AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, SEPTEMBER 25, 2023 5:30 PM

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, September 25, 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 Alan Reisman
Mayor Jimmy Burry

Commissioner Mike Pederson was absent. 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:

None.

3. PRESENTATIONS:

A. Employee Service Award Recognitions:

Five Years: Stephano D'Agostino, Police; and Johnathan Hernandez, Police
Ten Years: Leonides Gonzalez, Fire
Twenty Years: Michelle Kauffman, Library
Twenty-Five Years: Chad Conklin, WasteWater Collection; and David Robinson, Police

Human Resources Director (HRD) Arriaga and **CM Minner** acknowledged each employee for their years of service and presented them with their certificate or plaque.

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.

Evelyn Gould of 312 Nebraska Avenue, Leesburg stated she has been a resident of Lake County for over twenty years and most have been in the City of Leesburg. She had concerns about the city's code violations and how they affect many of the residents. It is difficult for them to cure them. Many times those affected are elderly or have low social economic status and taking care of their basic living needs tends to take on more importance. She asked the elected members to develop a program that will help empower residents to raise their level of ownership and pride by assisting them, teaching them, or providing any means necessary to bring a more permanent change to what the city hopes to accomplish by eliminating blight in certain areas and neighborhoods. She does not believe in a handout, but she does believe in a hand up. She has been working with a family whose uncle owns property located at 1138 East Main Street. She discovered the property was inundated with code violations. In an honest effort to salvage her negotiations with the family, she wanted to make her best efforts to remedy this situation as much as possible. She has been working with code enforcement for many months. She has been maintaining the property and paying the delinquent taxes on the property. Recently, she learned from the family that, due to financial burdens, they would not be able to move forward with probate and the city has filed proceedings to foreclose on the property. As a public constituent, she asked the Commission to consider a pause in the foreclosure proceedings and to set up a meeting with her to discuss possible avenues for how she can acquire this property. She has invested time, sweat equity, and money in it.

5. CONSENT AGENDA:

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

Items pulled for discussion:

5.C.10 - Determination on the Implementation of the PURPA (Public Utility Regulatory Policies Act) Standards contained in the Energy Policy Act of 2005
5.C.13 - Appointing one regular and two alternate members to the Leesburg Planning Commission
5.C.14 - Appointing one Library Advisory Board member to a five-year term ending September 30, 2028

Commissioner Reisman moved to adopt the Consent Agenda except for 5.C.10, 5.C.13, and 5.C.14, and Commissioner Berry seconded the motion.

The roll call vote was:

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

Four 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 September 11, 2023

2. Special meeting (Tentative Millage & Budget) held September 14, 2023

B. PURCHASING ITEMS:

1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Agreement with Compost USA; and providing an effective date.

ADOPTED RESOLUTION 11,690

2. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Amendment Two with Odyssey Manufacturing Company to provide the annual requirements of liquid sodium hypochlorite (aka chlorine) for the City's water and wastewater operations, providing for a unit price cost adjustment; and providing an effective date.

ADOPTED RESOLUTION 11,691

3. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a contract amendment with WHM Services, LLC. for structure demolition services; and providing an effective date.

ADOPTED RESOLUTION 11,692

4. Resolution of the City Commission of the City of Leesburg, Florida authorizing execution of Amendment One to an existing agreement with Otto Environmental Systems North America, Inc. extending the contract and adding an additional item; and providing an effective date.

ADOPTED RESOLUTION 11,693

C. RESOLUTIONS:

1. Resolution of the City Commission of the City of Leesburg, Florida, Vacating a Right-of-Way and Utility Easement as recorded in Official

Records Book 1270, Page 1788, Public Records of Lake County, Florida; providing for the repeal of prior inconsistent resolutions; providing for severability; and providing an effective date.

