

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

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, November 27, 2023, at Leesburg City Hall. Mayor Burry called the meeting to order at 5:30 p.m. with the following members present:

Commissioner Allyson Berry
Commissioner Jay Connell
Commissioner Mike Pederson
Commissioner Alan Reisman
Mayor Jimmy Burry

Also present were City Manager (CM) Al Minner, City Clerk (CC) J. Andi Purvis, City Attorney (CA) Grant Watson, the news media, and others.

INVOCATION

Mayor Burry gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

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

2. PROCLAMATIONS:

A. None

3. PRESENTATIONS:

A. None

4. PUBLIC COMMENTS:

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

Evelyn Gould of 312 Nebraska Avenue Leesburg mentioned that she attended the September 25th

meeting where she expressed concerns about the city weaponizing against the elderly and those of low socio-economic status relative to code violations. She challenged the commission to develop a plan that would empower residents to increase the level of homeownership pride through financial assistance, education, and partnership with community businesses. She believed the city commission could move the city closer to the vision and bring a more permanent change while eliminating blight in neighborhoods. When residents are aware of the expectations given and the necessary tools to change, change will happen. In the words of Theodore Roosevelt, people do not care how much you know until they really know how much you care. At that meeting, she approached the commission regarding her situation, which concerns property located at 1138 East Main Street. She and her husband have been diligently working to maintain and pay back taxes on the property over the last two years. The owner has since passed away and the family is not financially able to move forward with probate. They have invested time, money, and sweat equity in the property. They have worked with code enforcement to clear the violations, so they could continue in their endeavors and commitment to prevent any future penalties. Now, the city has moved forward with foreclosing on the property with no one to defend it and, because of her investment, she asked the commission to come up with a resolution that is both honorable and reasonable. She asked the commission to reconsider a property trade. They are not a big corporation, nor are they a nonprofit government organization which sometimes monopolizes these kinds of situations. They are simply individuals trusting in God with their hopes and dreams. She is a willing individual determined to put her hand to the plow to be an advocate for those mentioned. Her request was for someone to reach out to her for a possible solution or program for residents and a resolution regarding the property at 1138 East Main Street. She had faith that the commission would make a decision that speaks volumes about the members of the community.

CM Minner reported that he spoke with Mrs. Gould a few times and the situation is unfortunate. However, in this situation, the city is not in the driver's seat. He encouraged her to write a letter that everyone received as well as to come and speak before the commission. In short, Mrs. Gould had a handshake agreement with the previous homeowner where if she did certain things to the home, like cutting the grass and maintaining it along with paying the taxes, they would work out a deal to sell the house directly to her. That handshake agreement fell through because the owner has since passed away. The house has now gone into probate, and she cannot get a deal with the current owners of the house because it is in probate. There are multiple family members who now own the house, which is making it difficult for Mrs. Gould to get a deal. While that has been going on, the house has received code enforcement issues with the grass and windows that are broken, those types of things. The city is in a state where if the liens are not paid, then ultimately, we will foreclose on the property. He believed the city attorney was working on the foreclosure. **CA Watson** said there was a case pending on that property, but the defendant has not been served. The last attempt at service was in West Virginia or Maryland, somewhere up in the northeast. **CM Minner** pointed out that they are about four to six months out from a potential end in the foreclosure process. In pre-foreclosure of the property, the city is not in any position to do anything to the property, since we do not have ownership. We cannot make a deal saying we would sell the property to Mrs. Gould, because it would be inappropriate, we cannot say we would sell or give the property to her because the property has not been foreclosed on. The natural process of code enforcement has to be remedied and a multitude of things could happen. The property still has to go through probate, and the kids could decide to sell it. There are many different things that could happen. He asked the commission if they wanted him to discuss this with Mrs. Gould. They could set something up conditionally because she has spent her own money, but that is not necessarily the city's fault. Perhaps they could sell it for the value of the property less the amount she put into it. However, all these things are premature until the city actually owns the property. He feels for Mrs. Gould because she obviously worked in good faith with the owner, and she fell the victim of a circumstance. This is the real estate world, and we can all fall victim to those circumstances. It is unfortunate, but these things happen. **CA Watson** explained, as the city manager said, the city's position is that of a lienholder. The city is a judgment creditor and until the city forecloses on the lien, which means there will be a sale at the

