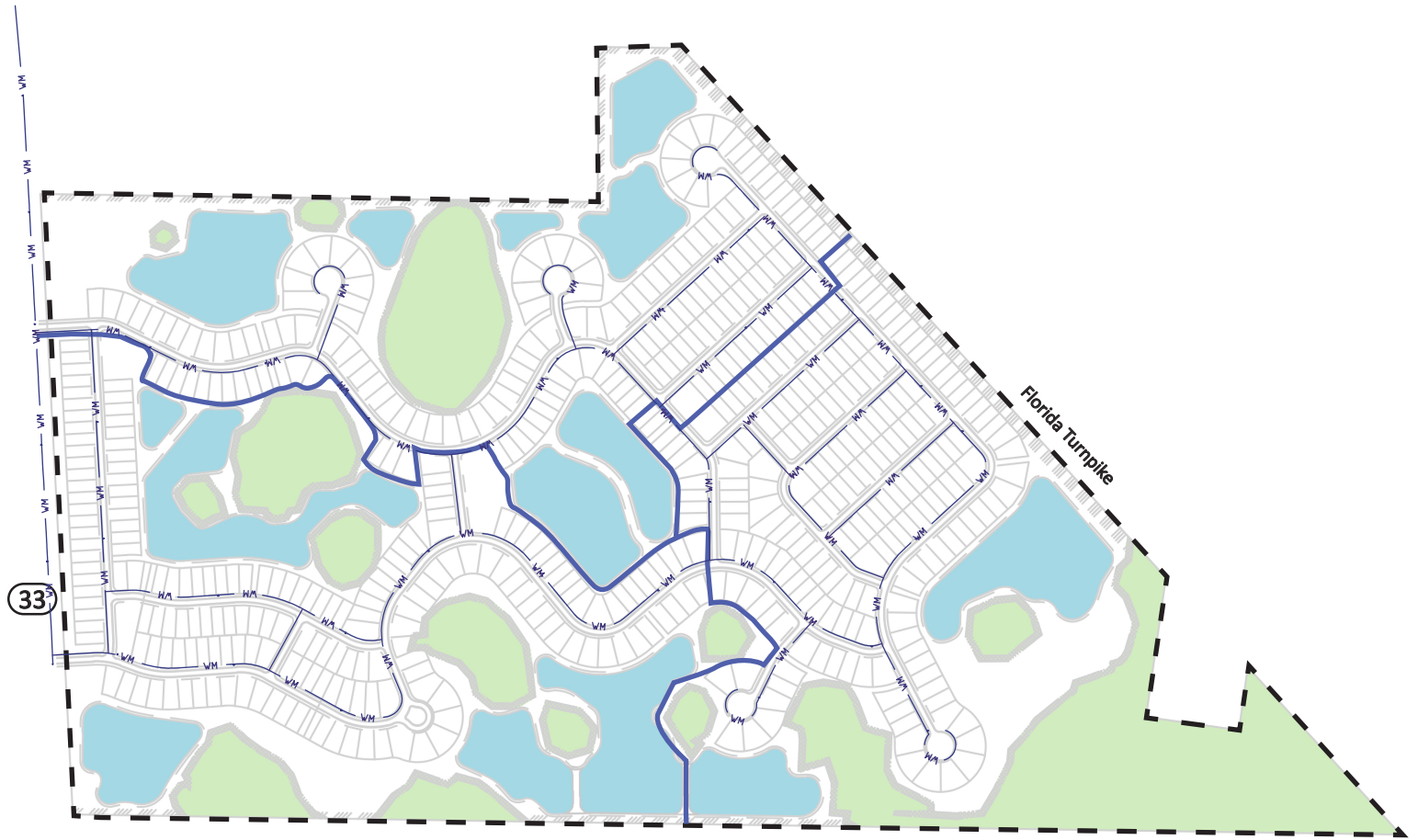
-  WETLAND
-  PROPOSED STORMWATER POND
-  PROPOSED OUTFALL STRUCTURE (TYP.)
-  CDD BOUNDARY
-  PHASE LINE