ADOPTED RESOLUTION 11,694

2. **Resolution of the City Commission of the City of Leesburg, Florida, approving the inventory list of publicly-owned surplus property suitable for affordable housing that is owned by the City of Leesburg and the Carver Heights / Montclair Area Community Redevelopment Agency; and providing an effective date.**

ADOPTED RESOLUTION 11,695

3. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and the City Clerk to execute a Cost Share Agreement between the St. Johns River Water Management District and the City of Leesburg; and providing an effective date.**

ADOPTED RESOLUTION 11,696

4. **Resolution of the City Commission of the City of Leesburg, Florida accepting a Right-of-Way Deed to the City of Leesburg from Village Community Development District No. 14, for the purpose of dedicating all roadways located within Villages of West Lake Unit No. 78, Unit No. 79, Unit No. 80, Unit No. 81, Unit No. 82, and Unit No. 83 as described therein; and providing an effective date.**

ADOPTED RESOLUTION 11,697

5. **Resolution of the City Commission of the City of Leesburg, Florida accepting a Right-of-Way Deed to the City of Leesburg from Village Community Development District No. 14, for the purpose of dedicating all roadways located within Villages of West Lake Unit No. 84 as described therein; and providing an effective date.**

ADOPTED RESOLUTION 11,698

6. **Resolution of the City Commission of the City of Leesburg, Florida accepting a Right-of-Way Deed to the City of Leesburg from Village Community Development District No. 14, for the purpose of dedicating roadways located within Chinook Court and additional right-of-ways within Villages of West Lake Unit Nos. 82 and 83 as described therein; and providing an effective date.**

ADOPTED RESOLUTION 11,699

7. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to Execute a New Memorandum of Agreement with U.S. Customs and Border Protection, defining new terms of the Leesburg International Airport User Fee Facility; and providing an effective date.**

ADOPTED RESOLUTION 11,700

8. **Resolution of the City Commission of the City of Leesburg, Florida, amending the Workday Schedule and Fee Schedule for aircraft inspection and clearance at Leesburg International Airport, by the U.S. Customs and Border Protection; and providing an effective date.**

ADOPTED RESOLUTION 11,701

9. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a Fifth Amendment to Memorandum of Understanding between The City of Leesburg and The Villages of Lake and Sumter, Inc., related to U.S. Customs and Border Protection services at Leesburg International Airport; and providing an effective date.**

ADOPTED RESOLUTION 11,702

10. **Resolution of the City Commission of the City of Leesburg, Florida, presenting a determination on the implementation of the PURPA (Public Utility Regulatory Policies Act) Standards contained in the Energy Policy Act of 2005; and providing an effective date.**

ADOPTED RESOLUTION 11,705

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 Berry seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Connell asked if this was being mandated for the city to do? Do we have to implement requirements to put charging stations into certain commercial and multi-family developments? **CM Minner** answered no. The requirement from the Public Utility Regulatory Policies Act (PURPA) is that the city investigate and the resolution states the findings from the investigation. PURPA encourages cities to investigate their supply side demand. That would be a system whereby, as the utility authority, the city has the authority to actually control the thermostat, but that would be a high level to curb usage during demand times. They started this several years ago and ran into two instances where there were issues. When we went to the smartgrid system, we never received customer participation to have a demand

control side. They struggled to implement software that would do that to where it would knock down thermostats during peak time. Another issue we had was with the demand side controlled responses. That would be a violation of the FMPA all-requirements project because we are not supposed to generate or do anything that would affect our partners. Back then, there was an issue with some shaving of the peak over the arc, which was arc control. That negatively impacted the numbers of the all-requirements project. They also have to investigate the use of electric vehicle charging stations and implement them when possible. However, we have issues with that too, with it being difficult to find places to locate them. So, PURPA has asked the city to investigate these things and the city's response to them is that we have looked into them and we struggle for the reasons stated. We will continue to investigate and that response satisfies the PURPA request. **Commissioner Connell** wanted to confirm that this was just a request to look into it and it will not go into our land development regulations (LDR). **CM Minner** replied not unless they put them there. **Commissioner Connell** said he would not be in favor of that. He does not want to mandate subdivisions or certain commercial applications. Would we want to put gas stations in subdivisions too? This is not somewhere the city should go. If this was something we had to look into to meet a requirement, then he was fine with it. However, he would not be in favor of putting it in the LDR's. We do not need to require these things.
Mayor Burry questioned apartment complexes. **Commissioner Connell** said no, the city should not require them to be put anywhere. If the state or the federal government wants to put them in or if the developer themselves say they want to put them, more power to them. As a city, we should never get to the point where we require them. **Commissioner Berry** asked how they would accommodate electric vehicles; is that an option? **CM Minner** stated PURPA asked the city to look into various electrical industry type things and the response back says we have. We looked into it and at this time it did not work for us. That response will satisfy the PURPA request to investigate the alternative methods. **Commissioner Connell** mentioned that as long as the approval does not put a resolution or anything into the LDR and we are just saying we did what was asked and it will not move any further, then he would be okay with it. We do not want to get into requiring these stations in private developments. If they want to put it in, then great, but we should not get into requiring it. **Mayor Burry** said he understands the concern, but the future seems to be electric vehicles and it starts with apartments. **Commissioner Connell** commented if the future goes that way. Then businesses will want to provide that service. He does not believe a developer of a subdivision should be required to install them. **Mayor Burry** mentioned that the city already requires a lot of things to be installed. **Commissioner Connell** wanted to know where they drew the line? Are we going to require gas stations in these places too? Fuel-powered vehicles will not be going anywhere for a long time. **Mayor Burry** agreed. **Commissioner Connell** stated that they have to draw a line. We do not need to be silly with these requirements. It would be a tremendous expense for the developer to put these in and it would fall back to the people that purchase the homes in these developments. Ultimately, they will be paying for it even if they never use it. **Mayor Burry** stated that at this point in time, we are not moving in that direction.