courthouse, the city will not be the titleholder of the property. Right now, the city is only considered a lender. We are in the same position as a lender as far as title or ownership rights go with the property. Right now, they are still in the process of serving and until that is done, the case cannot move forward. Until a personal representative is served, or the city finds an open probate case, where we may find a personal representative, it is unknown. They may head down the pathway of needing another attorney where that attorney is appointed as the guardian by the court to oversee what is happening in the case. The constructive service process will probably be the way this ends up going, given the service problems we are having at this point. Once that happens, there will be an answer time period, and at this time we are unaware of the various interest the stakeholders may have. The city's position is that we have a code enforcement fine that has been recorded, and we have to proceed with the foreclosure case on that fine. Until that case has concluded, the city does not have any rights to the property. The city could release the lien if the city wanted to for some unknown reason, but that would be it at this point. **Commissioner Pederson** commented that he felt bad for Mrs. Gould, and this is an unusual situation. With his banking and real estate background, he understands all the issues. He wanted to know if there was a mortgage on the property. **CA Watson** responded that he did not have the answer to that question. **Commissioner Pederson** continued to say the basis of that question was that he would be willing to enter into an agreement with her upon ownership, but we may never own it. The city could be outbid at the courthouse steps. However, if the city took the title, he would be willing to enter into an agreement to sell it to her and get it off the books. **CM Minner** pointed out that it would be sold at fair market value minus what she had put into it. **Commissioner Pederson** replied that he may be too charitable, but she worked on it ahead of time. **CM Minner** answered he was unsure of how much she has in this house, but the reasonable formula would be to sell it at market value minus what she has in it. He asked the city attorney if the city could make a deal like that or would that cause a problem with foreclosing. **CA Watson** did not believe so, but that is assuming the city prevails in the foreclosure case. **CM Minner** commented if the city attorney thinks there could be a conditional arrangement where, if these things happen, the city would sell it. That would be reasonable. He then inquired if the city attorney had any knowledge of this property going through probate. **CA Watson** stated that he had not seen this property in the probate courts. **CM Minner** said at this time the city was unsure of the title situation and there could be another lien on it. **CA Watson** mentioned that the only lien he knows of right now is the code enforcement lien. **CM Minner** remarked that if this has a clear title, the kids clearly have entitlement to the property. It sounds like they do not want to make a deal or live up to the handshake agreement that their parent had. **CA Watson** said if they could serve or constructively serve, the city would have someone to engage with. They could see if they were willing to sign over title to the city. At that time, the city could look at striking a deal. **CM Minner** stated by the nodding of heads he would look at a conditional type arrangement of fair market value less what Ms. Gould has been put in it, and he would need to get with the city attorney to see how that would work. He would then bring back some numbers in the form of an agreement.

5. CONSENT AGENDA:

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

Items pulled for discussion:

5.C.1 - Agreement of Purchase and Sale with Blurock Development, LLC.

and

5.C.4 - Management Services Agreement with Facci Bella, Inc.

Commissioner Reisman moved to adopt the Consent Agenda except for 5.C.1 and 5.C.4, and Commissioner Pederson seconded the motion.

The roll call vote was:

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

Five yeas, no nays, the Commission adopted the Consent Agenda, as follows:
(Each item has its coordinated resolution number listed below the header)

A. CITY COMMISSION MEETING MINUTES:

1. Regular meeting held November 13, 2023

B. PURCHASING ITEMS:

1. None

C. RESOLUTIONS:

1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Agreement of Purchase and Sale, with Blurock Development, LLC, pertaining to 10.4 acres within Parcel ID 15-19-25-0003-000-00500, and an Airport Parcel Covenant restricting residential use, and a FAA Letter of Release for sale of surplus property; and providing an effective date.

ADOPTED RESOLUTION 11,743

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 pointed out that he was in favor of this, but he would like to add some possible restrictions. He had already spoken with the city manager about this, but he would like to add restrictions that say what the city does not want built there. He would like it to include no Dollar General stores, car washes or storage facilities. Those are the restrictions he would like to add. **CM Minner** noted that he did not remember what the due diligence period was for this. However, part of that due diligence period

would be that the city needs to rezone it before they close. When they do the PUD, it will be some type of C-3 commercial. That is where the restrictions will be embedded in the PUD. It would be good to put these on the sale contract, so the buyer knows what he is getting into. Remember once that sales contract is done and closed, that is a done agreement. When they come in to do the rezoning and PUD, that is where the restrictions live in perpetuity. **Commissioner Pederson** pointed out that he was not thrilled to change the deal on the buyer. He asked if the applicant would come to the podium to talk about it.