5C



LEGEND

- WETLAND
- PROPOSED STORMWATER POND
- PROPOSED POTABLE WATER MAIN
- CDD BOUNDARY
- PHASE LINE



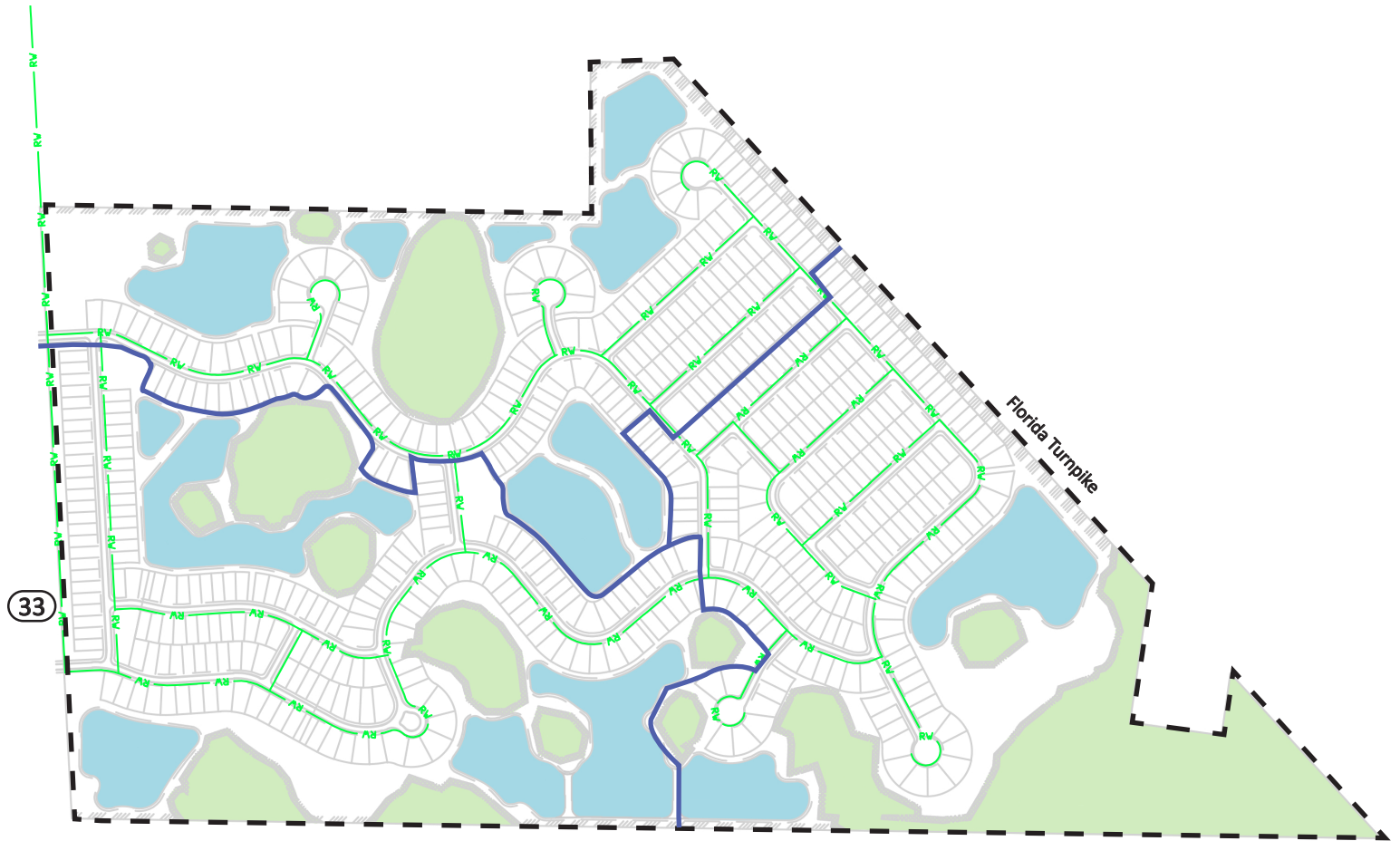
LEGEND

- WETLAND
- PROPOSED STORMWATER POND
- WM PROPOSED POTABLE WATER MAIN
- CDD BOUNDARY
- PHASE LINE



LEGEND

- WETLAND
- PROPOSED STORMWATER POND
- PROPOSED REUSE WATER MAIN
- CDD BOUNDARY
- PHASE LINE



LEGEND

- WETLAND
- PROPOSED STORMWATER POND
- RW PROPOSED REUSE WATER MAIN
- CDD BOUNDARY
- PHASE LINE

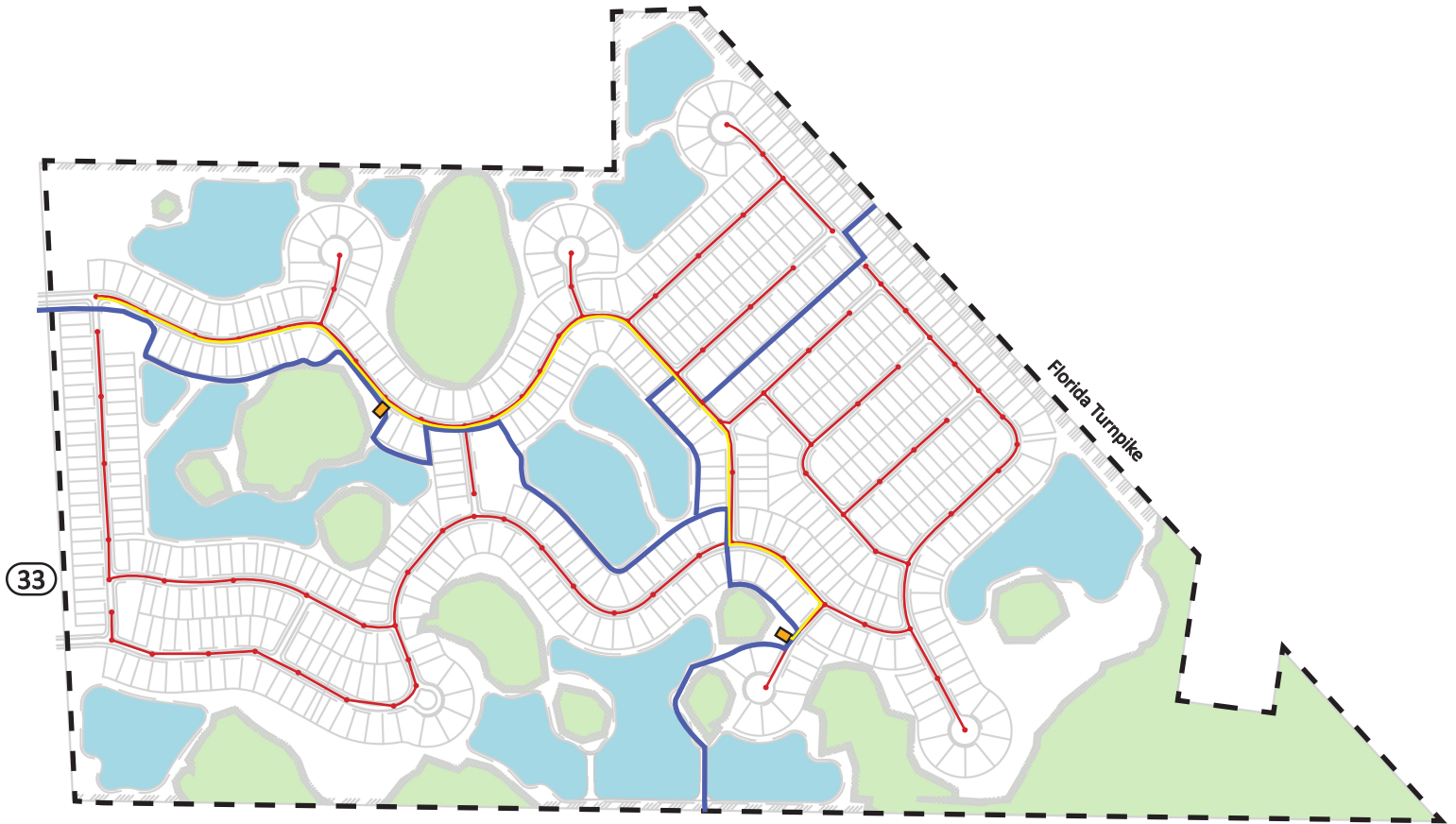




LEGEND

- WETLAND
- PROPOSED STORMWATER POND
- PROPOSED WASTEWATER LIFT STATION
- PROPOSED GRAVITY SEWER
- FORCE MAIN
- CDD BOUNDARY
- PHASE LINE





LEGEND

- WETLAND
- PROPOSED STORMWATER POND
- PROPOSED WASTEWATER LIFT STATION
- PROPOSED GRAVITY SEWER
- FORCE MAIN
- CDD BOUNDARY
- PHASE LINE



6

Exhibit 6
Proposed Facilities and Ownership & Maintenance Responsibility

Facilities/Systems	Proposed Ownership and Maintenance Entity
Sanitary Sewer Collection (On & Off-Site)	City of Leesburg
Water Distribution (On & Off-Site)	City of Leesburg
Reuse Water (On & Off-Site)	City of Leesburg
Master Stormwater Management System	CDD
Electrical Service System	Duke Energy
Gas Service System	City of Leesburg
On-Site Master Public Roadway Improvements	City of Leesburg
Off-Site Master Public Roadway Improvements	Lake County
Landscaping/Irrigation/Hardscape within Master Public Roads	CDD

7

County Road 33 CDD - TOTAL
Opinion of Probable Construction Costs

Proposed District Facilities and Services	Total	Phase 1	Phase 2	Phase 3
1. Master Utilities System (Onsite & Offsite)				
a. Sanitary Sewer System	\$ 7,486,487	\$ 3,455,034	\$ 3,056,366	\$ 975,087
b. Water Distribution System	\$ 4,599,296	\$ 2,035,995	\$ 1,645,646	\$ 917,654
c. Reuse Water System	\$ 3,526,295	\$ 1,432,932	\$ 1,343,945	\$ 749,418
2. Master Stormwater Management System				
a. Pond and Roadway Earthwork	\$ 12,722,898	\$ 5,150,945	\$ 5,192,330	\$ 2,379,623
b. On and Offsite Storm Conveyance System	\$ 5,152,140	\$ 1,948,014	\$ 2,057,058	\$ 1,147,068
3. Electrical Service Systems (Underground)	\$ 1,762,200	\$ 638,000	\$ 701,800	\$ 422,400
4. Gas	\$ 1,601,400	\$ 676,860	\$ 732,540	\$ 192,000
5. On-Site Roadway Improvements	\$ 6,228,694	\$ 2,410,022	\$ 2,479,264	\$ 1,339,409
6. Off-Site Roadway Improvements	\$ 234,750	\$ 156,750	\$ 78,000	
7. Landscaping, Hardscaping & Irrigation	\$ 1,580,105	\$ 846,800	\$ 394,945	\$ 338,360
8. Professional Consulting Fees	\$ 2,837,974	\$ 2,039,587	\$ 596,467	\$ 201,920
9. Contingency (15%)	\$ 7,159,835	\$ 3,118,640	\$ 2,741,754	\$ 1,299,441
Total	\$ 54,892,074	\$ 23,909,579	\$ 21,020,114	\$ 9,962,380
Construction Start		9/6/2024	5/26/2026	11/10/2027
Construction Completion		2/11/2026	7/28/2027	11/12/2028
Proposed # of Lots	801	290	319	192

County Road 33 CDD - Banning Ranch

Opinion of Probable Construction Costs

Proposed District Facilities and Services	Total	Phase 1	Phase 2
1. Master Utilities System (Onsite & Offsite)			
a. Sanitary Sewer System	\$ 3,051,728	\$ 1,662,116	\$ 1,389,612
b. Water Distribution System	\$ 1,633,632	\$ 935,592	\$ 698,040
c. Reuse Water System	\$ 1,300,362	\$ 730,296	\$ 570,066
2. Master Stormwater Management System	\$ -		
a. Pond and Roadway Earthwork	\$ 3,648,236	\$ 1,947,911	\$ 1,700,325
b. On and Offsite Storm Conveyance System	\$ 1,745,100	\$ 872,550	\$ 872,550
3. Electrical Service Systems (Underground)	\$ 528,000	\$ 255,200	\$ 272,800
4. Gas	\$ 1,040,400	\$ 502,860	\$ 537,540
5. On-Site Roadway Improvements	\$ 2,151,100	\$ 1,097,186	\$ 1,053,914
6. Off-Site Roadway Improvements	\$ 78,750	\$ 78,750	
7. Landscaping, Hardscaping & Irrigation	\$ 377,945	\$ 327,000	\$ 50,945
8. Professional Consulting Fees	\$ 1,063,182	\$ 710,515	\$ 352,667
9. Contingency (15%)	\$ 2,492,765	\$ 1,367,996	\$ 1,124,769
Total	\$ 19,111,201	\$ 10,487,972	\$ 8,623,228
Construction Start		11/6/2024	7/26/2026
Construction Completion		2/11/2026	7/28/2027
Proposed # of Lots	240	116	124