The roll call vote was:

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

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

11. Resolution of the City Commission of the City of Leesburg, Florida authorizing a four-year extension to the current agreement with Florida Blue to provide administrative services for the City’s group health insurance plan; and providing an effective date.

ADOPTED RESOLUTION 11,703

12. Resolution of the City Commission of the City of Leesburg, Florida authorizing execution of an agreement with Sun Life Assurance Company of Canada to provide Excess Stop Loss Insurance for the City's group health insurance plan; and providing an effective date.

ADOPTED RESOLUTION 11,704

13. Resolution of the City Commission of the City of Leesburg, Florida, appointing one regular and two alternate members to the Leesburg Planning Commission; and providing an effective date.

ADOPTED RESOLUTION 11,706

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

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

Mayor Burry requested comments from the Commission and the audience.

CM Minner stated there was one regular member, Mr. Sennett who asked for reappointment. Then there are two alternate positions that need to be filled. **Mayor Burry** asked if there were any candidates in the audience who would like to provide a stump speech.

Angela Wade of 218 Prince Drive, Leesburg said she was a small business owner up until 2021. She was also a consumer advocate for the board in Port Charlotte, Florida. She was on that board for five years. She also planned and executed electronic trade shows in Virginia, Maryland, and the Carolinas. She has a strong background in logistics. For fifteen years, she worked for the Department of Defense as a logistics specialist. She was a JS-12. She was the team leader for five logistics specialists. They provided full logistics oversight to both classified and unclassified positions for the Department of Defense. She is retired and she has the time and willingness to serve. She is a full-time resident of Leesburg and she has a keen interest in the utilization and responsible growth of her community.

Tim Sennett of 704 West Boyle Street said he was a lifelong resident of Leesburg. He has previously served on the planning and zoning commission. When he married, he moved to Lady Lake, so he had to step down, although the city manager at the time asked if he would stay on the commission. He moved to The Villages, where he served as the chair of district ten. He moved back to Leesburg, and he would like to continue serving on the planning commission. He really enjoys serving Leesburg. He has been on the commission for two years and he is the current chair.

Darin Akkerman of 717 Boylston Street said this was his third time trying to volunteer for this position. He and his family moved to Leesburg in 2016/2017. He is a commercial superintendent. He builds very large projects. He has three hundred and fifty million dollars' worth of projects under his belt in the State of Florida, six hundred million dollars in Georgia and over two hundred million in the state of Montana. Those are very large projects with huge infrastructure, logistics, planning and management. He could bring something to the table by addressing problems in future projects. **Commissioner Connell** asked about his job and being a commercial superintendent for a large commercial company. Would he be available for these meetings or work out of town a lot? **Mr. Akkerman** answered no, he works in town. The company he works for is located in Orlando. He has been with that company for about six years. **Commissioner Connell** inquired if they would send him out of town for long distances? **Mr. Akkerman** said no, that was the reason he took that position.

Kenneth Simeone of 1425 Mosswood Drive said he and his wife used to come here to camp. They stayed at Lake Griffin State Park while they looked for a place to live. They really liked Leesburg and enjoyed spending time in the area. He was a retired master electrician. He has owned his own contracting business since 1995. He was vice president of his homeowners association in Port Charlotte, Florida. He also headed the architectural review board for six years where they reviewed plans, specs for new homes, additions, and property improvements. He has served on the planning commission as an alternate for the past year. He would like to become a full member. He has a nice home here and he would like to see Leesburg prosper and grow while keeping a small town feel for future generations.