Dan Tatro, agent for Blurock Development, said with the Dollar General and car washes, those were not discussed with the buyer at all. The main restriction was for no residential, which was already in the draft. If the city wants to put that in the PUD, he will need to go back and talk to the buyer about it. **Commissioner Pederson** said this should have been marketed that way and it should not be a deal-breaker. **Mr. Tatro** added that this also needs to be rezoned. It will be rezoned, and a lot split will be made. After the one-time lot split, a new plat will be made. **Commissioner Pederson** mentioned that the buyer may not care about this. **CM Minner** stated that Commissioner Reisman spoke with him about this earlier and one way or another these restrictions will be added. If the buyer squawks, it would be better for him to squawk now rather than when they start doing the PUD. The city will find out pretty quickly if that would be a deal-breaker. If Mr. Tatro calls back, they will bring it back to revisit the sales contract. If they head that way and add the restrictions, they may as well put them on the table now. That way, the concerns will be flushed out, and they will be dealt with during the due diligence period. He thought it was reasonable to put this out there this evening. He has already signed the agreement, but he still has the opportunity to back out if there are any problems. **Mayor Burry** pointed out that there is more than just the Dollar General. There are other dollar stores, like Family Dollar and Dollar Tree. Are we covering all of them? Are we talking about a general type of store and not just Dollar General? **Mr. Tatro** said they could literally take out the clause saying Dollar General and restrict all dollar stores. **CM Minner** said they need to figure out the right wording. **Mayor Burry** stated the wording would come from the city attorney. However, that was his only concern. **Commissioner Pederson** inquired about the buyer. **Mr. Tatro** said that would be tough to answer. There is only so much retail that can be done anymore. He will talk with the buyer. **Commissioner Pederson** pointed out it was a hot corner, and he would like it to look good. He knows they are paying above the appraisal, and he did not want to lose the buyer over the restrictions. It should have been marketed that way. **Mr. Tatro** said he would go back and speak with them. He is a pretty reasonable guy, and he will see what he says. **Mayor Burry** asked if there should be an amendment to this motion with the restrictions or should they table this until the next meeting to allow Mr. Tatro to talk with his buyer. **CM Minner** wanted to know if there was an official motion to amend this with those restrictions. **CA Watson** stated officially no, there has been no motion to amend at this point. **Mr. Tatro** inquired about the restrictions because that is something the buyer will need to have a good understanding of. **CM Minner** stated that Commissioner Reisman wanted no car washes, storage facilities or dollar stores. **Mr. Tatro** wanted to confirm that the city does not want any climate-controlled enclosed storage. **CM Minner** confirmed that would be the motion. **Commissioner Reisman** agreed. **Commissioner Pederson** mentioned these would be on a side street. **Mr. Tatro** clarified that it would be located at the back of a side street. They have to look at this property from the back. They cannot look at it from the front. **Commissioner Pederson** mentioned there could be two parcels along the highway and then the rectangular parcel. **Mr. Tatro** said yes, when looking at this deep piece of property, it would be nothing but commercial. You have to look at the back before you look at the front, because the back is always the hardest to deal with. He did not think a climate-controlled storage facility was a bad idea, it could be very nice-looking. However, they will do whatever the commission wants. **Commissioner Pederson** understood taking away the residential, but this does not need the other restrictions as long as it looks good. We already have a Wawa at the corner of Griffin and 27/441, and they have a car wash. So, if another Wawa wanted to come in at the corner with a car wash, he would be fine with it. He would hate to run them off. **Commissioner Reisman** pointed out that we already have car washes located just about every quarter of a mile. **Commissioner Pederson** felt this was not a commission role. This is