County Road 33 CDD - Battaglia*

Opinion of Probable Construction Costs

Proposed District Facilities and Services	Total	Phase 1	Phase 2	Phase 3
1. Master Utilities System (Onsite & Offsite)				
a. Sanitary Sewer System	\$ 4,434,759	\$ 1,792,917	\$ 1,666,754	\$ 975,087
b. Water Distribution System	\$ 2,965,664	\$ 1,100,403	\$ 947,606	\$ 917,654
c. Reuse Water System	\$ 2,225,933	\$ 702,636	\$ 773,879	\$ 749,418
2. Master Stormwater Management System	\$ -			
a. Pond and Roadway Earthwork	\$ 9,074,662	\$ 3,203,035	\$ 3,492,005	\$ 2,379,623
b. On and Offsite Storm Conveyance System	\$ 3,407,040	\$ 1,075,464	\$ 1,184,508	\$ 1,147,068
3. Electrical Service Systems (Underground)	\$ 1,234,200	\$ 382,800	\$ 429,000	\$ 422,400
4. Gas	\$ 561,000	\$ 174,000	\$ 195,000	\$ 192,000
5. On-Site Roadway Improvements	\$ 4,077,594	\$ 1,312,836	\$ 1,425,349	\$ 1,339,409
6. Off-Site Roadway Improvements	\$ 156,000	\$ 78,000	\$ 78,000	
7. Landscaping, Hardscaping & Irrigation	\$ 1,202,160	\$ 519,800	\$ 344,000	\$ 338,360
8. Professional Consulting Fees	\$ 1,774,792	\$ 1,329,072	\$ 243,800	\$ 201,920
9. Contingency (15%)	\$ 4,667,070	\$ 1,750,644	\$ 1,616,985	\$ 1,299,441
Total	\$ 35,780,873	\$ 13,421,607	\$ 12,396,886	\$ 9,962,380
Construction Start		9/6/2024	5/26/2026	11/10/2027
Construction Completion		12/11/2025	5/28/2027	11/12/2028
Proposed # of Lots	561	174	195	192

* also referred to as Preservation Place

8

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs (“SERC”) supports the petition to form the **County Road 33 Community Development District** (the “District”). The proposed District comprises approximately 441.153 acres of land located within the City of Leesburg, Florida (hereafter “City”). The project is planned for approximately 801 residential units. The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), Florida Statutes, as follows:

“That the process of establishing such a district pursuant to uniform general law shall be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant.”

1.2 Overview of the County Road 33 Community Development District

The District is designed to provide community infrastructure, services, and facilities along with operation and maintenance of such facilities and services to the lands within the District. The District will encompass approximately 441.153 acres.

The Development plan for the proposed lands within the District includes approximately 801 residential units to be constructed in total of five phases (three phases in development portion known as Battaglia/Preservation Place and two phases in development portion known as Banning Ranch). Such uses are authorized for inclusion within the District. A Community Development District (“CDD”) is an independent unit of special purpose local government authorized by Chapter 190, Florida Statutes, to plan, finance, construct, operate and maintain community-wide infrastructure in planned community developments. CDD’s provide a “solution to the state’s planning, management and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers.” Section 190.002(1)(a), Florida Statutes.

A CDD is not a substitute for the local, general purpose, government unit, e.g., the City/County in which the CDD lies. A CDD does not have the permitting, zoning or general police powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating, and maintaining community infrastructure for planned developments, such as County Road 33. The scope of this SERC is limited to evaluating the consequences of approving the petition to establish the District.

1.3 Requirements for Statement of Estimated Regulatory Costs

According to Section 120.541(2), Florida Statutes, a statement of estimated regulatory costs must contain:

(a) An economic analysis showing whether the rule directly or indirectly: is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity,

or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(c) A good faith estimate of the cost to the agency¹, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

(d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used in this paragraph, “transactional costs” are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

(e) An analysis of the impact on small businesses as defined by Section 288.703, Florida Statutes, and an analysis of the impact on small counties and small cities as defined by Section 120.52, Florida Statutes. The impact analysis for small businesses must include the basis for the agency’s decision not to implement alternatives that would reduce adverse impacts on small businesses.

(f) Any additional information that the agency determines may be useful.

(g) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under Section 120.541(1)(a), Florida Statutes, and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

2.0 Adverse impact on economic growth, business competitiveness or increased regulatory costs, in excess of \$1 million.

The creation of the District will not meet any of the triggers in Section 120.541(2)(a), Florida Statutes. The basis for this determination is provided in the discussions in Section 3.0 through Section 6.0 of this SERC.

3.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

As noted above, the County Road 33 Community Development District is a community designed for approximately 801 residential units. Formation of the District would put all of these units under the jurisdiction of the District. Prior to sale of any units, all of the owners of land within the proposed

¹ For the purposes of this SERC, the term “agency” means City of Leesburg, the term “state” or “State” means State of Florida and the term “rule” means the ordinance(s) which the City of Leesburg would enact in connection with the creation of the District.

boundaries will also be under the jurisdiction of the District. Initially, TLC Whitemarsh, LLC and TLC Banning Ranch, LLC (together, “Developer”) will be the primary developers and landowners of property within the proposed District boundaries.

4.0 Good faith estimate of the cost to state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

4.1 Costs of Governmental Agencies of Implementing and Enforcing Rule

State Government Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed formation of the District. The District as proposed will encompass under 2500 acres, therefore the City is the establishing entity under sections 190.005(2), (2)(e), Florida Statutes. The modest costs to various State entities to implement and enforce the proposed rule relate strictly to the receipt and processing of various reports that the proposed District is required to file with the State and its various entities. The costs to those State agencies that will receive and process the District’s reports are very small, because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.018, Florida Statutes, the proposed District must pay an annual fee to the State of Florida’s Department of Economic Opportunity, which offsets such costs.

City of Leesburg

The City and its staff will process and analyze the petition, conduct a public hearing with respect to the petition, and vote upon the petition to establish the District. These activities will absorb some resources. However, the filing fee required by Chapter 190, Florida Statutes, is anticipated to cover the costs for review of the petition for establishment.

These costs to the City are modest for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides much of the information needed for a staff review. Third, local governments already possess the staff needed to conduct the review without the need for new or additional staff. Fourth, there is no capital required to review the petition. Finally, local governments routinely process similar petitions for land uses and zoning charges that are far more complex than is the petition to establish a community development district.

The annual costs to the City because of the establishment of the District are minimal. The proposed District is an independent unit of special-purpose local government. The only annual costs the City faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the City. Furthermore, the City will not incur any quantifiable on-going costs resulting from the on-going administration of the District. As previously stated, the District operates independently from the City and all administrative and operating costs incurred by the District relating to the financing and construction of infrastructure are borne entirely by the District and its landowners.

4.2 Impact on State and Local Revenues

Adoption of the proposed rule will have no negative impact on State and local revenues. The District

is an independent unit of local government. It is designed to provide community facilities and services to serve the development. It has its own sources of revenue. No state or local subsidies are required or expected.

In this regard it is important to note that any debt obligations incurred by the District to construct infrastructure or facilities, or for any other reason, are not debts of the State of Florida or the City. In accordance with Florida law, debts of the District are strictly the District's own responsibility.

5.0 A good faith estimate of the transactional costs that are likely to be incurred by individuals and entities required to comply with the requirements of the ordinance.

Table 1 provides an outline of the various facilities and services the proposed District may provide. It is anticipated that the sanitary sewer collection, water distribution, reuse water, master stormwater system, undergrounding of electrical system, gas service system, conservation mitigation, on-site & off-site master public roadway improvements, and landscaping/irrigation/hardscape within master public roads will be financed by the District.

**Table 1.
County Road 33 CDD Proposed Facilities and Services**

<u>District Infrastructure</u>	<u>Construction</u>	<u>Ownership</u>	<u>Capital Financing*</u>	<u>Operation and Maintenance</u>
Sanitary Sewer Collection (on & off site)	District	City of Leesburg	District Bonds	City Of Leesburg
Water Distribution	District	City of Leesburg	District Bonds	City of Leesburg
Reuse Water	District	City of Leesburg	District Bonds	City of Leesburg
Master Stormwater Management System	District	District	District Bonds	District
Undergrounding of Electrical Service	District	Duke Energy	District Bonds	Duke Energy
Gas Service System	District	City of Leesburg	District Bonds	City of Leesburg
On-site Master Public Roadway Improvements	District	City of Leesburg	District Bonds	City of Leesburg
Off-Site Master Public Roadway Improvements	District	Lake County	District Bonds	Lake County
Landscaping/Irrigation/Hardscape within Master Public Roads	District	District	District Bonds	District

*Costs not funded by bonds will be funded by the developer.

The petitioner has estimated the design and development costs for providing the capital facilities. The cost estimates are shown in Table 2 below. Total development costs for these facilities are estimated to be approximately \$54,892,074. The District may issue special assessment bonds or other revenue bonds to fund the development of these facilities. These bonds would be repaid through non-ad valorem assessments levied on all developable properties in the District that benefit from the District's capital improvement program.