Commissioner Reisman wanted to clarify if the applicants needed to reside within the service area or if they needed to be a resident in the city. **CC Purvis** replied they need to reside within the city. **Commissioner Reisman** stated there are candidates who applied that reside outside the city. That disqualifies them and the current alternate does not reside in the city. **CM Minner** explained that they messed up. **Commissioner Reisman** informed the audience that there were people that applied for this who did not meet the qualifications, one being the current alternate member. The candidates who do not qualify are Rosalind Martin, Angela Wade and David Johnson. **Commissioner Connell** asked how many positions were available? **CM Minner** answered there was one full member and two alternate positions.

Commissioner Connell made a motion to appoint Tim Sennett as the full-member and Commissioner Berry seconded the motion.

The roll call vote was:

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

Four yeas, no nays, the Commission approved Mr. Sennett's appointment.

Commissioner Reisman made a motion to appoint Darin Akkerman as an alternate member and Commissioner Connell seconded the motion.

The roll call vote was:

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

Four yeas, no nays, the Commission approved Mr. Akkerman's appointment.

Commissioner Reisman made a motion to appoint Mr. Simeone as an alternate member and Commissioner Connell seconded the motion.

The roll call vote was:

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

Four yeas, no nays, the Commission approved Mr. Simeone's appointment.

14. Resolution of the City Commission of the City of Leesburg, Florida, appointing one Library Advisory Board member to a five-year term ending September 30, 2028; and providing an effective date.

ADOPTED RESOLUTION 11,707

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

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

Mayor Burry requested comments from the Commission and the audience.

Alice Parrott of 5033 Sawgrass Lake Circle said she would like to be reappointed to the library board because she sees the importance of having a library that is available and accessible to everyone. The library offers multiple ways of access. It does not matter what your social economic level is, the library is available. The services offered are not just through books. They have other programs for the youth going all the way up to senior citizens. That is unique to our area. Many libraries focus on the senior population, but Leesburg offers it all. She works as a mental health therapist in schools, so she sees the value and importance of learning. Learning is more than just being able to have your K-12 education, it is lifelong learning and this library offers that. They can explore many different things without having to spend any money. They can travel, cook, or study for a new career. The library is valuable to the community and the benefits are endless. She would like to continue being a part of that.

Commissioner Reisman made a motion to appoint Alice Parrott to the library advisory board and Commissioner Berry seconded the motion.

The roll call vote was:

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

Four yeas, no nays, the Commission approved the resolution.

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

A. Public Hearing on the proposed millage and proposed budget for Fiscal Year 2023-24

1. Announce the name of the taxing authority, the rolled-back rate, and the millage rate to be levied.

Budget Director (BD) Brandy McDaniel announced the name of the taxing authority, the City of Leesburg, Florida. The current year's rolled back rate is 3.4752. The proposed millage rate of 3.4752 is 0.00% higher than the current year's rolled back rate. The millage rate to be levied: 3.4752 mills per $1,000.

2. Discuss the proposed aggregate millage rate

BD McDaniel stated that on July 10th, the commission approved the tentative millage rate of 3.4752 mills per $1,000. This is a decrease from the prior fiscal year. Whereas, the proposed budget was developed using 3.4752 mills per $1,000. Therefore, the tentative millage rate of 3.4752 mills per $1,000 represents a 0.00% increase from the current year's rolled back rate, and is not a tax increase under TRIM guidelines.

3. Request comments from the public regarding adoption of the final millage rate

Mayor Burry requested comments from the public regarding the adoption of the final millage rate. There were none.

4. Resolution of the City Commission of the City of Leesburg, Florida finally adopting 3.4752 mills as the Fiscal Year 2023-24 millage rate for the City of Leesburg, Florida, representing the current year proposed aggregate millage rate of 3.4752 which is 0.00% more than the current year rolled back rate; and providing an effective date.

ADOPTED RESOLUTION 11,708

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

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

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

The roll call vote was:

Commissioner Connell	Yes
Commissioner Reisman	Yes
Commissioner Berry	Yes

Mayor Burry	Yes

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

5. Request comments from the public regarding adoption of the final 2023-24 Budget

Mayor Burry requested comments from the public regarding adoption of the final 2023-24 Budget. There were none.