overstepping boundaries. **Commissioner Reisman** said the commission can restrict these things. **Commissioner Pederson** agreed they could, but he is a free market guy. He would not put a car wash there because there are a couple of others down the road, but this is a free market. **Commissioner Reisman** stated the city owns that property, and we can put restrictions on it. However, he understands what he was saying. **Mayor Burry** stated at this point, they have a resolution and there has been discussion. **CM Minner** wanted to point out the options. Commissioner Reisman would like to put some contingencies in the sales contract. He can make a motion to amend the contract as such. They can then vote on it. If he does not make the amendment, the next step is the due diligence period, which includes zoning issues. At that point, he could bring up the issues and let Mr. Tatro flushes them out. They will be included in the PUD if these things are restricted. If they are restricted, that means the developer agreed with them. If they were not in the PUD, that would mean he did not agree. At that point, they could vote down the rezoning if they feel that strong about the restrictions. However, if they turn down the rezoning, he will obviously walk away from the deal, and we will not close, that is pursuant to the contract on the table. **Mr. Tatro** pointed out that the airport manager confirmed that the FAA said no residential. They literally said they could put an industrial use there. However, they would most likely put commercial there, but they are limiting the commercial uses, which is fine, but they need to be open-minded about some of the uses. For a developer to be willing to pay that amount of money, he will want to use all the property. **Commissioner Pederson** asked the planning and zoning director if he were to put together a PUD for this property, would he put these types of restrictions in? **PZD Miller** said no, generally not. However, Commissioner Reisman stated he would like these restrictions added. **Commissioner Pederson** said he fully understood that, he wanted to see what the standard procedures were for the PUD's. **PZD Miller** pointed out that the city currently has a lot of car washes. **CM Minner** mentioned from city staff level with respect to car washes they had this conversation, but Commissioner Pederson brought up a good point too, about car washes, because sometimes we get a Wawa or 7-Eleven and they have car washes. He would underline that they are referring to standalone car washes. We currently have three in town, and we have a new one on US 441 and that one is relatively close to this parcel, and we have another one located on US 27. If there are concerns about standalone car washes, they could potentially put a moratorium on it. They could even tie it back to the CUP because standalone car washes are a water hog, and we already have enough standalone car washes within our city limits. They are a huge burden on our CUP. However, if St. John's sees more that may help get our CUP extended in the future. Anyway, with respect to car washes, they are referring to standalone car washes. **Commissioner Pederson** mentioned that he did not mean to put the planning and zoning director on the spot, but that was a tough question, and he wanted to learn what the standard was in PUD's. Lastly, there are some newer car washes in town, and they are knocking out some of the older worn-out car washes. So, the free market is working. **Commissioner Connell** said if the concerns are how it will look, can't that be addressed in the PUD for esthetics on the exterior? Don't they include architectural reviews showing how the building will look? They should not totally exclude something because they may not like how it will look because that can be addressed in the PUD. **Commissioner Berry** asked Mr. Tatro, if he had any idea what they were predicting to build, have they discussed anything yet? **Mr. Tatro** answered it would be commercial. He was waiting to see where this went. He wants to get with the planning and zoning director and the airport manager to present some plans for what they may do. He understands no residential, but when they limit the C-3 use, he would have to talk to the buyer to see what he says. **Mayor Burry** pointed out that there was no motion in front of them. They were just discussing whether they would sell it or not.

Commissioner Pederson made a motion to approve the contract as presented and Commissioner Connell seconded the motion. Mayor Burry asked for any other discussion. There was none.

The roll call vote was:

Commissioner Reisman	Yes
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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, approving a Proportionate Share Agreement entered into by and between the School Board of Lake County, Florida, Blue Cedar Investments, LLC, and the City of Leesburg, Florida, to allow for payment of Lake County School Impact Fees; and providing an effective date. (Blue Cedar Proportionate Share)**

ADOPTED RESOLUTION 11,740

3. **Resolution of the City Commission of the City of Leesburg, Florida approving the purchase of a Utility Easement from Infinity Holdings III, LLC for use in connection with the US Highway 27 Bypass Force Main Project in the amount of \$50,000.00; and providing an effective date.**

ADOPTED RESOLUTION 11,741

4. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Management Services Agreement with Facci Bella, Inc. to manage LakeFront TV; and providing an effective date.**

ADOPTED RESOLUTION 11, 744

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.

Commissioner Reisman pulled this item to ask staff to look into the analytics for Lakefront TV. The dollar spent versus the return on it. He had already spoken with the city manager about this. **Mayor Burry** wanted to know if that was judged by viewership. **CM Minner** said he took the commissioner's comment as a direction to bring back some form of analytics on how the city is getting their bang for a buck for Lakefront TV. They will work under the terms of the Facci Bella contract pending its approval. Mayor Burry asked if there were any further discussions. There were none.

The roll call vote was:

Commissioner Pederson	Yes
Commissioner Berry	Yes

Commissioner Connell	Yes
Commissioner Reisman	Yes
Mayor Burry	Yes

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

5. **Resolution of the City Commission of the City of Leesburg, Florida, approving an Access Parcel Transfer Agreement for the transfer of an access parcel described in the agreement from Park Square Enterprises, LLC to the City of Leesburg; and providing an effective date.**

ADOPTED RESOLUTION 11,742

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 4.9 +/- acres; and being generally located southwest of Professional Drive and south of U.S. Highway 441, lying in Section 21, 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. (Electrical Works)**

ADOPTED ORDINANCE 23-65

Commissioner Connell 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 Berry seconded the motion.