Table 2. Cost Estimates for District Facilities

CR 33 CDD - Banning Ranch Opinion of Probable Construction Costs			
Proposed District Facilities and Services	Total	Phase 1	Phase 2
1. Master Utilities System (Onsite & Offsite)			
a. Sanitary Sewer System	\$ 3,051,728	\$ 1,662,116	\$ 1,389,612
b. Water Distribution System	\$ 1,633,632	\$ 935,592	\$ 698,040
c. Reuse Water System	\$ 1,300,362	\$ 730,296	\$ 570,066
2. Master Stormwater Management System	\$ -		
a. Pond and Roadway Earthwork	\$ 3,648,236	\$ 1,947,911	\$ 1,700,325
b. On and Offsite Storm Conveyance System	\$ 1,745,100	\$ 872,550	\$ 872,550
3. Electrical Service Systems (Underground)	\$ 528,000	\$ 255,200	\$ 272,800
4. Gas	\$ 1,040,400	\$ 502,860	\$ 537,540
5. On-Site Roadway Improvements	\$ 2,151,100	\$ 1,097,186	\$ 1,053,914
6. Off-Site Roadway Improvements	\$ 78,750	\$ 78,750	
7. Landscaping, Hardscaping & Irrigation	\$ 377,945	\$ 327,000	\$ 50,945
8. Professional Consulting Fees	\$ 1,063,182	\$ 710,515	\$ 352,667
9. Contingency (15%)	\$ 2,492,765	\$ 1,367,996	\$ 1,124,769
Total	\$ 19,111,201	\$ 10,487,972	\$ 8,623,228
Construction Start		11/6/2024	7/26/2026
Construction Completion		2/11/2026	7/28/2027
Proposed # of Lots	240	116	124

CR 33 CDD - Battaglia* Opinion of Probable Construction Costs				
Proposed District Facilities and Services	Total	Phase 1	Phase 2	Phase 3
1. Master Utilities System (Onsite & Offsite)				
a. Sanitary Sewer System	\$ 4,434,759	\$ 1,792,917	\$ 1,666,754	\$ 975,087
b. Water Distribution System	\$ 2,965,664	\$ 1,100,403	\$ 947,606	\$ 917,654
c. Reuse Water System	\$ 2,225,933	\$ 702,636	\$ 773,879	\$ 749,418
2. Master Stormwater Management System	\$ -			
a. Pond and Roadway Earthwork	\$ 9,074,662	\$ 3,203,035	\$ 3,492,005	\$ 2,379,623
b. On and Offsite Storm Conveyance System	\$ 3,407,040	\$ 1,075,464	\$ 1,184,508	\$ 1,147,068
3. Electrical Service Systems (Underground)	\$ 1,234,200	\$ 382,800	\$ 429,000	\$ 422,400
4. Gas	\$ 561,000	\$ 174,000	\$ 195,000	\$ 192,000
5. On-Site Roadway Improvements	\$ 4,077,594	\$ 1,312,836	\$ 1,425,349	\$ 1,339,409
6. Off-Site Roadway Improvements	\$ 156,000	\$ 78,000	\$ 78,000	
7. Landscaping, Hardscaping & Irrigation	\$ 1,202,160	\$ 519,800	\$ 344,000	\$ 338,360
8. Professional Consulting Fees	\$ 1,774,792	\$ 1,329,072	\$ 243,800	\$ 201,920
9. Contingency (15%)	\$ 4,667,070	\$ 1,750,644	\$ 1,616,985	\$ 1,299,441
Total	\$ 35,780,873	\$ 13,421,607	\$ 12,396,886	\$ 9,962,380
Construction Start		9/6/2024	5/26/2026	11/10/2027
Construction Completion		12/11/2025	5/28/2027	11/12/2028
Proposed # of Lots	561	174	195	192
* also referred to as Preservation Place				

Landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition to the levy of non-ad valorem assessments for debt service, the District may also impose non-ad valorem assessments to fund the operation and maintenance of the District and its facilities and services.

It is important to recognize that buying property in the District is completely voluntary. Ultimately, all owners and users of property within the District choose to accept the non-ad valorem assessments as a tradeoff for the numerous benefits and facilities that the District provides.

A CDD provides property owners with the option of having a higher level of facilities and services financed through self-imposed charges. The District is an alternative means to finance necessary community facilities and services. District financing is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a neighborhood association, or through developer equity and/or bank loans.

In considering these costs it shall be noted that the lands to be included within the District will receive four major classes of benefits.

First, the property in the District will receive a higher level of public services sooner than would otherwise be the case.

Second, a district is a mechanism for assuring that the community services and amenities will be completed concurrently with development of lands within the District. This satisfies the revised growth management legislation, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a district is the sole form of governance which allows district landowners, through landowner voting and ultimately electoral voting for resident elected boards, to determine the type, quality and expense of the District services they receive, provided they meet the City's overall requirements.

Fourth, a district has the ability to maintain infrastructure better than a Homeowners' Association ("HOA") because it is able to offer a more secure funding source for maintenance and repair costs through assessments collected on the county tax bill pursuant to section 197.3632, Florida Statutes.

The cost impact on the ultimate landowners in the District is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above what the landowners would have paid to install infrastructure via an alternative financing mechanism. Given the low cost of capital for a CDD, the cost impact to landowners is negligible. This incremental cost of the high-quality infrastructure provided by the District is likely to be fairly low.

6.0 An analysis of the impact on small businesses as defined by Section 288.703, Florida Statutes, and an analysis of the impact on small counties and small cities as defined by Section 120.52, Florida Statutes.

There will be no adverse impact on small businesses because of the formation of the District. If anything, the impact may be positive. This is because the District must competitively bid many of its contracts, affording small businesses the opportunity to bid on District work, and may also result in a

need for additional retail and commercial services that afford small businesses and opportunity for growth.

The City has an estimated un-incarcerated population that is greater than 10,000 according to the 2020 U.S. Census. Therefore, the City is not defined as a “small city” according to section 120.52(18), Florida Statutes. Lake County (“County”) has an estimated un-incarcerated population that is greater than 75,000 according to the 2020 U.S. Census. Therefore, the County is not defined as a “small county” according to section 120.52(19), Florida Statutes.

7.0 Any additional useful information.

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Developer’s Engineer and other professionals associated with the Developer.

8.0 In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under Section 120.541(1)(a), Florida Statutes, and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

There have been no good faith written proposals submitted to the agency as described in section 120.541(1)(a), Florida Statutes.

*Prepared by:
Governmental Management Services - Central Florida, LLC
Updated June 2, 2023*

9

KUTAKROCK

AUTHORIZATION OF AGENT

This letter shall serve as a designation of Sarah R. Sandy and Michelle K. Rigoni of Kutak Rock LLP, whose address is 107 West College Avenue, Tallahassee, Florida 32301, to act as agents for TLC Whitemarsh, LLC, with regard to any and all matters pertaining to the Petition to the City Commission of the City of Leesburg, Florida, to establish a Community Development District pursuant to Chapter 190, *Florida Statutes*. The petition is true and correct. This authorization shall remain in effect until revoked in writing.

Witnessed:



Print Name: Isaac Lomas



Print Name: TAN TRAN

TLC WHITEMARSH, LLC,
a Florida limited liability company


By: Andrew Orosz
Its: VP

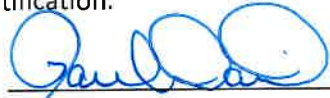
STATE OF FLORIDA

COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3 day of April, 2023, by Andrew Orosz, as _____, of TLC Whitemarsh, LLC, who appeared before me this day in person, and who is either personally known to me, or produced _____ as identification.



PAUL DANIEL
Notary Public
State of Florida
Comm# HH243140
Expires 4/4/2026



NOTARY PUBLIC, STATE OF FLORIDA

Name: Paul Daniel
(Name of Notary Public, Printed, Stamped or Typed as Commissioned)

10

Prepared by and return to:
Ashley S. Hunt, Esq.
Hunt Law Firm P.A.
601 S 9th Street
Leesburg, FL 34748
352-365-2262
File Number: 21310 - Cardiac

_____[Space Above This Line For Recording Data]_____

Warranty Deed

This Warranty Deed made this 16 day of December, 2022 between Cardiac Dragon 160 AC, LLC, a Florida limited liability company whose post office address is 8210 Cherry Lake Road, Groveland, FL 34736, grantor, and TLC Banning Ranch, LLC., a Florida limited liability company, whose post office address is 605 Commonwealth Avenue, Orlando, FL 32803, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lake County, Florida to-wit:

Parcel 1:
The East 585 feet of the Northeast 1/4 of the Southeast 1/4 of Section 33, Township 20 South, Range 24 East, Lake County, Florida.

Parcel 2:
The Southeast 1/4 of the Northeast 1/4 of Section 33, Township 20 South, Range 24 East, Lake County, Florida.

Parcel 3:
The North 1/2 of the Southeast 1/4 of the Northwest 1/4 and that part of the North 1/2 of the Southwest 1/4 of the Northeast 1/4 lying West of the Westerly Right-of-Way of State Road No. 33, of Section 34, Township 20 South, Range 24 East, Lake County, Florida.

Parcel 4:
The Southwest 1/4 of the Northwest 1/4 of Section 34, Township 20 South, Range 24 East, Lake County, Florida.

Parcel 5:
The Northwest 1/4 of the Southwest 1/4 of Section 34, Township 20 South, Range 24 East, Lake County, Florida.

Parcel Identification Number: Multiple Parcels

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.

Subject to easements, restrictions and reservations of record, if any, but not to reimpose any void or lapsed restrictions or easements.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

THIS SPACE LEFT BLANK INTENTIONALLY
SIGNATURE PAGE TO FOLLOW

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2022**.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: Ashley S. Hunt

Witness Name: David C. Lew

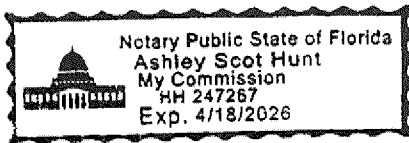
Cardiac Dragon 160 AC, LLC

By: David C. Lew
David C. Lew, Manager

State of Florida
County of Lake

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16 day of December, 2022 by David C. Lew, Manager of Cardiac Dragon 160 AC, LLC, on behalf of the company, who is personally known to me or ☐ has produced _____ as identification.