6. Resolution finally adopting the Fiscal Year 2023-24 Budget

ADOPTED RESOLUTION 11,709

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

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

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

The roll call vote was:

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

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

7. Announce the adopted millage rate

BD McDaniel stated the adopted final millage rate represents the current year's proposed aggregate millage rate of 3.4752 mills per $1,000.

B. SECOND READING OF ORDINANCES:

1. An Ordinance of the City of Leesburg, Florida, further amending the City of Leesburg Retirement Plan for General Employees, adopted pursuant to Ordinance No. 18-31, as subsequently amended; amending Section 6, Benefit Amounts and Eligibility; amending Section 5, cost of living adjustment; providing for codification; providing for severability of provisions; repealing all ordinances in conflict herewith; and providing an effective date.

ADOPTED ORDINANCE 23-54

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

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

Mayor Burry requested comments from the Commission and the audience.

CM Minner stated with this item they could do nothing or change the retirement age to sixty-three or sixty-five. He recommended moving forward with the amendment to allow for cost of living adjustment (COLA) to be applied at age sixty-three. **Commissioner Connell** agreed that it should be adjusted to age sixty-three. He knows the employees were shafted in 2008/2009, so if they can throw them a bone here or there, they should. **Mayor Burry** agreed.

Commissioner Connell made a motion to apply the age of sixty-three to the retirement plan for general employees and Commissioner Berry seconded the motion.

The roll call vote was:

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

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

2. **An Ordinance amending the comprehensive plan of the City of Leesburg, Florida, changing the future land use map designation of certain property containing 8.03 +/- acres from Medium Density Residential to High Density Residential, for a multi-family development on a property generally located south of Park Holland Road and east of Picciola Road as legally described in Section 15, Township 19 South, Range 24 East; Lake County, Florida; and providing an effective date. (PMF Leesburg SSCP)**

ADOPTED ORDINANCE 23-29

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

CA Watson asked for city staff and anyone else in the audience wishing to present testimony on these items to stand and raise their right hand. He swore them in.

Mayor Burry requested comments from the Commission and the audience.

PZD Miller stated this was a request for a small-scale comprehensive plan and a planned unit development zoning. It is generally located on the south side of Park Holland Road and east of Picciola Road. It would allow for the development of an apartment complex consisting of one hundred and forty-four units on eight acres. Within that PUD zoning, city staff required a significant condition with regards to access points. They had to include an additional access at the north of the project heading out to Park

Holland Road. That access point would also benefit the James Landing project, which they are in discussions with now. They had to add an access point on Park Holland Road because if this was built as shown in the PUD they could only turn right out on Picciola. On first reading, the commission directed the applicant to move forward with adding the additional access point and the applicant did that. They have struck a deal with the property to the north. They are here and ready for voting. Mr. Ryan Solstice of the Land Planning Group in Mount Dora is in attendance along with the developers.

Ryan Solstice, 1162 Camp Avenue, LPG Urban Regional Planners stated he was there on behalf of the applicant. The request was for a small-scale comprehensive plan amendment. There was a slight scriveners error because they would only be changing 1.02 acres from commercial to high density residential. After the first reading, they held two public meetings and at both public meetings no public was in attendance. The first meeting was held on a Tuesday at one o'clock. At that time, he advised his client that in order to accommodate the public, they had to hold the next meeting in the evening. It was held on Thursday, June 29th, at 6:30 p.m. and no public showed. They will not be vacating Shady Drive since that will allow access to Park Holland. The request tonight is for one hundred and thirty-eight units. It has decreased in density since they cannot count that road and they are no longer vacating it. This project meets active recreational uses.

Mayor Burry wanted to confirm the intent of there being access from this complex to Park Holland Road. **Mr. Solstice** agreed. Originally, with the density, it came in at one hundred and forty-four units. However, they were asked not to vacate Shady Drive and to make that north-south connection on Park Holland. So, because they are not vacating that road, they cannot count that for density. The site will now have one hundred and thirty-eight units. **Commissioner Berry** asked where the entrance would be. **Mr. Solstice** said there would still be one off of Picciola and there would be access through Park Holland as well. **Mayor Burry** mentioned they could turn into the complex off of Picciola, but they could not go out and head south on Picciola to the light. They would have to go to Park Holland and take that to Picciola because the Florida Department of Transportation (FDOT) said it was too close so they could not have a left turn on to Picciola.