CA Watson asked for anyone in the audience, including city staff and the applicant who wished to provide testimony on the Electrical Works rezoning to stand. He swore them all in.

Mayor Burry requested comments from the Commission and the audience.

PZD Miller stated this was a four point nine plus or minus acre annexation, comprehensive plan, and rezoning. The current company, Electrical Works, has been there for a number of years, and they plan on staying there. At this time, they would like to take it from Lake County Urban Low Density to City of

Leesburg General Commercial and the zoning from Lake County Light Industrial to City of Leesburg Small Planned Unit Development. However, they need to put some uses here for the future. Right now it is Electrical Works, and they plan to stay there, but at some point when they move, they want the other eligible uses to be noted. The uses would be general office, medical office, daycare, personal services like beauty salons, light industrial, which includes the current use of Electrical Works, storage, and warehouse. This property is located off US 441, and it is not easy to see from the highway. The prohibited uses are the typical internet cafés, tattoo parlors, check-cashing stores, adult uses, and those kinds of things. They could include car washes if they choose to. However, nobody will drive that far back. Their representative, Mr. Jones of the Law Offices of Bret Jones, P.A. was going to be present, but he called earlier saying he would be unable to attend. This has been through first reading, and was approved by the Planning Commission. **Commissioner Connell** asked if he would recommend approval for anything that would cause a high volume of traffic with the current access issue? **PZD Miller** answered there was a small access issue. When entering the property, you see their sign plus the Dollar General sign. The road runs, more or less, south. **Commissioner Connell** inquired if there was a deceleration or a turn lane to get in there. **PZD Miller** replied he believed there was, but he could not remember for sure. **Commissioner Connell** indicated that there was not. He would be concerned about any type of commercial going in there with the high volume of traffic. **PZD Miller** remarked that if anything causes high volume or if it changes the current use, it has to go through the Development Review Committee. Anything that goes through the Development Review Committee also goes to Lake County Public Works. Their Engineering Road Department would have to say they could add a turn lane. If Electrical Works stays there it will not be a problem. If something else were to come in that had a relatively high volume, they would review it at that time. **Commissioner Connell** inquired if the applicant wanted a small planned unit development and if he knew what it was being proposed for. **PZD Miller** answered that medical and general offices. Those types of things are already out there. There are medical offices that handle sleep studies, Meredith Kirste's attorney's office and Vic's Embers used to be located there. There are not many uses that will cause high traffic that far off the road. **Commissioner Connell** stated that would be his concern. He has been to that site, and it is not easy to get in or out of it. **PZD Miller** added much of the southern part of that area is flood zones and wetlands. That limits the amount of land that can be used. However, it does fill up a gap in the city limits. They believe they have put together a group of uses that will not cause high traffic. The current user, Electrical Works, has no plans to move anytime soon. They encourage anybody who wants to do something like this to look at what may happen ten to twenty years from now. If they need to market, they can sell it and another good use goes into it. That way, they do not have to come back for rezoning. **Commissioner Pederson** wanted to confirm that everything around the property was currently zoned C-3. **PZD Miller** confirmed. **Commissioner Pederson** asked if they were putting this in a PUD because of light industrial use? **PZD Miller** answered yes, and they did not want to put straight industrial use back there. **Mayor Burry** asked if there were any comments from the public or the commission. 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 4.9 +/- acres from Lake County

Urban Low Density to City of Leesburg General Commercial, for a property generally located southwest of Professional Drive and south of U.S. Highway 441, lying in Section 21, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Electrical Works)

ADOPTED ORDINANCE 23-66

Commissioner Reisman made a motion to adopt the ordinance 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 ordinance.

3. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 4.9 +/- acres from Lake County LM (Light Industrial) to City of Leesburg SPUD (Small Planned Unit Development) to allow for commercial and light industrial uses for a property generally located southwest of Professional Drive and south of U.S. Highway 441, lying in Section 21, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Electrical Works)**

ADOPTED ORDINANCE 23-67

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

The roll call vote was:

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

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

4. **An Ordinance of the City of Leesburg, Florida, amending the boundaries of the Tara Oaks Community Development District established pursuant to Ordinance 21-17; providing a severability clause; addressing conflicts; and providing an effective date. (CDD rev Tara Oaks)**

ADOPTED ORDINANCE 23-68

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 Berry seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