[Notary Seal]



Notary Public

Printed Name: _____

My Commission Expires: _____

**This instrument was prepared
by and upon recording should
be returned to:**

Troy Finnegan, Esq.
Akerman LLP
420 South Orange Avenue
Suite 1200
Orlando, Florida 32801

Parcel Identification Number(s):
34-20-24-0004-000-00800
34-20-24-0004-000-00902
35-20-24-0002-000-01500

[Space above this line for Recorder's use.]

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made this 10 day of March, 2023, by **BFC SR 33, LLC**, a Florida limited liability company (the "Grantor"), whose mailing address is P.O. Box 3010, Winter Park, Florida 32790, to and in favor of **TLC WHITEMARSH, LLC**, a Florida limited liability company (the "Grantee"), whose mailing address is 605 Commonwealth Avenue, Orlando, Florida 32803.

WITNESSETH:

THAT THE GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to it in hand paid, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, its successors and assigns, all that certain real property lying and being in the County of Lake, State of Florida, as more particularly described on Exhibit "A" hereto and made a part hereof (the "Property");

SUBJECT TO all covenants, conditions, restrictions, reservations, limitations, easements, matters of record and rights-of-way, if any, but this provision shall not operate to re-impose the same; and taxes and assessments for the current year and subsequent years.

TOGETHER WITH all of the tenements, hereditaments, improvements, appurtenances, rights, easements and rights-of-way belonging or in anywise appertaining thereto.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns, in fee simple, forever.

AND Grantor hereby covenants with Grantee: (1) that Grantor is lawfully seized of the Property in fee simple; (2) that Grantor has good right and lawful authority to sell and convey the Property; and (3) that Grantor does hereby agree to warrant and forever defend the right and title to the Property unto Grantee against the claims of those persons claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has caused these presents to be duly authorized in its name and by those thereunto duly authorized, the day and year first above written.

SIGNATURE WITNESSED BY:

GRANTOR:

BFC SR 33, LLC,
a Florida limited liability company


Name: Kara Newcomb

By: W.P. Battaglia
W.P. Battaglia, President

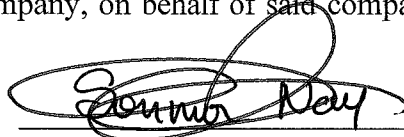

Name: Sonnua Nay

STATE OF FLORIDA

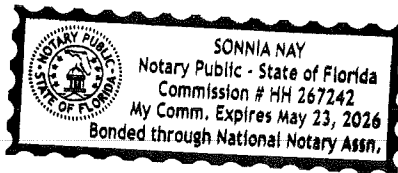
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 6th day of March, 2023, by W.P. Battaglia, as President of BFC SR 33, LLC, a Florida limited liability company, on behalf of said company. He is personally known to me.

[NOTARY SEAL]


Notary Public, State of Florida

Sonnua Nay
Printed Name of Notary Public
My commission expires: 5/23/26



[Signature Page to Special Warranty Deed]

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1:

The Northeast 1/4 of the Southeast 1/4 of Section 34, Township 20 South, Range 24 East, Lake County, Florida, LESS the North 15 feet thereof.

PARCEL 2:

The North 15 feet of the Northeast 1/4 of the Southeast 1/4 of Section 34, Township 20 South, Range 24 East, Lake County, Florida.

PARCEL 3:

The North 1/2 of the Southwest 1/4 lying West of the Falatlakaha Creek (also spelled Palatlakaha) and the South 1/2 of the South 1/2 of the Northwest 1/4 lying West of the Falatlakaha Creek (also spelled Palatlakaha), all in Section 35, Township 20 South, Range 24 East, Lake County, Florida, lying West of Sunshine State Parkway, LESS that portion conveyed to the Florida State Turnpike Authority in Book 212, Page 415.

**This instrument was prepared
by and upon recording should
be returned to:**

Troy Finnegan, Esq.
Akerman LLP
420 South Orange Avenue
Suite 1200
Orlando, Florida 32801

Parcel Identification Number(s):
35-20-24-0003-000-00501
34-20-24-0004-000-00900
34-20-24-0004-000-00901

[Space above this line for Recorder's use.]

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made this 10 day of March, 2023, by **SR 33, LLC**, a Florida limited liability company (the "Grantor"), whose mailing address is P.O. Box 3010, Winter Park, Florida 32790, to and in favor of **TLC WHITEMARSH, LLC**, a Florida limited liability company (the "Grantee"), whose mailing address is 605 Commonwealth Avenue, Orlando, Florida 32803.

WITNESSETH:

THAT THE GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to it in hand paid, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, its successors and assigns, all that certain real property lying and being in the County of Lake, State of Florida, as more particularly described on Exhibit "A" hereto and made a part hereof (the "Property");

SUBJECT TO all covenants, conditions, restrictions, reservations, limitations, easements, matters of record and rights-of-way, if any, but this provision shall not operate to re-impose the same; and taxes and assessments for the current year and subsequent years.

TOGETHER WITH all of the tenements, hereditaments, improvements, appurtenances, rights, easements and rights-of-way belonging or in anywise appertaining thereto.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns, in fee simple, forever.

AND Grantor hereby covenants with Grantee: (1) that Grantor is lawfully seized of the Property in fee simple; (2) that Grantor has good right and lawful authority to sell and convey the Property; and (3) that Grantor does hereby agree to warrant and forever defend the right and title to the Property unto Grantee against the claims of those persons claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has caused these presents to be duly authorized in its name and by those thereunto duly authorized, the day and year first above written.

SIGNATURE WITNESSED BY:

GRANTOR:

SR 33, LLC,
a Florida limited liability company


Name: Kara Newcomb

By: W.P. Battaglia
W.P. Battaglia/President

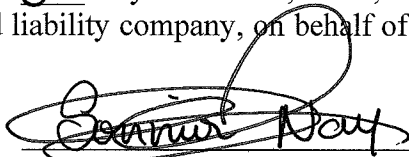

Name: Sonnica Nay

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 6th day of March, 2023, by W.P. Battaglia, as President of SR 33, LLC, a Florida limited liability company, on behalf of said company. He is personally known to me.

[NOTARY SEAL]


Notary Public, State of Florida

Sonnica Nay
Printed Name of Notary Public
My commission expires: 5/23/26.

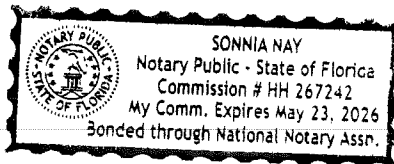


EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 4:

That part of the South 1/2 of the South 1/2 of Section 35, Township 20 South, Range 24 East, Lake County, Florida, lying West of the right of way of the Sunshine State Parkway, established in Official Records Book 220, Page 31, Lake County, Florida.

AND LESS that part conveyed in Official Records Book 399, Page 942, being more particularly described as follows:

From the South 1/4 corner of Section 35, Township 20 South, Range 24 East, run South 89°35'00" West along the South line of said Section 35, 37.65 feet; thence North 18°16'30" West for 497.41 feet to the Point of Beginning; run thence South 83°11'00" East for 300 feet; thence North 06°49' East for 274.59 feet to a point on the Southwesterly right of way of Sunshine State Parkway; run thence North 43°58' West along said right of way for 516.25 feet; thence South 06°49' West for 600.94 feet; thence South 83°11'00" East for 100 feet to the Point of Beginning.

PARCEL 5:

That part of the Northwest 1/4 of the Southeast 1/4, less the North 15 feet thereof, and the South 1/2 of the Southeast 1/4, all in Section 34, Township 20 South, Range 24 East, Lake County, Florida, lying East of the right of way of State Road No. 33.

PARCEL 6:

The North 15 feet of the Northwest 1/4 of the Southeast 1/4 in Section 34, Township 20 South, Range 24 East, Lake County, Florida, lying East of State Road No. 33.

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.B.6.

Meeting Date: August 28, 2023

From: Dan Miller, (Planning and Zoning Director), Kandi Harper, (Planner)

Subject: An Ordinance of the City of Leesburg, Florida, ratifying and readopting Ordinance 17-16 pertaining to a change in Future Land Use to Estate Residential for property generally located in Section 25, Township 20 South, Range 24 East, Lake County, Florida, to ensure compliance with the procedures of Chapter 163, Florida Statutes for adopting Large Scale Comprehensive Plan amendments relating to said property; directing transmittal to the reviewing agencies; providing for severability; and providing an effective date. (Floribra Windmill)

Staff Recommendation:

Staff recommends approval of the request to amend the City's Comprehensive Plan to ensure compliance with Chapter 163, Florida Statutes.