CM Minner wanted to verify if they could still build phase one without having that second connection. In the current PUD, it states that before they go to final plat they will need to do that, which would be before the first phase. It would be before they could build or permit that they have to have that connection to Park Holland secured. **PZD Miller** said it would be before they could get a certificate of occupancy. That connection would have to be there before any certificate of occupancy is issued. Even with the lowered number of units, that will not change. They will be able to turn right out to Picciola. That connection was a part of the city staff's request and the commission supported it. It was for safety reasons, because it is simply too close to the connection point between US 27 and Picciola. In order for them to receive a certificate of occupancy, they have to have that road in place. James Landing is currently in the development review process and they are confident it will work out. **CM Minner** wanted to be clear, that before one unit is occupied they have to have that connection to Park Holland. **PZD Miller** said yes, all the way through. **Mayor Burry** said the way it is currently written includes the commission approving the plat. **CM Minner** mentioned that plat approval would not be required. **Mr. Solstice** pointed out that it was a site plan. **CM Minner** continued to say they would have to have that road connected before one unit can be occupied. **Mayor Burry** commented that it currently says the second asset access must be available at the time of the site plan review by the City of Leesburg. It must be shown on the final plat, as providing dedicated right-of-way for this required access. **PZD Miller** mentioned that the word plat should have been plan. It should have been an "n" and not a "t". That was his error. **CM Minner** informed the commission that they needed to amend that scriveners error, because that is a big deal. **CA Watson** agreed. **PZD Miller** said they would correct the wording and he would work with the city attorney on it. **CM Minner** stated it should read at final site plan and before any

phase. **PZD Miller** stated he would do that.
Mayor Burry asked if there were any further questions from the public or the commission. There were none. **CM Minner** mentioned they needed a motion to adopt this. However, they need to amend the PUD. More specifically, paragraph 10(a) needs to be amended to change the word from final plat to final plan. It should also say, that upon submission and approval of any site plan for any phase, that connection must be made to Park Holland.

Commissioner Reisman made a motion that they approve and amend the PUD in paragraph 10(a) to change the word from final plat to final plan. It should be said upon submission and approval of any site plan for any phase that has to be connected to Park Holland.

CC Purvis inquired if that motion was for 6.B.2 or 6.B.3 or were they putting them together? **CA Watson** agreed, it should be the motion for 6.B.3. **Commissioner Reisman** withdrew his motion.

Commissioner Reisman made a motion to adopt the ordinance (6.B.2) and Commissioner Connell seconded the motion.

The roll call vote was:

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

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

3. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 8.03 acres from PUD (Planned Unit Development) and C-3 (General Commercial) to SPUD (Small Planned Unit Development) for a property generally located south of Park Holland Road and east of Picciola Road, as legally described in Section 15, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (PMF Leesburg PUD)**

ADOPTED ORDINANCE 23-30

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.

Commissioner Reisman made a motion to amend the verbiage under Section 10(a) to read plan and not plat, and before the final site plan or any phase is built, the connection has to be made to Park Holland Road and Commissioner Connell seconded the motion.

The roll call vote on the amendment was:

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

Four yeas, no nays, the Commission approved the amendment.

Commissioner Reisman made a motion to approve the amended motion and Commissioner Connell seconded the motion.

The roll call vote was:

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

Four yeas, no nays, the Commission adopted the amended ordinance.

C. FIRST READING OF ORDINANCES:

1. **An Ordinance of the City of Leesburg, Florida, correcting a scrivener's error on Ordinance 22-17, Hills at Leesburg; pertaining to side setbacks, and adding a requirement for gutters; for a property consisting of approximately 41.69 acres; and being generally located east of County Road 44 and north of Seng Road, as legally described in Section 01, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Hills at Leesburg PUD scriveners)**

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 the October 9th City Commission meeting.

D. NON-ROUTINE ITEMS:

1. **Resolution of the City Commission of the City of Leesburg, Florida requesting approval to proceed with the special event permitting process for the Shamrocking BBQ & Beer Festival event on March 15-16, 2024; and providing an effective date.**

ADOPTED RESOLUTION 11,710

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

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

Mayor Burry requested comments from the Commission and the audience.