PZD Miller stated this was a revision to the Community Development District for Tara Oaks. It is an existing Community Development District that is a part of the Tara Oaks Development. The change being requested is to remove eighty-nine acres and add back eighty-five to the original one hundred and ninety-four acres. It would be a net change of about four point seven-three. He mentioned that CDD's are special form districts. They are developed for the taxation of communities, which allows them to build roads, bridges, transit, shelters, and conservation things. There will be no zoning or police powers changed. This is just an adjustment of the acreage. There were two original owners of the Tara Oaks and, unfortunately, one of them passed away, so their share falls to the families. They have one family saying they want to be in the development business and the other family says they do not want to be in the development business. That is why they needed to make this adjustment. Mr. Jere L. Earlywine of Cutak Rock Law Firm was in attendance and he could answer any questions. **Mayor Burry** (referring to a rendering) asked if the green was coming in and the yellow was going out. From the audience, **Mr. Earlywine** of Cutak Rock Law Firm, said the green comes in, and the yellow goes out. That was aligned with the ownership interest. **Mayor Burry** asked if there were any other comments from the commission and the audience. There were none.

The roll call vote was:

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

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

B. FIRST READING OF ORDINANCES:

- 1. An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 135 +/- acres from City of Leesburg RE-1 (Estate Density Residential) to City of Leesburg PUD (Planned Unit Development) to allow for single-family residential development for a property generally located south of Florida Turnpike and east of County Road 33, lying in Sections 27 and 34, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Tierra Vista PUD)**

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. This item will come back before the commission on December 11th.

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 approximately 36.96 +/- acres from Neighborhood Mixed Use to General Commercial, for a property generally located east the Florida Turnpike and south of County Road 470, lying in Section 17, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (470 Leesburg, LLC SSCP)**

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.

PZD Miller pointed out when writing this PUD they were supposed to add "hotel" as a permitted use. That was their intent. Looking at the uses, if they do not indicate "hotel" as a permitted use, it would automatically be prohibited. With the commission's permission, he would like to add the word "hotel" as a permitted use. **Mayor Burry** asked if there were any objections. There were none. He asked if there was anything currently located on the property. **PZD Miller** said no. **Mayor Burry** mentioned that this piece of property is located on the southeast corner of the turnpike and CR 470. **PZD Miller** agreed. It is across the street from the twenty-four hundred and ninety-seven new houses. **Mayor Burry** stated this item will come back before the commission on December the 11th.

3. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 36.96 +/- acres from PUD (Planned Unit Development) to PUD (Planned Unit Development) to allow for commercial and multi-family residential uses for a property generally located east of the Florida Turnpike and south of County Road 470, lying in Section 17, Township 20 South, Range 24 East, Lake County, Florida, and providing an effective date. (470 Leesburg, LLC PUD)**

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. This item will come back before the commission on December 11th.

C. NON-ROUTINE ITEMS:

1. **None**

7. INFORMATIONAL REPORTS:

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

- A. **None**

8. CITY ATTORNEY ITEMS:

CA Watson had nothing further this evening.