Analysis:

In 2017, Planning and Zoning staff prepared and forwarded to the City Commission, in compliance with Florida Statutes, ordinance 17-16, for the purpose of changing the Future Land Use for an area generally located east of U.S. Highway 27 and north and south of Windmill Road. At that time, the City Commission did approve this ordinance, after receiving written comments and affirmative recommendations from the City of Leesburg Planning Commission. Although Ordinance 17-16 was properly adopted in accordance with the procedures of Section 166.041, Florida Statutes, it is unclear whether the ordinances were correctly transmitted to the reviewing agencies in accordance with the specific requirements for large-scale comprehensive plan amendments as set forth in Section 163.3184(3), Florida Statutes. In an abundance of caution, Staff respectfully requests that the Commission ratify and readopt as shown herein. This action will ensure full compliance with all procedures for adopting large-scale amendments to the City's Comprehensive Plan as outlined in Section 163.3184 (3).

Procurement Analysis:

N/A

Options:

1. Approve the proposed large scale comprehensive plan amendment; or
2. Other action as the Commission may choose.

Fiscal Impact:

No fiscal impact is anticipated as a result of this request.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, RATIFYING AND READOPTING ORDINANCE 17-16 PERTAINING TO A CHANGE IN FUTURE LAND USE TO ESTATE RESIDENTIAL FOR PROPERTY GENERALLY LOCATED IN SECTION 25, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, TO ENSURE COMPLIANCE WITH THE PROCEDURES OF CHAPTER 163, FLORIDA STATUTES FOR ADOPTING LARGE SCALE COMPREHENSIVE PLAN AMENDMENTS RELATING TO SAID PROPERTY; DIRECTING TRANSMITTAL TO THE REVIEWING AGENCIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (FLORIBRA WINDMILL)

WHEREAS, on May 8, 2017, and after compliance with the procedures of ordinance adoption as set forth in Section 166.041, Florida Statutes, the City Commission of the City of Leesburg adopted Ordinance 17-16 pertaining to a change in future land use from Lake County Rural Transition to City of Leesburg Estate Residential on certain real property generally situated in Section 25, Township 20 South, Range 24 East, Lake County, Florida;

WHEREAS, Ordinance 17-16 was adopted by the City Commission after receiving written comments and affirmative recommendations to amend the City's Comprehensive Plan from the City of Leesburg Planning Commission, acting as the Local Planning Agency;

WHEREAS, Ordinance 17-16 was adopted by the City Commission after receiving written objections, recommendations, and comments from the general public at public hearings held in accordance with law;

WHEREAS, although Ordinance 17-16 was properly adopted in accordance with the procedures of Section 166.041, Florida Statutes, it's unclear whether the ordinance was transmitted to the Reviewing Agencies in accordance with the requirements for large-scale comprehensive plan amendments as set forth in Section 163.3184(3), Florida Statutes;

WHEREAS, in an abundance of caution, the City Commission wishes to ratify and readopt Ordinance 17-16 consistent with the procedures of Section 163.3184(3), Florida Statutes, to ensure full compliance with all procedures of adopting large-scale amendments to the City's Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEESBURG, FLORIDA:

Section 1. Recitals. The above recitals are hereby restated and are incorporated herein for all purposes.

Section 2. Ratification and Readoption of Ordinances. Ordinance 17-16 is hereby ratified and readopted.

Section 3. Transmittal to Reviewing Agencies. City staff is directed to transmit Ordinance 17-16, this Ordinance, and any other required or requested documents and information to the Reviewing

Agencies in accordance with the procedures of Section 163.3184, Florida Statutes, regarding large-scale amendments to the City's Comprehensive Plan.

Section 4. Comprehensive Plan Amendment. The Growth Management Plan of the City of Leesburg, adopted by the City of Leesburg on December 10, 2012, pursuant to the Community Planning Act of 2011, Chapter 163, Part II, Florida Statutes, after public hearing by the City of Leesburg Planning Commission, is hereby amended in the following manner:

The Future Land Use Map is amended by changing the future land use designations on various properties in the city, legally described as:

SEE EXHIBIT "A" ATTACHED HERETO

Section 5. The provisions of this ordinance are severable, and it is the intention of the City Commission of the City of Leesburg, Florida, to confer the whole or any part of the powers herein provided. If any court of competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the decision of such court shall not impair any remaining provisions of this ordinance.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City of Leesburg Commission.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the _____ day of _____ 2023.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

EXHIBIT "A"

(legal description)

DESCRIPTION (FURNISHED BY CLIENT):

That portion of the North 1/2 of the Southeast 1/4 lying East of the Right-of-Way of State Road No. 25, also known as U.S. Highway No. 27, in Section 25, Township 20 South, Range 24 East, Public Records of Lake County, Florida.

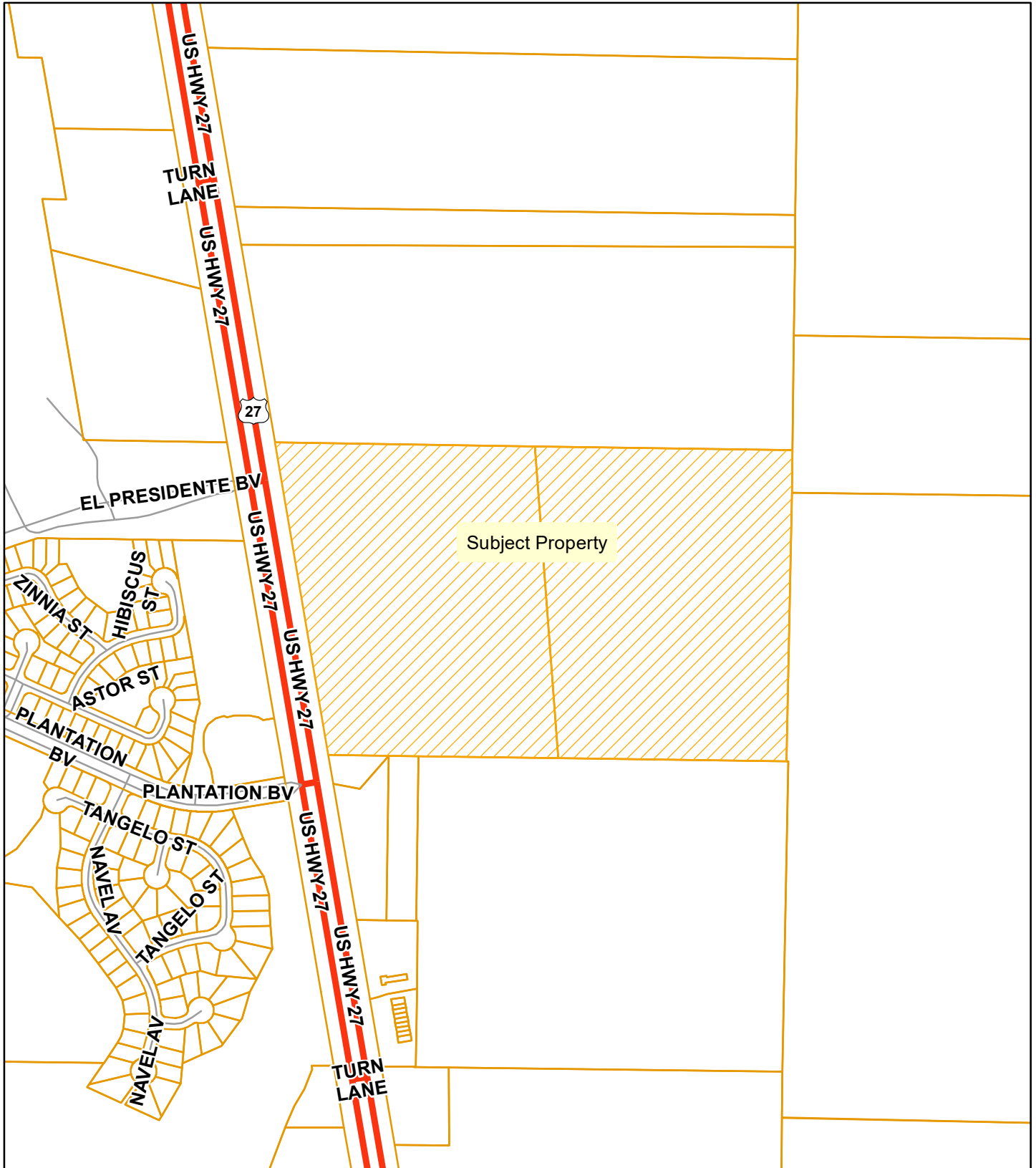
ALSO DESCRIBED AS:

DESCRIPTION (PREPARED BY DONALD W. McINTOSH ASSOCIATES, INC.):

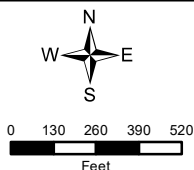
Commence at a 4" diameter concrete monument (no identification number) as referenced in Certified Corner Record No. 34403 at the Southeast corner of Section 25, Township 20 South, Range 24 East, Lake County, Florida, and run N00°42'44"E for a distance of 1327.06 feet to a point lying S00°42'44"W a distance of 1315.70 feet from a 4" x 4" concrete monument (no identification number) as referenced in Certified Corner Record No. 34404 at the Northeast corner of the Southeast 1/4 of said Section 25; thence run N89°15'35"W for a distance of 14.60 feet to the POINT OF BEGINNING, said point being a 4" x 4" concrete monument (no identification number); thence continue N89°15'35"W for a distance of 1946.57 feet to a 5/8" iron rod with cap No. LB68 at the Easterly right-of-way line of U. S. Highway No. 27 (State Road No. 25); thence run N09°40'57"W along said right-of-way line for a distance of 1343.64 feet to a 5/8" iron rod with cap No. LB68; thence run S89°06'35"E for a distance of 2189.75 feet to a 4" x 4" concrete monument (no identification number); thence run S00°44'41"W for a distance of 1315.74 feet to the POINT OF BEGINNING.