Recreation Director (RD) Travis Rima said they received an application from Mr. Brian Gamble on behalf of the Firefighters for Central Florida. This would be for a two-day event downtown. The original request was to shut down a good portion of Main Street. He wanted to bring it before the commission for approval. He also wanted to make sure the downtown was aware and accepting of it. With starting the special events transition, this would be a good time to bring this up. They could review it and give it the go-ahead. They would still need to go through the whole special event process. This would not be jumping, they would just say they could go ahead with that process. Mr. Gamble is here if there are any questions. **Mayor Burry** asked about closing a significant portion of Main Street. What are we talking about? **RD Rima** answered originally it was going to be from 5th Street to 9th Street. This morning it changed to go from 5th to 6th Streets. It would be right in front of City Hall and it would go down 5th and 6th Streets towards City Hall, which would shorten the Main Street closure significantly.

Brian Gamble of the Firefighter Charity of Central Florida, said their original concept was to involve the businesses as much as possible in the downtown. They are a local charity and they believe in giving back locally. He is a local and they wanted to make sure they involved all the local businesses. That was the reason they extended the portion of the shutdown to make it a street festival. That way, people would have to walk by the businesses. They talked to several of the businesses and most of them were on board, but some were not. They spoke with Melissa, the owner of McCracken's. The concept was to have a street festival on Main Street near the clock and have it end in front of McCrackens. Last year, McCracken's did something and they did not want to steal any business. Their goal is to bring in their normal attendance for this event. The feedback he received from the Downtown Leesburg Business Association was that they were concerned about shutting down that portion of the street. They can make concessions. They have no problems. If they want that street shut down, they could do it and it would be just like any normal chili cook-off. They could just shut down the section right in front of the bank. They want everyone to be happy and they are trying to create a festival that could grow. They are not trying to steal St Patrick's Day business, but this is an Irish Festival. They are trying to grow their business because on St. Patrick's Day people traditionally come to celebrate. It does not matter if it were on a Sunday, Tuesday, or Wednesday. This would give businesses an opportunity to get more business on a weekend. They plan to keep this on the weekend before St. Patricks Day. This is the first year that they were selected as a state championship site for the Florida Barbecue Association. It will be a big event. They have been growing year after year. This event was previously held at Gator Harley and they have a great relationship with them; however, they have outgrown that venue with this event. They are hoping to make it work in downtown Leesburg. It came at a bad time with special events. They actually talked to the Leesburg Partnership and they were going to help walk them through this. They liked the idea, but we all know what happened there. They are now on their own and he is doing his best to be a liaison with the downtown businesses. He does not know all of them, but he used to have a small business in Leesburg, so he understands and he does not want to hurt anybody's business. They had talked about doing a parade. However, it may be too costly to do. They have received the costs from law enforcement, but it is still something they would like to do. They want this to be a family event that brings families out. They want to target the developments in south Leesburg and get them up here. They are not targeting other communities like the Villages where they do their own thing. This is something that could grow in the City of Leesburg. The purpose of the event is to raise money for their charity and one of their funds is to help fire local firefighters that are injured who are not currently in the line of duty, who may have PTSD, or cancer. That is what this fund helps and they raise money for that through this event.

Mayor Burry asked in previous years what was the numbers of people coming out? **Mr. Gamble** answered that last year they had around 1,500 in attendance over the two days. It started on Friday night when the teams started cooking. They have a tasting which includes special-needs cooks and youth cooks. They give a scholarship back to a local youth so they can pursue a culinary career. Saturday is the big day. They used to have a barbecue in downtown Leesburg, but that went away, so they are trying to bring it back. They have been doing this for ten years. This will be their eleventh year. They

hope for the numbers to increase, but it is not a Bikefest event. This will be a smaller event that they hope will grow.
Commissioner Berry asked if there would be a parade. **Mr. Gamble** responded it was in their application but after receiving the cost back it might be prohibitive. It may come back, but they have to make a final decision on that. Right now, they are still receiving numbers from law enforcement to control the streets. They have a set budget that they can work with on that. It will also depend on sponsorship. If they can get a higher sponsorship, they would love to have a parade. It would be unique and it would bring people out. Then, after the parade, people could walk the streets. With the new entertainment district that encourages people to be out there. **Commissioner Berry** questioned if the parade would be first and if it would then go on to the barbecue? **Mr. Gamble** said the parade would be Saturday morning around ten o'clock and it would be over by noon. They would then open the gates for the tasting. They make their money by selling tickets. They also planned on having music. They talked to the owners of McCracken's about rotating so they did not have a conflicting schedule. They do not want to compete with each other, they want to compliment each other. That was their goal. However, with the parade they would have to get back to the city on that. **Commissioner Reisman** mentioned that he attended this event the last couple of years and it had very good turnouts. It was a good event.