9. CITY MANAGER ITEMS:

A. Lake Square Mall Utility Update

CM Minner stated the city has been working with Lake Square Promenade (the mall) to get their unpaid utilities paid. They are close to bringing a formal agreement to the commission. There are two potential agreements that will come before the commission. The first one is for revamping the sewer bills, and that would be specific to the mall. The mall's billing has typically looked like a class one or class three use bill plus a monthly use charge based on water consumption. The owners of Lake Square Promenade have protested this approach, but they have had this approach since the mall was constructed. There are about eighty sites total, which includes the four outside pads of Ichiban Buffet, Wendy's, Dunkin' Donuts, and the bank. The four outside pads are considered class three/commercial use, but the individual units inside the mall, whether it be the food court, movie theater, arcade, bowling alley, or the Foot Locker, have a base use charge. Now, many of the facilities in the mall do not consume or have a discharge that is equal to class one or class three. The heartbeat of the new sewer rate is to give the mall an equitable sewer rate with the understanding that the rates of the past were correct, even though they were not proper. This is reasonable and is definitely a city commission prerogative to do. Since coming up with a different method to bill the utilities, the mall has started to pay some of their delinquent charges. Since July, the mall has paid about seventy thousand dollars to the city. They do need to hold the sewer rate as an incentive to make them pay because if they do not agree to pay, then they will not give the incentive. With the incentives included, the mall is close to inking a deal to pay back utility bills over a thirty-six-month period. The repayment will be about two hundred and thirty thousand dollars less the seventy thousand dollars which they have already paid. That is almost sixty-one hundred dollars a month for thirty-six months, plus their continued utilities. If they were to come to the table and approve the payback agreement, he would ask that they agree to the sewer rate agreement. They are in the process of formalizing these things. He has been working with the city attorney on the verbiage of the rate and the agreement. He believes that the mall representative will sign before December 11th. However, that does not ensure that the commission will agree to it, but it shows they are a willing partner. On December 11th the commission will decide whether to move forward with that rate structure. It is ostensibly the same structure he has talked about since the beginning of the year. He would not make excuses for them or encourage the commission to vote one way or another, but they are pretty close to a resolution and, hopefully, on December 11th it comes before the commission. If they do not see it, then, he will seek directions that give him the order to cut off the mall. **Commissioner Pederson** remembered talking about this, but it had been a while. He asked if the mall was getting a special rate or are we negotiating a special rate? Was this an issue where the mall was under one meter? **CM Minner** stated this would be broken down in a more detailed presentation. **Commissioner Pederson** said he remembered during covid where the city gave them relief. **CM Minner** pointed out that during covid the city gave everyone relief and that decision was made by the city commission. However, the city never said they did not have to pay their bills. The city gave everybody relief by saying the city would not turn off services and that was done in resolution form. Since covid they have not officially passed a resolution that said game off. We simply said people need to start paying, and pretty much everybody has except for the mall. Without using the word delinquent, that would be for unpaid utility bills and almost everyone except for the mall has paid up. **Commissioner Pederson** asked what the mall was disputing because we calculate wastewater and

sewer rates based on usage. Are we being thrown in the middle of his different tenants? **CM Minner** answered that was part of it. **Commissioner Pederson** responded that was not the city's fault. **CM Minner** agreed, that was part of why they are dragging their feet. On December 11th he will provide a layout of the mall that shows the master meters and how they flow. It is intertwined and pretty complex, but once it is unwound, it will become pretty simple. **Commissioner Pederson** noted when the mall was built they made the decision to put it at one meter. That was done by somebody at that point in time, and it really is not the city's problem. **CM Minner** agreed that was how the mall was designed, but inherent to metering there were several components of the breakdown where the city continued to charge the mall for wastewater discharge when maybe we should not have. He will explain that at the next meeting. **Mayor Burry** expressed that he wanted a deal done before the year is over. **CM Minner** concurred. **Mayor Burry** stressed to the commission and the parties involved that a deal needs to be done. **CM Minner** indicated that he was very hopeful that by December 11th a deal would be before the commission. He honestly believes that the deal is reasonable for both sides. If a deal does not come before them, they need to take a totally different and harder stance. **Commissioner Reisman** echoed the mayor's comments. He does not believe the city would have kept anyone else's power on that long without payment in full.

10. ROLL CALL:

Commissioner Pederson had nothing.

Commissioner Berry had no comments.

Commissioner Connell had nothing.

Commissioner Reisman asked the commission how they felt about putting a moratorium on standalone car washes located within the city limits. He knows city staff have already thought about this too. **Commissioner Berry** inquired if he was referring to newly constructed car washes. **Commissioner Reisman** responded yes. **Mayor Burry** commented that economically, if someone wants to build a car wash, they should be allowed to do so. His feelings aligned with Commissioner Pederson on it being a free market. He does not understand how they could do that. **Commissioner Reisman** noted that the city puts restrictions on properties all the time. Applicants are told what they can and can not build. Some are told that they cannot put in a tattoo parlor or a cash advancement store. If Amscot were to come in asking for a location, they would be denied. **Commissioner Pederson** said when the city manager spoke about the conditional use permits (CUP) that got his attention, but when new ones are built he would be willing to bet that the old worn out car washes will be redeveloped and that would be positive for the city. **PZD Miller** remarked that earlier they talked about the consumptive use permit and car washes use a lot of water. A few months ago, he had a conversation with the city manager about this because we do have a lot of car washes for a city our size. One thing he wanted to talk to the city manager about, even though he has not had the chance to do it, was making a code amendment that would require a conditional use permit for any new car wash. If car washes were required to have a conditional use permit, there could be a requirement for a study on the amount of water they would use. That would have to go before the planning commission, and they could approve it or deny it. **CM Minner** clarified that conditional use permits come before the city commission. Therefore, the planning and zoning director's suggestion for a conditional use permit means the city commission has the say on each and every standalone car wash that may come into the city. **PZD Miller** indicated that those would go before the Planning Commission. **Commissioner Reisman** agreed and that would be a good compromise. **CA Watson** added that he liked that idea too. He wanted to suggest using a special exception, which would be similar to a conditional use permit. It would allow them to look at each of them on a case by case basis. They could also put a moratorium that says the city has more than we need, and it needs to be restricted. They could