Containing 62.597 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

Locator

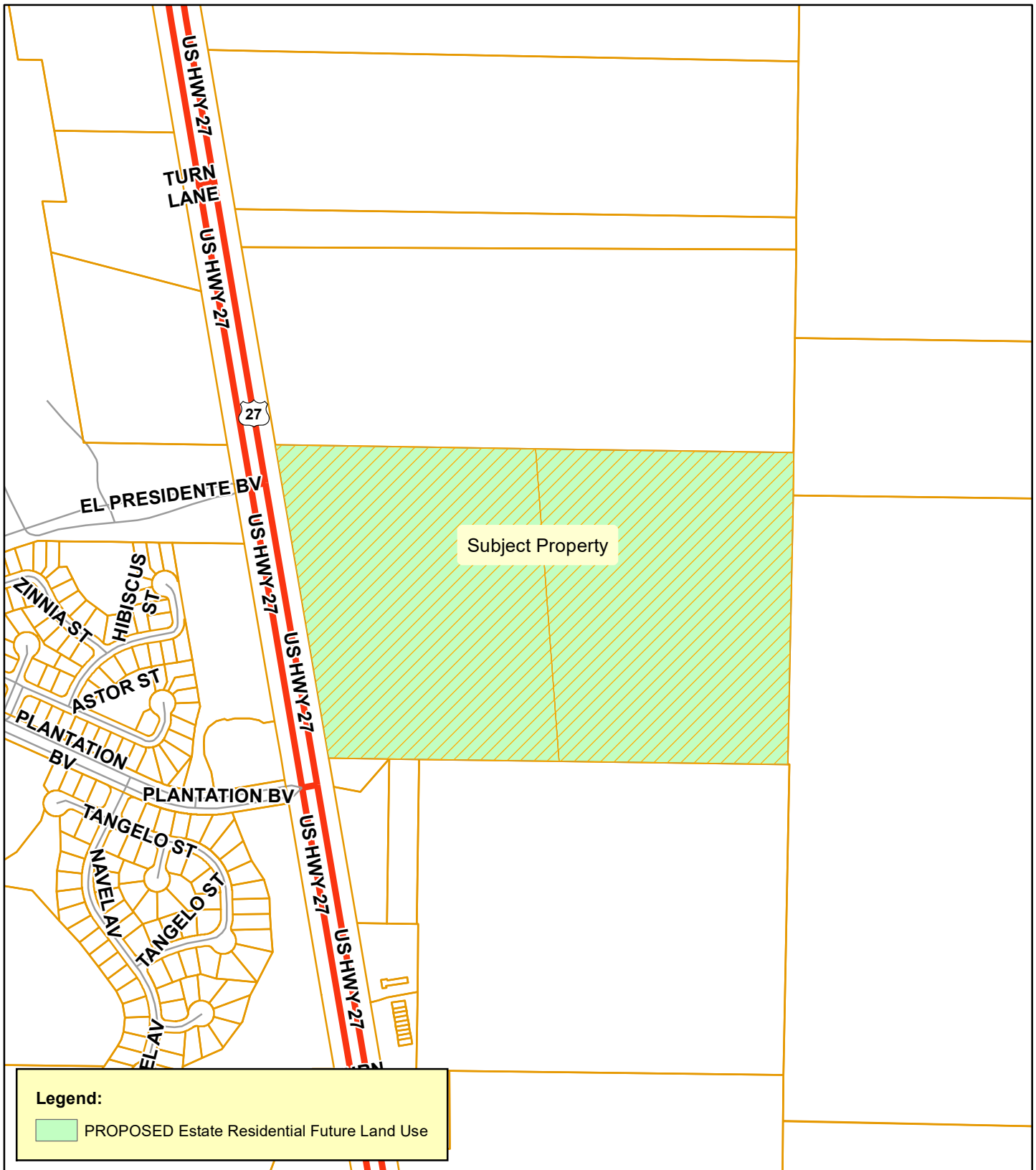


**Planning
& Zoning
Division**

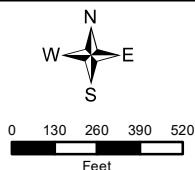


Ratify and Readopt
Ordinance 17-16
Section 25, Township 20 South, Range 24 East
August 28, 2023

PROPOSED Estate Residential Future Land Use



**Planning
& Zoning
Division**



Ratify and Readopt
Ordinance 17-16
Section 25, Township 20 South, Range 24 East
August 28, 2023

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.B.7.

Meeting Date: August 28, 2023

From: Al Minner, (City Manager)

Subject: 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 to clarify the residential development units to which natural gas line and appliance installation requirements apply; providing for severability; providing for inclusion in the Code of Ordinances; providing of conflicts; and providing an effective date.

Staff Recommendation:

Conduct first reading and set for second reading and public hearing.

Analysis:

This proposal considers modifying the natural gas development requirement to be considered for only single family residential development. The modification defines "unit" and in so doing would exempt apartments, town homes and multifamily units from the natural gas development requirement.

Procurement Analysis:

N/A

Options:

1. Approve as presented; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

N/A

ORDINANCE NO. 2023-_____

**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 TO CLARIFY THE
RESIDENTIAL DEVELOPMENT UNITS TO WHICH
NATURAL GAS LINE AND APPLIANCE INSTALLATION
REQUIREMENTS APPLY; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION IN THE
CODE OF ORDINANCES; PROVIDING FOR CONFLICTS;
AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, pursuant to Chapter 22, Section 22-7 of the Code of Ordinances of the City of Leesburg, Florida, natural gas line installation is required in all new residential developments of more than five (5) units and developers are required to equip not less than eighty percent (80%) of such units with a natural gas water heater, natural gas stove, and natural gas dryer, or a natural gas water heater and natural gas furnace;

WHEREAS, the current natural gas line installation requirements broadly apply to all residential development within the City regardless of the nature of the residential development and the City believes it to be in the best interest of its residents and property owners to clarify the residential development units to which the natural gas line installation requirements apply.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF LEESBURG, FLORIDA, AS FOLLOWS:**

Section 1. Recitals. The above recitals are adopted and incorporated herein by reference.

Section 2. Text Amendment. Chapter 22, Section 22-7 of the Code of Ordinances City of the City of Leesburg, Florida shall be amended as follows:

Sec. 22-7. Natural gas line installation procedures.

Natural gas line installation shall be required in all new residential developments of more than five (5) units, in accordance with the conditions and criteria hereinafter specified. For purposes of this section 22-7, “unit” shall mean a detached single-family dwelling. Developers shall insure that not less than eighty (80) percent of all units in the development be equipped with either (i) a natural gas water heater, natural gas stove, and natural gas dryer, or (ii) a natural gas water heater and natural gas furnace. Before any natural gas lines are installed in any such development the following prerequisites must be met...

Section 3. Incorporation. The provisions of this ordinance are intended to be incorporated into the Code of Ordinances of the City of Leesburg, Florida, and sections of this ordinance may be renumbered, re-lettered, and the word “ordinance” may be changed to “section”, “article”, or any other phrase in order to accomplish such intention.

CODING: Words in ~~struck through~~ type are deletions from the existing Ordinance;
Words in underscored type are additions.

Section 4. Conflicts and Severability. All ordinances in conflict with this ordinance are hereby repealed. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City of Leesburg Commission.

PASSED AND ADOPTED this ____ day of _____, 2023 by the City Commission of the City of Leesburg, Florida.

James A. Burry, Jr., Mayor

ATTEST:

J. Andi Purvis, City Clerk

Approved as to form:

William Grant Watson, City Attorney

CODING: Words in ~~struck through~~ type are deletions from the existing Ordinance;
Words in underscoring type are additions.

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.C.1.

Meeting Date: August 28, 2023

From: Al Minner, (City Manager)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, authorizing an investigation of traffic data and other information related to the potential installation of speed detection systems on roadways maintained as school zones within the City of Leesburg; and providing an effective date.

Staff Recommendation:

Approve resolution.

Analysis:

At the request of Commissioner Reisman, this item has been placed on the agenda. The purpose of the item is to place school zone speed cameras in all of Leesburg's school zones, which include Leesburg HS, Leesburg Elementary / Oak Park Middle, Carver Middle, Beverly Shores Elementary, Rimes Elementary, St. Paul Catholic School, First Academy, and the Montessori School. The reason for the request is to curtail speeding in school zones and increase pedestrian safety.