Melissa McCracken, owner of McCracken's Pub on Main Street, said they had about 1,800 people in attendance at their first little festival. They are totally down with closing more than just a one block area. She knows some of the other businesses do not agree with them, but it would bring more attendance and more people to the area if they closed that four block area. They are also open to the parade idea. Once they knew more about the plans, it really opened up ideas. They would love to work with them on this event. If they could bring 1,500 to 2,000 people and they had 1,800 last year, they could have about 4,000 attendees. If they added in the parade, they could bring in another 2,000 people, which would make about 6,000 people in the downtown that weekend. It would be great for all businesses involved, regardless of street closures. Everyone would make money downtown. **Commissioner Berry** wanted to know how they would incorporate the other businesses at the other end of Main Street. Mainly, the restaurants that are located on the other end. Would they be open? She was trying to picture their vision. **Mr. Gamble** replied that they do not want to bite off more than they can chew during the first year. **Commissioner Berry** wanted to know if they were looking at just one end of Main Street and if the rest of the street would be open? **Mr. Gamble** said yes, the rest of the street would be open except during the parade. It would be just like any other normal parade route.

The roll call vote was:

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

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

Commissioner Reisman asked for clarification on whether they were shutting down the whole street. **Mayor Burry** said no, it would just be between 5th and 6th Streets. **Commissioner Reisman** inquired if they wanted to shut down the rest of it, would they have to come back? **Mayor Burry** said they would come back with the parade if there is a parade.

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 July 2023

Mayor Burry asked if there were any questions or comments on the financial reports. There were none.

8. CITY ATTORNEY ITEMS:

CA Watson had no items to comment on.

9. CITY MANAGER ITEMS:

CM Minner had nothing further to discuss.

10. ROLL CALL:

Commissioner Berry had nothing to address.

Commissioner Connell asked about the pending litigation on Sunnyside. Do we have an update on that? Is that something we can discuss openly or does it need to be done in a private meeting? **CA Watson** said he did not have information on that. He had a conflict, so he was not involved. **CM Minner** stated he would report back to the commission on that. They had a hearing in July and after that hearing each side was given an opportunity to provide the special magistrate with a recommended order. The magistrate gave them thirty to forty-five days to write their recommended order and once they receive that recommendation, the city will have an opportunity to provide a written recommended order for the special magister to consider. That is typical for these types of cases. The recommended orders will help the special magistrate formulate their final order. When they left, he believed they wanted ninety days on that. It will be ninety days from July. He would get back with special counsel on that, which is Brionez and Brionez. He will provide them with an update but they should have the recommended order from the special magistrate in a short time. Based on that order, both parties would have to agree. If one party does not agree, it would move to the next level, which is a hearing before the circuit court.

Commissioner Reisman asked the city manager to provide an update about where they are on Pine Street. He has had a couple of people reach out to him. **CM Minner** said they are about ready to start construction on Pine Street. The public works department has been working with the folks there. Step one will probably start in the next couple of weeks, which will be to build the CDC parking lot. That parking lot is in the middle of the block that is located south on Pine Street between Canal and Childs Street. It would be more towards Childs Street and the permanent entry would be off Childs Street. Step one is building the parking lot and they will have to close down a section of Pine Street. Businesses will still be able to be patronized, even though it will be an inconvenience. There will still be parking and proper signage. They will go back to the owners of those businesses to let them know exactly when that closure will be. They should see construction starting in the next couple of weeks. **Mayor Burry** inquired about the dirt out there. **Commissioner Reisman** said the dirt was from Pat Thomas. **CM Minner** agreed. The dirt was from Pat Thomas. There is no connection with the Pine Street project. **Commissioner Berry** questioned if there would be access from Pine Street to the hospital? **CM Minner** answered the section on Pine Street that will be closed is from Canal to Child Street. The rest of Pine Street will be open. **Commissioner Reisman** said a couple months ago he brought up gambling and the chief said that Governor DeSantis signed something into law about gambling in the strip malls. Was that outlawed and can we do anything about it? He knows a lot of it is in the county, but within the city? Can we work with the county to do something about that? **CM Minner** said he would get back with him. He needs to get up to speed with the chief first.

Mayor Burry had nothing to comment on.

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.

On a motion by Commissioner Reisman and a second by Commissioner Connell, the meeting adjourned at 6:36 p.m.