be needed in certain areas of the city and that would be done through a conditional use permit. Using a moratorium allows the city to look at all car washes and to figure out where the city wants to go. In the interim, it freezes all car washes from coming in. If they want to change the code and make it a conditional use or a special exception, they could do that. Then each car wash would have to go before them. They would have to meet special exceptions or conditional uses. A standalone car wash could not come in unless it met a subcategory in the code. They would have to be compliant with the general conditions or special exceptions. **PZD Miller** pointed out that Chapter 25 of the city code has a section that covers additional standards for specific uses, such as day cares, additional small houses, additional dwelling units and accessory dwelling units that may be in a neighborhood. There are sections of the code where they could write things in for car washes that require a certain process to go through. They could require a conditional use permit and/or water studies, that may achieve what Commissioner Reisman is looking for. **CA Watson** mentioned there are other places where they could have conditional uses. It is something that other cities have looked at. **Commissioner Connell** commented, if they did it as a conditional use, where does that leave the city? How could they approve the car wash "a" and a month later turn down the car wash "b"? **CA Watson** stated it varies because one location may be more appropriate than the other. One location may lead to certain conditions that they may want to impose with a conditional use permit. The idea of the conditional use permit is to give flexibility to allow something, but it implements certain restrictions that will minimize potential adverse impacts on the type of use. **CM Minner** said with locations, that could be a way to turn it down. The second way to turn it down, which is a perfect tool, is the CUP issue. If they had a car wash petitioner come in who wanted to be on US 27, north of SR 44, by the Publix, that could be turned away because they just had a brand-new car wash open three blocks to the south. They could also say no because there are only 2 MGD's left in the CUP. That would have a huge impact on the 2 MGD's left in the CUP. Now, in five years, if everything on the south side of town is developed, we could have our CUP at 15 MGD's versus 9 MGD's. That would add another ten to fifteen thousand people to the city and another whole corridor on the south side that may need it. Making it a conditional use permit made him a little jittery, but both the city attorney and the planning and zoning director say this application is probably a good one, and it gives definitive ways to say yes or no to somebody. **PZD Miller** stated there were two tools. One is the conditional use permit and the other is adding code wording that requires specific items such as a study and the location not being within a certain number of feet of another one. They can come up with enough wording to be able to control this. They do that now with donation boxes. We have three or four pages worth of code restrictions on donation boxes due to the city having a bad experience with them. They put in code restrictions and conditions which petitioners would have to go through to make it work. Now, when people come in and look at them, they usually turn around and walk away. **CA Watson** added that one criterion for the conditional uses (the standard criteria) is the number of other conditional uses in a city of that nature. It is sort of inherent in the decision to approve or not approve one or the other. They would take a broader look at whether a large collection of conditional uses is appropriate for the city. The idea for conditional uses is that there is no real neat category it fits in. So, the city will allow them depending on the location and whether it can satisfy the conditions in the code. **Commissioner Pederson** said he was okay with the conditional use permit. However, he would want to identify the properties for discussion purposes. For example, the new Wawa has a car wash, and there is a car wash right next door that is dated. That property is now for sale, and it can be looked up since it is public information. He would bet that it will be redeveloped into something different, so the City of Leesburg will benefit by the newer, more modern car wash. However, he was okay with conditional uses. **CM Minner** pointed out that the consensus was to change the land development regulations and make standalone car washes a conditional use. He would get with the planning and zoning director, and it would need to go before the planning commission because that would change the regulations. It would then come before the city commission for approval. It will probably take a month or so since this needs to be written up, then it will go to the planning commission before the city commission. They should expect to see that sometime in the new year. **PZD Miller** informed them that it would go to the planning commission in January. **CA**

Watson asked the planning and zoning director to reach out to him since he had information that could help. **Commissioner Reisman** closed his comments by saying he hoped to see everyone out on Saturday for the Leesburg Christmas Festival. It begins at one o'clock and ends with the parade at six o'clock.

Mayor Burry had nothing.

11. ADJOURN:

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

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

Commissioner Reisman made a motion to adjourn and Commissioner Pederson gave the second. The meeting adjourned at 6:31 p.m.