To install cameras, state statutes require a study, County Commission approval and adoption of a local ordinance be completed. However, part of the ordinance requires a study. The reason for this resolution is to initiate the process and examine whether the City Commission wants to proceed with such speed cameras. Should the Commission approve the resolution, the next steps will be to complete an RFP, seeking a camera vendor that will absorb all installation costs and split fine revenue with the City. This agreement will eliminate costs for the City. Another step will include completing the study which is already underway by the LPD. Once the County Commission grants approval to install cameras in school zones within County ROW, a formal ordinance will be brought back to the City Commission for final consideration.

Procurement Analysis:

N/A

Options:

1. Approve Resolution as presented; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA, AUTHORIZING AN INVESTIGATION OF TRAFFIC DATA AND
OTHER INFORMATION RELATED TO THE POTENTIAL INSTALLATION
OF SPEED DETECTION SYSTEMS ON ROADWAYS MAINTAINED AS
SCHOOL ZONES WITHIN THE CITY OF LEESBURG; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the State of Florida has recently amended provisions of the Florida Statutes relating to enforcement of school speed zone limits;

WHEREAS, among other amendments, a municipality may now authorize installation of speed detection systems within its municipal boundaries on roadways maintained as a school zone and enforce the applicable speed limit through use of such speed detection systems;

WHEREAS, the Florida Department of Transportation has been directed to develop specifications for placement and installation of speed detection systems by December 31, 2023;

WHEREAS, prior to installing an authorized speed detection system, the municipality must enact an ordinance authorizing installation or placement of a speed detection system(s) on a roadway(s) maintained as a school zone;

WHEREAS, during the public hearing process associated with the ordinance, the City Commission must consider traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system and determine that the school zone(s) where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures;

WHEREAS, upon authorizing placement or installation of a speed detection system in a school zone(s) for the first time, the municipality must make a public announcement and conduct a public awareness campaign of the proposed use of speed detection systems at least 30 days before commencing enforcement under the speed detection system program and must notify the public of the specific date on which the program will commence;

WHEREAS, a municipality operating one or more school zone speed detection systems must designate a local hearing officer, who may be the same as the currently appointed code enforcement special magistrate, to hear challenges to citations issued through use of speed detection systems;

WHEREAS, a municipality operating one or more school zone speed detection systems must annually report the results of all systems within the municipality's jurisdiction as a single reporting item on the agenda of a regular or special meeting of the municipality's governing body, which report must be in writing, read aloud, and include a written summary of the number of notices of violation issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid and how collected funds were distributed;

WHEREAS, a municipality operating one or more school zone speed detection systems must submit a report to the Florida Department of Transportation by October 1, 2024, and annually thereafter, which identifies the public safety objectives used to identify a school zone for enforcement via speed detection systems, reports compliance with the annual agenda reporting requirements, and details the results of the speed detection system in the school zone(s) and the procedures for enforcement; and

WHEREAS, the City Commission finds that it is in the best interest of the health, welfare, and safety of its citizens to authorize an investigation into the potential placement or installation of appropriate speed detection systems on roadways maintained as school zones within the City of Leesburg's municipal boundaries consistent with recent legislative amendments.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the City Manager shall investigate traffic data and other information relevant to determining whether installation of speed detection systems on any roadways maintained as a school zone within the City of Leesburg is appropriate.

THAT the City Manager may retain the services of professionals and other consultants to assist in collecting traffic data and other relevant information as determined in the City Manager's reasonable discretion.

THAT the City Manager shall report the findings of the investigation to the City Commission for further consideration.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 28th day of August 2023.

Mayor

ATTEST:

City Clerk

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.C.2.

Meeting Date: August 28, 2023

From: Al Minner, (City Manager)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, authorizing acquisition and installation of a newborn infant safety device at the Canal Street Fire Station for the purpose of receiving a surrendered newborn infant, providing treatment, and providing transportation to the nearest hospital having emergency services; directing the City Manager to oversee and ensure acquisition and installation of the newborn infant safety device; and providing an effective date.

Staff Recommendation:

The City is considering passing a resolution to approve acquisition and installation of a newborn infant safety device to facilitate the intent and purposes of Section 383.50, Florida Statutes.

Analysis:

ISSUE: Is use of a newborn infant safety device covered under the provisions of Section 383.50, Florida Statutes, and is there potential liability exposure to the City or its employees associated with the use of a newborn infant safety device for acceptance of surrendered newborns?

ANSWER: Use of a newborn infant safety device to accept a surrendered newborn infant is not clearly covered under Section 383.50, Florida Statutes, and there could be potential liability exposure to the City and/or employees who provide treatment and/or transport as a result.

Section 383.50, Florida Statutes provides a process through which a newborn infant (7 days old or younger) may be surrendered at a hospital, emergency medical services station, or fire station. Relevant to the City, each emergency medical services station or fire station staffed with full-time firefighters, emergency medical technicians, or paramedics shall accept any newborn infant *left with a firefighter, emergency medical technician, or paramedic*. Upon accepting the newborn infant, the firefighter, emergency medical technician, or paramedic is to consider the infant's surrender as implied consent to and shall: (a) provide emergency medical services to the newborn infant to the extent trained to provide such services, and (b) arrange for the immediate transportation of the newborn infant to the nearest hospital having emergency services. Section 383.50(3)(b), Florida Statutes, expresses that a licensee as defined under s. 401.23, Florida Statutes (i.e. any basic life support service, advanced life support service, or air ambulance service licensed pursuant to Part III, Chapter 401, Florida Statutes), a fire department, or an employee or agent of a licensee or fire department may treat and transport the newborn infant, and

provides immunity from criminal or civil liability for acting in good faith, except to the extent of their negligence.

Section 383.50, Florida Statutes, clearly contemplates and covers a scenario where a newborn infant is “left with a firefighter, emergency medical technician, or paramedic”. It also appears that leaving a newborn infant with any employee or agent of the fire department at a fire station staffed with full-time firefighters, emergency medical technicians, or paramedics would be covered under Section 383.50(3)(b), Florida Statutes. However, it’s unclear whether the implied consent provisions and immunity shield extend to a scenario where the newborn infant is left in a newborn infant safety device installed in the wall of a fire station. Although the use of such a device appears consistent with the general intent of Section 383.50, Florida Statutes, it would obviously be better to know that such a device was expressly covered under Section 383.50, Florida Statutes. As a cautionary note, SB 870 was introduced in the 2023 legislative session which would have defined newborn infant safety devices, provided standards for their use, and expressly authorized use of such devices at an emergency medical services station or fire station, however, the bill died in the Rules Committee. Thus, from a legal standpoint, the lack of express coverage of newborn infant safety devices in Section 383.50, Florida Statutes, and the failure of a bill intended to expressly provide such coverage is a significant concern associated with the installation and use of a newborn infant safety device at a City Fire Station.

Procurement Analysis:

N/A

Options:

1. Approve Resolution as presented; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA, AUTHORIZING ACQUISITION AND INSTALLATION OF A
NEWBORN INFANT SAFETY DEVICE AT THE CANAL STREET FIRE
STATION FOR THE PURPOSE OF RECEIVING A SURRENDERED
NEWBORN INFANT, PROVIDING TREATMENT, AND PROVIDING
TRANSPORTATION TO THE NEAREST HOSPITAL HAVING EMERGENCY
SERVICES; DIRECTING THE CITY MANAGER TO OVERSEE AND ENSURE
ACQUISITION AND INSTALLATION OF THE NEWBORN INFANT SAFETY
DEVICE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the State of Florida has enacted Section 383.50, Florida Statutes, which is a Safe Haven Law that establishes a process through which a newborn infant, reasonably believed to be seven (7) days old or younger, may be anonymously left at a hospital, emergency medical services station, or fire station for placement with a licensed child-placing agency; and

WHEREAS, the City of Leesburg is committed to improving the life, safety, health, and welfare of its residents and children and wishes to eliminate the unsafe or unlawful surrender of newborn infants by establishing a location for installation of a newborn safety device to facilitate the intent and purposes of the Safe Haven Law.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA:**

THAT an appropriate newborn infant safety device shall be acquired and installed at the Canal Street Fire Station.

THAT the City Manager shall oversee the acquisition and installation of the newborn infant safety device and shall be authorized to execute any related agreements and take any such actions as are necessary to ensure such acquisition and installation.

THAT that City Manager in consultation with the Fire Chief may, in their reasonable discretion, select a different fire station for installation of the newborn infant safety device.

THAT a newborn infant, as defined in Section 383.50, Florida Statutes, who is placed in the infant safety device, shall be accepted by the fire station for treatment and transport consistent with the provisions of Section 383.50, Florida Statutes.

THAT placement of a newborn infant in the infant safety device shall be considered consent for the fire department and its agents, licensees, and employees to provide treatment and transport of the newborn infant to the nearest hospital having emergency medical services unless a claim to the newborn infant is made prior to such treatment and/or transport.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 28th day of August 2023.

Mayor

ATTEST:

City Clerk